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## **CHAPTER I. GENERAL PROVISIONS**

### **Section 100.01 THE CODE OF THE CITY OF RED LAKE FALLS, MN**

Subd. 1. How Code designated and cited. The provisions embraced in the following chapters and sections shall constitute and be designated “THE CODE OF THE CITY OF RED LAKE FALLS, MINNESOTA, 1989”, and may be so cited.

Subd. 2. Amending or adding to Code. All ordinances passed subsequent to this code which amend, repeal, add new language, or in any way affect this Code shall be numbered in accordance with the number system of this Code and printed for inclusion herein. Such ordinances shall be incorporated in the Code as of their effective date. The subsequent ordinances are numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as the Code and subsequent ordinances omitted are re-adopted as a new Code by the City Council.

- a. Amendments to any of the provisions of this Code may be made by specific reference to the section number of this Code in the following language: “That section \_\_\_\_ of the Code of Ordinances, City of Red Lake Falls, Minnesota 1987 is hereby amended to read as follows....” The new provisions may then be set out in full as desired.
- b. In the event a new section not heretofore existing in the Code is to be added, the following language may be used: “The Code of Ordinances of the City of Red Lake Falls, Minnesota 1987, is hereby amended by adding a section (subdivision or chapter) to be numbered \_\_\_\_, which section (subdivision or chapter) reads as follows...” The new provision shall then be set out in full as desired.

Subd. 3. Title headings; cross references. When an ordinance is integrated into the Code, there may be omitted from the ordinance the title, enacting clause, section numbers, definitions of terms identical to those contained in this Code, the clause indicating date of adoption, and validating signatures and dates. Chapter, part, section, subdivision and other titles shall not be considered part of the subject matter of this Code but are intended for convenience only and not necessarily as comprehensive titles.

Subd. 4. Copies. Copies of this Code shall be kept in the office of the city administrator for public inspection or sale for a reasonable charge.

### **Section 100.02 DEFINITIONS**

Subd. 1. General. Words and phrases used in this Code shall have the following meanings, unless otherwise specified.

Advice and consent. Whenever the term “advice and consent” of the City Council is used in this Code it shall be construed to mean an affirmative vote of the majority of the entire City Council.

City. The words “the city” or “this city” shall mean the City of Red Lake Falls, Minnesota.

City Council. The words “City Council” or “the council” shall mean the City Council of the City of Red Lake Falls, Minnesota.

Governing authority or governing body. The words “governing authority” or governing body” shall mean the Mayor and City Council of the City of Red Lake Falls, Minnesota.

Mayor. The word “mayor” shall mean the Mayor of the City of Red Lake Falls, Minnesota.

Mayor and Council. The term “mayor and council” shall mean the Mayor and City Council of the City of Red Lake Falls, Minnesota.

Misdemeanor. The term “misdemeanor” shall mean a violation of the state criminal law punishable by a fine of not more than \$1,000.00 or imprisonment for a term not to exceed 90 days or both, plus, in either case, the costs of prosecution.

Municipality. The term “municipality” shall be construed as synonymous with the term “city,” “town,” or “municipality corporation.”

Oath. The word “oath” shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words “affirm” and “affirmed” shall be equivalent to the words “swear” or “sworn.”

Ordinance. The words “ordinance” shall mean a legislative act of the municipal governing body of a general and permanent nature.

Owner. The word “owner” when applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.

Person. The word “person” shall include a corporation, firm, partnership, association.

Personal Property. The term “personal property” shall include every specie of property except real property, as hereinafter defined.

Preceding, following. The words “preceding” and “following” shall mean next before and next after, respectively.

Property. The term “property” includes real, personal, and mixed estates and interests.

Real property. The words “real property” shall include lands, tenements, and hereditament.

Reasonable time or notice. Reasonable time or notice shall be deemed to mean only such time as may be necessary for the prompt performance of the act required.

Resolution. The word “resolution” shall mean a legislative act of the municipal governing body of a special or temporary character.

Sidewalk. The word “sidewalk” shall mean any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, but shall not include any unimproved areas between the curb line and improved walkways.

Signature, subscription. The word “signature” or “subscription” shall include a mark intended as such when the person cannot write.

State. The words “state” or “this state” shall mean the State of Minnesota.

Street. The word “street” shall mean and include any public way, road, highway, street, avenue, boulevard, parkway, alley, viaduct or bridge, and the approaches thereto, within the city.

Tenant or occupant. The word “tenant” or “occupant”, when applied to a building or land, shall include any person holding a written or oral lease of, or who occupies the whole or part of such building or land, either alone or with others.

Town. See Municipality.

Week. The word “week” shall mean seven days.

Year. The word “year” shall mean a calendar year.

Section 100.03. **STATUTORY RULES ADOPTED**

The definitions and rules of construction, presumptions, and miscellaneous provisions pertaining to construction contained in Minnesota Statutes, Chapter 645 are hereby adopted by reference and made a 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 100.04 **EXISTING RIGHTS AND LIABILITIES**

The repeal of prior ordinances and the adoption of this Code are not to be construed to affect in any manner rights and liabilities existing at the time of repeal and the enactment of this Code. Insofar as provisions in this Code are substantially the same as preexisting ordinances, they shall be considered as continuations thereof and not as new enactments. Any act done, offense committed, or right accruing, or liability, penalty, forfeiture or punishment incurred or assessed prior to the effective date of this code is not affected by the enactment of the Code.

Section 100.05 **HEARINGS**

Subd. 1. General. Unless otherwise provided in this Code, or by law, every public hearing required by law, ordinance, or resolution to be held on any legislative or administrative matter shall be conducted in accordance with this section.

Subd. 2. Notice. Every hearing shall be preceded by ten days mailed notice to all persons entitled thereto by law, ordinance, or regulation unless only published notice is required. The notice shall state the time, place and purpose of the hearing. Failure to give the notice or defects in it shall not invalidate the proceedings if a good faith effort has been made to comply with this subsection.

Subd. 3. Conduct of hearing. At the hearing, each party in interest shall have an opportunity to be heard and to present such evidence as is relevant to the proceeding. The records to be made, and such other matters as it deems necessary.

Subd. 4. Record. Upon the disposition of any matter after hearing, the council shall prepare a written summary of its findings and decisions and enter the summary in the official council minutes.

Section 100.06 **PENALTIES**

Subd. 1. Petty offenses. Whenever an act or omission is declared by this Code to be a petty offense or a petty misdemeanor, any person violating the provision shall, upon conviction, be subject to a fine of not more than \$300.00.

Subd. 2. General misdemeanors. In any other case, unless another penalty is expressly provided in this Code, any person violating any provision of this Code, or any rule or regulation adopted in pursuance thereof, or any other provision of any code adopted in this Code by reference including any provision declaring an act or omission to be a misdemeanor, shall, upon conviction, be subject to a fine of not more than \$500.00 or imprisonment for a term not to exceed 90 days or both, plus, in either case, the costs of prosecution.

Subd. 3. Separate violations. Unless otherwise provided, each act of violation and every day on which a violation occurs or continues constitutes a separate offense.

Subd. 4. Applications to City personnel. The failure of any officer or employee of the city to perform an official duty imposed by this Code shall not subject the officer or employee to the penalty imposed for violation unless a penalty is specifically provided for such failure.

Section 100.07. **SEPARABILITY**

If any ordinance or part thereof in the Code of the City of Red Lake Falls or hereafter enacted is held invalid or suspended, such invalidity or suspension shall not apply to any other part of the ordinance or any other ordinance unless it is specifically provided otherwise.

## **CHAPTER II. OPERATIONS AND ADMINISTRATION**

### **PART 1. THE COUNCIL**

THE CODE OF ORDINANCES OF THE CITY OF RED LAKE FALLS, MINNESOTA 1987, IS HEREBY AMENDED BY ADDING A SECTION TO BE NUMBERED: PART 1. SECTION 201.01

Section 201.01. **ELECTION**

Subd. 1. Pursuant to Minnesota Statutes Section 205.07, commencing with the 1992 election of the City Council shall be held annually on the first Tuesday after the first Monday in November of each even-numbered year.

Subd. 2. Whereby it is necessary adjust terms of office to coincide with state and national elections, the City hereby adopts the following terms for the city mayor and council members:

Mayor: Shall be elected in fall of 1991, and serve from January 1, 1992 to December 31, 1994 and two years thereafter.



Councilmember of the First Ward: Shall be elected in the fall of 1991, and serve from January 1, 1992 to December 31, 1996 and every four years thereafter.

Councilmember of the Second Ward: Shall be elected in the fall of 1991, and serve from January 1, 1992 to December 31, 1996 and every four years thereafter.

Councilmember of the Third Ward: Shall be elected in the fall of 1991, and serve from January 1, 1992 to December 31, 1996 and every four years thereafter.

Councilmember at Large: Shall be elected in the fall of 1991, and serve from January 1, 1992 to December 31, 1996 and ever four years thereafter.

Councilmember at Large: Shall be elected in the fall of 1989, and shall serve from January 1, 1990 to December 31, 1994 and every four years thereafter.

Adopted by the council this 26<sup>th</sup> day of August, 1991.

Section 201.02            **MEETINGS**

Subd. 1.            Regular meetings. Regular meetings of the council shall be held on the 2<sup>nd</sup> and 4<sup>th</sup> Monday of each calendar month at 6:30 p.m. Any regular meeting falling upon a holiday shall be held on the next following business day at the same time and place. All meetings, including special and adjourned meetings, shall be held in the city hall.

Subd. 2.            Special meetings. The mayor or any two members of the council may call a special meeting of the council upon at least 24 hours written notice to each member of the council. This notice shall be delivered personally to each member or shall be left at his usual place of residence with some responsible person. Similar notice shall be given to Red Lake Falls Gazette and a copy shall be posted on the bulletin board at the city hall, at the city administrator's office.

Subd. 3.            Initial meeting.            At the first regular council meeting in January of each year the council shall:

1. Designate the depositories of city funds;
2. Designate the official newspaper;
3. Choose one of the council members as vice mayor, who shall perform the duties of the mayor during the disability or absence of the mayor from the city or, in case of vacancy in the office of mayor, until a successor has been appointed and qualifies;
4. Appoint such officers and employees and such members of boards, commissions, and committees as may be necessary.

Subd. 4.            Public meetings. All council meetings, including special and adjourned meetings and meetings of council committees, shall be open to public.

Section 201.03            **PRESIDING OFFICER**

Subd. 1.            Who presides. The mayor shall preside at all meetings of the council. In the absence of the mayor, the vice mayor shall preside. In the absence of both, the city administrator shall

call the meeting to order and shall preside until the council members present at the meeting choose one of their number to act temporarily as presiding officer.

Subd. 2. Procedure. The presiding officer shall preserve order, enforce the rules of procedure herein prescribed, and determine without debate, subject to the final decision of the council on appeal, all questions of procedure and order, except as otherwise provided by the statute or by these rules, the proceedings of the council shall be conducted in accordance with ROBERT'S RULES OF ORDER, REVISED.

Subd. 3. Appeal procedure. Any member may appeal to the council from a ruling of the presiding officer. If the appeal is seconded, the member may speak once solely on the question involved and the presiding officer may explain his ruling, but no other council member shall participate in the discussion. The appeal shall be sustained if it is approved by a majority of the members present exclusive of the presiding officer.

Subd. 4. Rights of presiding officer. The presiding officer may make motions, second motions, or speak on any question except that on demand of any council member he shall vacate the chair and designate a council member to preside temporarily.

#### Section 201.04. **MINUTES**

Subd. 1. Who keeps. Minutes of each council meeting shall be kept by the city administrator or, in his absence, by the deputy city administrator. In the absence of both, the presiding officer shall appoint a secretary pro tem. Ordinances, resolutions, and claims need not be recorded in full in the minutes if they appear in other permanent records of the city administrator and can be accurately identified from the description given in the minutes.

Subd. 2. Approval. The minutes of each meeting shall be reduced to typewritten form, shall be signed by the city administrator, 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 201.05 **ORDER OF BUSINESS**

Subd. 1. Order established. Each meeting of the council shall convene at the time and place appointed therefore. Council business shall be conducted in the following order:

1. Call to order
2. Roll call
3. Approval of minutes
4. Public hearings
5. Petitions, requests, and communications
6. Ordinances and resolutions
7. Reports of officers, boards, and committees

8. Unfinished business
9. New business
10. Miscellaneous
11. Adjournment

Subd. 2. Varying order. The order of business may be varied by the presiding officer, but all public hearings shall be held at the time specified in the notice of hearing.

Subd. 3. Agenda. The city administrator shall prepare an agenda of business for each regular council meeting and file a copy in his office not later than 4 days prior to the meeting. The agenda shall be prepared in accordance with the order of business and copies thereof shall be delivered to each council member and to the Red Lake Falls Gazette as far in advance of the meeting as time for preparation will permit. No item of business shall be considered unless it appears on the agenda for the meeting or is approved for addition to the agenda by a unanimous vote of the council members present.

Section 201.06. **QUORUM AND VOTING**

Subd. 1. Quorum. At all council meetings a majority of all the council members elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time and the council may punish nonattendance by a fine not exceeding \$50.00 for each absence from any meeting unless a reasonable excuse is offered.

Subd. 2. Voting. The votes of the members on any question may be taken in any manner which signifies the intention of the individual members, and the votes of the members on any action taken shall be recorded in the minutes. The vote of each member shall be recorded on each appropriation of money, except for payments of judgments, claims, and amounts fixed by statute. If any member is present but does not vote, the minutes, as to his name, shall be marked "present-Not Voting." No member shall vote on any appropriation which shall directly benefit that member.

Subd. 3. Vote required. A majority vote of all members of the council shall be necessary for approval of any ordinance unless a larger number is required by Statute. Except as otherwise provided by statutes, a majority vote of a quorum shall prevail in all other cases.

Section 201.07 **ORDINANCES, RESOLUTIONS, MOTIONS, PETITIONS, AND COMMUNICATIONS**

Subd. 1. Reading. Every ordinance and resolution shall be presented in writing. Every ordinance shall receive two readings before the council prior to final adoption, but shall not be read twice at the same meeting unless the rules are suspended for that purpose. An ordinance or resolution need not be read in full unless a member of the council requests such a reading.

Subd. 2. Signing and publication proof. Every ordinance and resolution passed by the council shall be signed by the mayor, attested by the city administrator, and filed by him in the ordinance or resolution book. Proof of publication of every ordinance shall be attached and filed with the ordinance.

Subd. 3. Repeals and amendments. Every ordinance or resolution repealing a previous ordinance or resolution or a section or subdivision thereof shall give the number, if any, and the title of the ordinance or code number of the ordinance or solution to be repealed in whole or in part. Each

ordinance or resolution amending and existing ordinance or resolution or part thereof shall set forth in full each amended section or subdivision as it will read with the amendment.

Subd. 4. Motions, petitions, communications. Every motion shall be stated in full before it is submitted to a vote by the presiding officer and shall be recorded in the minutes. Every petition or other communication addressed to the council shall be in writing and shall be read in full upon presentation to the council unless the council dispenses with the reading. Each petition or other communication shall be recorded in the minutes by title and filed with the minutes in the office of the city administrator.

Section 201.08            **COMMITTEES**

Subd. 1.            Committees designated.            There shall be the following standing committees:

- 1) Finance Committee
- 2) Personnel Committee
- 3) Parks, Trails and Recreation Committee
- 4) Economic Development Commission
- 5) Planning, Zoning, Streets, and Sidewalk Committee
- 6) HRA Board
- 7) Airport Committee
- 8) Safety – Grounds & Buildings Committee
- 9) NW Regional Library
- 10) Red Lake County Affordable Housing
- 11) Red Lake River Corridor Committee

Committee members shall be appointed by the mayor at the first regular council meeting in January of each year.

Subd. 2.            Membership. Each committee shall consist of two members of the council and mayor and the chairman of each committee shall be designated by the mayor. Each committee member shall serve as appointed unless excused by a majority of the members of the council. If the committee does not provide otherwise, committee meetings shall be held at the call of the chairman. The same notice shall be given of committee meetings as for special meetings of the council except that personal notice need not be given to each member if the committee so decides.

Subd.3.            Referral and reports. Any matter brought before the council for consideration may be referred by the presiding officer to the appropriate committee or to a special committee appointed by him for a written report and recommendation before it is considered by the council as a whole. Each committee report shall be signed by a majority of the members and shall be filed with the city administrator prior to the council meeting at which it is to be submitted. Minority reports may be submitted. Each committee shall act promptly and faithfully on any matter referred to it.

Section 201.09.            **SUSPENSION OR AMENDMENT OF RULES**

These rules may be suspended only by a two-thirds vote of the members present and voting.

## **CHAPTER II. OPERATIONS AND ADMINISTRATION**

### **Section 201.10 SALARIES OF MAYOR AND COUNCIL MEMBERS.**

**THAT CHAPTER II. OPERATIONS AND ADMINISTRATION, SECTION 201.10 SALARIES OF MAYOR AND COUNCIL MEMBERS OF THE ORDINANCES OF THE CITY OF RED LAKE FALLS IS HEREBY AMENDED TO READ AS FOLLOWS:**

#### **Section 201.10. COMPENSATION OF MAYOR AND COUNCIL MEMBERS**

Effective January 1, 1995, the salary of the mayor shall be \$300.00 per month (\$3,600.00 per year) and the salary of each council member shall be \$200.00 per month (\$2,400.00 per year). Such pay shall be to perform the duties of office which shall include the following:

- a) Attending the twice-monthly regular council meetings.
- b) Attending informational meetings for which they are not specifically appointed, but attend for informational purposes.
- c) Representing the city at social, civic and developmental programs of concern to the city.

Subd. 1. SPECIAL MEETINGS (One hour or less): Council members will also be paid \$50.00 for the following types of special meetings of less than one hour of duration:

- a) Special council meetings.
- b) Standing and temporary committee meetings for council persons appointed specifically to that committee.
- c) Formal presentations or speeches whereby minimal time is expended preparing or presenting information.

Subd. 2. SPECIAL MEETINGS (Longer than one hour): Council members will also be paid \$50.00 for the following types of special meetings of more than one hour in duration.

- a) Special council meetings.
- b) Standing and temporary committee meetings for council persons appointed specifically to that committee.
- c) Formal presentations or speeches whereby the person delivering the presentation is required to spend extensive time preparing and presenting the information.

Subd. 3. EXPENSES INCURRED IN DUTY AWAY FROM THE CITY: The City of Red Lake Falls will pay for expenses away from the City as follows:

- a) Overnight lodging, upon submittal of receipt or verification of expense.
- b) Meals will be paid on the following scale: breakfast, \$6.00; lunch, \$9.00; supper, \$13.00.

- c) Miscellaneous expenses such as parking, taxis, road tolls, etc.
- d) Automobile mileage is paid at the prevailing IRS rate. City officials will make a special effort to car pool when attending out of town activities representing the city.
- e) Airfare may be reimbursed upon submittal of receipt or verification of expense.
- f) Pay for out of town meetings will be made at the rate of \$50.00 for meetings of four hours or less and \$100.00 for meetings of more than four hours in duration. Pay for League of Minnesota Cities Conference meetings attendance will be at the rate of \$50.00 per day.
- g) Compensation for travel not to include mileage for meetings of at least 200 miles away from Red Lake Falls will be a flat rate of \$50.00.

**THAT SECTION 201.10 SUBDIVISION 3 OF THE CODE OF ORDINANCES, CITY OF RED LAKE FALLS, MINNESOTA 1987 IS HEREBY AMENDED TO READ AS FOLLOWS:**

- f) Pay for out of town meetings will be made at the rate of \$50.00 for meetings of four hours or less and \$100.00 for meetings of more than four hours.
- g) Pay for Annual League of Minnesota Cities Conference Meeting attendance will be at the rate of \$50.00 per day.
- h) Compensation for travel not to include mileage for meetings of at least 200 miles away from Red Lake Falls will be a flat rate of \$50.00.

**Section 201.11. COMBINATION OF THE OFFICES OF CITY ADMINISTRATOR AND CITY TREASURER**

Pursuant to the authority granted in Minnesota statutes Chapter 331, the offices of City Administrator and City Treasurer for the City of Red Lake Falls are hereby combined into the office of City Administrator-Treasurer.

**Section 201.12. AUDIT OF FINANCIAL AFFAIRS**

There shall be an audit of the City's financial affairs by the public examiner or a public accountant in accordance with minimum auditing procedures prescribed by the public examiner. Such audit must be undertaken yearly.

**THE CODE OF ORDINANCE OF THE CITY OF RED LAKE FALLS, MINNESOTA 1987 IS HEREBY AMENDED BY ADDING A SECTION TO BE NUMBERED 201.13; WHICH SECTION READS AS FOLLOWS:**

**Section 201.13 CITY ADMINISTRATOR POSITION**

An ordinance establishing the office and position of City Administrator in the City of Red Lake Falls and defining the duties and responsibilities of the City Administrator.

The City Council of Red Lake Falls, Minnesota does hereby resolve:

Subd. 1. CREATION: The Office of City Clerk-Treasurer shall be combined into a new office entitled City Administrator. The duties of the administrator of the City of Red Lake Falls shall include the duties of the City Clerk-Treasurer as delineated in the Minnesota Statutes 412.41 and 412.51 and such other appropriate duties as may be imposed upon the Administrator by the Mayor and City Council hereinafter referred to as City Council.

Subd. 2. APPOINTMENT: The City Administrator shall be appointed by a majority vote of the City Council and shall serve at the pleasure of the Council. Removal from the position shall be by affirmative vote of the majority of the members of the City Council.

The selection of the City Administrator shall be based on education and administrative experience, and shall have experience and knowledge in the area of government and/or business administration.

Subd. 3. CONTRACT: The City Council may enter into such employment agreement with the City Administrator as it shall deem necessary or desirable in order to further implement the appointment of the City Administrator.

Subd. 4. DUTIES: The City Administrator shall be the Chief Administrative officer for the City and he/she shall be responsible to the City Council for the proper administration of all affairs of the City, which duties shall include the following:

- a) Direct and perform the actual day-to-day supervision and control of the administrative affairs of the city.
- b) Compile and prepare all necessary data and information to aid the City Council in making decisions, assist the City Council in coordinating, administering, and implementing decisions in regard to requests and problems of municipal concerns; research and assist the City Council in developing and recommending solutions thereto coordinating efforts through directives to other departments, other agencies and the general public.
- c) Coordinate enforcement of all laws of the State of Minnesota, City Ordinances and Resolutions in cooperation with the City's designated law enforcement official, and other appropriate department heads of the City.
- d) Advise and report to the City Council when requested on matters of governmental and public policy and to that end keep informed of the latest administrative practices.
- e) Prepare and recommend to the City Council a single consolidated budget including statements relating to projected revenue, proposed sources of revenue, and all proposed expenditures to be made and obligations incurred by the City in the forthcoming fiscal year. The city department heads will work with the city administrator in the preparation of the proposed budgets.
- f) Administer all capital improvement projects and services programs as approved by the City Council in conjunction with the appropriate department heads. The City Council may, in its' sole discretion, delegate the administrative authority to other department heads as it deems appropriate.
- g) In conjunction with the City Council and the appropriate department heads, establish such administrative policies and procedures as may be necessary to insure the proper and efficient

operation of all departments and divisions of the City. The City Administrator shall, upon prior council direction or approval, issue administrative orders to carry out such policies and procedures consistent with State law, City ordinances and Council policy.

- h) Recommend to the City Council the approval or disapproval of all applications for licenses or permits, in conjunction with the appropriate department heads, after an appropriate investigation of the application.
- i) Stay abreast of development in the public administrative field and cooperate with governmental units and municipalities on matters of mutual interest.
- j) Supervise/manage the conduct of local elections in accordance with the prescribed laws and regulations.
- k) Perform economic development and grant writing activities as assigned by the City Council.
- l) Attend professional development conferences and seminars in an effort to stay abreast of current trends in government and business, with prior council approval.
- m) Performs such other duties as may be required by the City Council.

Subd. 5. **PERSONNEL:** The Administrator shall be the personnel officer for the City and responsible for the implementation of the City personnel policies. The Administrator together with the appropriate department head shall interview all probationary permanent full time employees, and shall make recommendations to the City Council for their hiring, promotion, demotion, or suspension. Should a department head suspend an employee upon an emergency basis he shall notify the City Administrator within twelve (12) hours of the suspension and the Administrator shall then notify the Council and shall make recommendation to the Council as set forth above. All final determinations with regard to personnel policies shall be made by the City Council

The Administrator shall be responsible for keeping the City Council informed of personnel matters occurring within the City. The department heads and supervisor shall keep the City Administrator informed of current issues and problems within their respective departments so that he may adequately advise the City Council.

Subd. 6. **PURCHASING:** The Administrator shall exercise control over the fiscal expenditures of all departments and divisions of the City and such appropriations as appear in the annual city budget.

Subd. 7. **CITY ADMINSTRATOR. Also CITY CLERK-TREASURER.** The City Administrator shall perform all duties of the City Clerk and the City Treasurer as required by law where the signatures of the City Clerk or City Treasurer is required by law on any document, the execution thereof by the City Administrator shall be deemed required execution thereof by the City Clerk or City Treasurer.

Subd. 8. **MEETINGS:** The City Administrator shall attend and participate in discussions at all meetings of the City Council and other official bodies as directed by the City Council. The Administrator shall represent the City at official functions as directed by the City Council and maintain good public relations with the citizens of the community.



## **PART 2. POLICE DEPARTMENT**

### **Section 202.01. ESTABLISHMENT**

A Police Department is hereby continued. The head of the department shall be known as the Chief of Police and the number of additional members of the department, together with their ranks and titles, shall be determined by the Council by Resolution. The compensation to be paid members of the Police Department shall be fixed by the Council. Members of the department shall be appointed by the City Council.

### **Section 202.02. CHIEF OF POLICE**

The Chief of Police shall have supervision and control of the police department and its members. He shall be responsible to the council for law enforcement and for property of the city used by the department. He shall be responsible for the proper training and discipline of the members of the department. He shall be responsible for the keeping of adequate records and he shall report to the council on the needs of the department and its work. Every member of the department subordinate to the chief shall obey the instructions of the chief and any superior officer. The council shall designate one of the police officers as acting chief, who shall have all the powers and duties of the chief during his absence or disability.

### **Section 202.03. DUTIES OF POLICE**

Members of the police department shall enforce the ordinances and laws applicable to the city, bring violators before the county court, and make complaints for offenses coming to their knowledge. Members of the police department shall serve processes on behalf of the city and shall serve such notices as may be required by the council or other authority. When the city is not a party to the proceedings involved in the process or notice, the officer shall collect the same fees as provided by law for town constables. All such fees shall be paid into the city treasury.

### **Section 202.04. UNIFORMS AND BADGE**

Each member of the department shall, while in duty, wear a suitable badge and uniform furnished by the city, except that the chief may authorize the performance of specific duties while not in uniform. When a member terminates his membership in the department, he shall immediately deliver to the city his badge, uniform, and all other property of the city in his possession.

### **Section 202.05 CONTRACT WITH RED LAKE COUNTY IN LIEU OF CITY POLICE DEPARTMENT**

In lieu of a city established Police Department, the City may contract with Red Lake County for law enforcement services.

## **PART 3. FIRE DEPARTMENT**

### **Section 203.01. FIRE DEPARTMENT CONTINUED**

There is hereby continued in this city a volunteer fire department consisting of a chief, two assistant chiefs, a fire marshal, and not fewer than 20 nor more than 30 fire fighters.

Section 203.02.       **APPOINTMENT**

The chief, the assistant chief, the fire marshal, and fire fighters shall be appointed by the council. In making such appointments, the council shall take into consideration recommendations of the members of the department. Each officer and every other member of the department except a probationary fire fighter shall serve during good behavior and may be removed by the council only for cause after a public hearing.

Section 203.03.       **DUTIES OF FIRE MARSHAL**

The office of Fire Marshal may be held by the chief or by the assistant chief, if the council by resolution approves. The fire marshal shall be charged with the enforcement of all ordinances aimed at fire prevention. He shall have full authority to inspect all premises and to cause the removal or abatement of all fire hazards.

Section 203.04.       **DUTIES OF CHIEF**

The chief shall have control over all the fire fighting apparatus and shall be solely responsible for its care and condition. He shall make a semiannual report to the council at its meeting in March and September, on the condition of the equipment and needs of the fire department. He may submit additional reports and recommendations at any meeting of the council, and he shall report each suspension by him of a member of the fire department at the first meeting of the council following such suspension. He shall be responsible for the proper training and discipline of the members for refusal or neglect to obey orders pending final action by the council or his discharge or retention.

Section 203.05.       **RECORDS**

The chief shall keep in convenient form a complete record of all fires. Such a record shall include the time of the alarm, location of fire, cause of fire (if known), type of building, name of owner and tenant, purpose for which occupied, value of building and contents, members of the department responding to the alarm, and such other information as he may deem advisable or as may be required from time to time by the council or state insurance department.

Section 203.06       **PRACTICE DRILLS**

The chief shall, when the weather permits, hold a monthly practice drill of at least one hour duration for the fire department and shall give or arrange for instruction to the fire fighters in approved methods of fire fighting and fire prevention.

Section 203.07.       **ASSISTANT CHIEF**

In the absence or disability of the chief, the assistant chief shall perform all the functions and exercise all of the authority of the chief.

Section 203.08.       **FIRE FIGHTERS**

The assistant chief and fire fighters shall be able-bodied and not less than 18 years of age. They shall become members of the fire department only after a six months' probationary period. The council may require that each candidate, before he may become a probationary fire fighter, must satisfy certain minimum requirements of height, weight, education and any other qualifications which may be specified by the council and that he must pass satisfactorily a mental and physical examination.

Section 203.09.       **FIRE WARDENS**

The City Council may by resolution provide for the appointment of one or more fire wardens for the City of Red Lake Falls. The fire warden shall act and serve at the discretion of the City Council.

Section 203.10.       **LOSS OF MEMBERSHIP**

Absence of any fire fighter from three consecutive drills or calls unless excused by the chief shall be cause for removal from the department.

Section 203.11.       **COMPENSATION**

The members and officers of the fire department shall receive compensation as follows:

Chief \$800.00 per year and:

\$7. per combination drill & meeting.  
\$7. per hour for each fire.

Fire Fighters:               \$7. per combination drill and meeting.  
\$7. per hour for each fire.

Probationary Fire Fighters:       \$7. per combination practice drill and meeting.  
\$7. per hour for each fire.

Fire Marshal:               \$0 per year.

Section 203.12.       **MINIMUM PAY**

In computing for fires and practice drills, one hour shall be considered as the minimum to be paid to any fire fighter or officer.

Section 203.13.       **PRESENT MEMBERS**

No person who is a member of the fire department at the time of the adoption of this ordinance shall be required to serve a probationary period before becoming a fire fighter.

Section 203.14.       **RELIEF ASSOCIATION**

The members and officers of the fire department may organize themselves into a fire fighters' relief association in accordance with law.

Section 203.15.       **INTERFERENCE WITH DEPARTMENT**

No person shall give or make, or cause to be given or made, a fire alarm without probable cause, or neglect or refuse to obey any reasonable order of the chief at a fire, or interfere with the fire department in the discharge of its duties.

Section 203.16.       **AUTHORITY TO FURNISH FIRE PROTECTION OUTSIDE CITY LIMITS**

Subd. 1.       Authority.       The City Council shall have the authority to enter into contracts with property owners, associations of property owners, insurance companies, and political subdivisions for the purpose of providing fire protection on property owned, leased or represented by such person, persons, organization, residents or citizens of such subdivisions.

Subd. 2.       Payment for protection services.       Payment for fire protection outside the city limits shall be the contract rate or a rate prescribed by the City Council. The rate to be charged shall be that which is fixed by the City Council.

Subd. 3. Protection of City. Fire apparatus shall not be sent to a location outside the city limits if the Fire Chief or other individual in charge of the fire department at the time of the call or alarm decided that such apparatus is needed for local services.

Section 203.17. **OFFICER IN COMMAND DEPUTIZED**

The officer in command at any fire shall have the power to arrest and cause the immediate removal of any disorderly or suspicious person at any fire or any person caught in the act of stealing or unlawfully removing property at such fire.

## **PART 4. PLANNING COMMISSION**

Section 204.01. **ESTABLISHMENT OF COMMISSION**

A city planning commission for the City of Red Lake Falls is hereby established. The commission shall be the city planning agency authorized by Minnesota Statutes, Section 462.354, Subdivision 1.

Section 204.02. **COMPOSITION**

Subd. 1. Membership. The city planning commission shall consist of seven members. The city engineer and the city attorney shall be members ex-officio and the City Council shall select one member of the commission from its own membership. The other four members shall be appointed and may be removed by the council.

Subd. 2. Terms, vacancies, oath. Of the members of the commission first appointed, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years. Their successors shall be appointed for terms of four years. Both original and successive appointees shall hold their offices until their successors are appointed and qualified. The terms of ex-officio members shall correspond to their respective official tenures. Vacancies during the term shall be filled by the council for the unexpired portion of the term. Every appointed member shall before entering upon the discharge of his duties take oath that he will faithfully discharge the duties of his office. All members shall serve without compensation.

Section 204.03. **ORGANIZATION, MEETINGS, ETC.**

Subd. 1. Officers. The commission shall elect a chairman from among its appointed members for a term of one year; and the commission may create and fill such other offices as it may determine. The City Administrator shall act as secretary of the planning commission, but he shall not be a member.

Subd. 2. Meetings, records, reports. The commission shall hold at least one regular meeting every four months. It shall adopt rules for the transaction of business and shall keep a record of its resolution, transactions, and findings, which record shall be a public record. On or before February 15 of each year the commission shall submit to the City Council a report of its work during the preceding calendar year. Expenditures of the commission shall be within amounts appropriated for the purpose by the City Council.

Section 204.04. **POWERS AND DUTIES OF THE COMMISSION**

The planning commission shall have the powers and duties given planning agencies generally by law. The commission shall also exercise the duties conferred upon it by this ordinance and by the council.

After the commission has prepared and adopted a comprehensive plan, the commission shall periodically but at least once every five years, review the comprehensive plan, any ordinances and any capital improvement program the council has adopted to implement the plan. After such review it shall, to the extent it deems necessary, revise the comprehensive plan, adopt the amendments or the new comprehensive plan, and recommend it to the council in accordance with law. Similarly, after such review, it shall recommend to the council any amendments it deems desirable to the capital improvement program and any ordinances implementing the plan.

Section 204.05.        **ZONING ORDINANCES; PUBLIC HEARINGS**

No zoning ordinance or amendment shall be adopted by the council until a public hearing has been held thereon by the planning commission upon notice as provided in Minnesota Statutes, Section 462.357 Subdivision 3.

Section 204.06.        **PLATS; APPROVALS**

Any subdivision plat submitted to the council for approval shall, prior to final approval, be referred to the planning commission for review and recommendation. Any plat so referred shall be returned to the council by the commission with its recommendation. Any plat so referred shall be returned to the council by the commission with its recommendations within 30 days, and failure of the commission to report within that period is deemed to have satisfied the requirements of this section.

## **PART 5.    CIVIL DEFENSE AGENCY**

Section 205.01.        **ACT ADOPTED**

The Minnesota Civil Defense Act, Minnesota Statutes, Chapter 12, insofar as it relates to cities, is adopted by reference as part of this ordinance as fully as if set forth explicitly herein.

Section 205.02.        **POWER TO ASSIGN RESPONSIBILITY TO COUNTY**

In lieu of a city Civil Defense Agency, the City may assign the responsibility for civil defense to the Red Lake County.

Section 205.03.        **CIVIL DEFENSE AGENCY**

Subd. 1.        Agency and director. There is hereby created within the city government a civil defense and disaster agency which shall be under the supervision and control of a director of civil defense, hereinafter called the director. The director shall be appointed by the mayor for an indefinite term and may be removed by him at any time. He shall serve without salary but shall be paid his necessary expenses. The director shall have direct responsibility for the organization, administration, and operation of the civil defense agency, subject to the direction and control of the mayor.

Subd. 2.        Organization and functions. The civil bureaus, consistent with state and local defense plans, and as the director deems necessary to provide for the efficient defense emergency. The agency shall perform civil defense functions within the city and in addition shall conduct such functions outside the city as may be required pursuant to Minnesota Statutes, Chapter 12, or this ordinance.

Section 205.04.       **POWERS AND DUTIES OF DIRECTOR**

Subd. 1.       Intergovernmental arrangements.       With the consent of the mayor, the director shall represent the city on any regional or state organization for civil defense. He shall develop proposed mutual aid agreements with other political subdivisions within or outside the state for reciprocal civil defense aid and assistance in a civil defense emergency too great to be dealt with unassisted, and he shall present such agreements to the council for its action. Such agreements shall be consistent with the civil defense plan and during a civil defense emergency, the civil defense agency and with the provisions of such agreements.

Subd. 2.       Civil defense plan.       The director shall prepare a comprehensive general plan for the civil defense of the city and shall present such plan to the City Council for its approval. When the council has approved the plan by resolution, all civil defense forces of the city shall perform the duties and functions assigned by the plan.

Subd. 3.       Reports.       The director shall prepare and present to the council periodically a report of activities and recommendations.

**PART 6.   PERSONNEL POLICY**

Section 206.01.       **PURPOSE**

The purpose is to establish a uniform and equitable system of personnel administration for all employees of the city, however, this policy will only serve as a guide to administrative actions concerning personnel matters. The council retains full authority to depart from the provisions of this policy.

Subd. 1.       Intent of personnel policies.       These policies in this manual have been created and implemented by the city and intended to serve only as a guide for employment. The policies may be amended at any time at the sole discretion of the city. The provisions of the policies in this manual shall not be interpreted as creating anything other than an at will employment setting, wherein the employee may terminate his/her employment at any time for any reason and the city may terminate the employee at any time for any reason, subject to any restrictions of State and Federal Labor Laws.

Subd. 2.       Definitions:

Full-Time Position – a group of duties and responsibilities requiring the employment of a person for at least 32 hours per week throughout the year from year to year and which have been defined as permanent full time by the City.

Part-Time Position – a group of duties and responsibilities requiring the employment of a person for at least 14 but normally less than 40 hours per week throughout the year, from year to year, and which have been defined as permanent part-time by the City.

Probationary Position – a full-time or part time position during the first 12 months of employment with the city or promotion to a new position. The probationary period may be extended in certain circumstances to enable the immediate supervisor, city administrator, and/or the City Council to observe the employees’ ability to perform the duties of the position. Performance, skills and ability demonstrated during the probationary period shall be evaluated by the supervisor to recommend or deny continued appointment and merit compensation increases.

Temporary Position – a group of duties and responsibilities requiring the temporary or seasonal employment of a person without regard to the number of hours worked per day or per week by the individual.

Subd. 3. Policies. They shall apply to all permanent full-time and part-time employees of the city except for the following:

1. All elected officials
2. City Attorney
3. Members of boards and commissions
4. Consultants and others who render temporary professional services
5. Volunteer Fire Fighters
6. Volunteer Ambulance

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**Section 206.02.            ADVANCEMENT AND TRANSFER**

Employees will receive instruction and on-the-job experiences which will allow progress to better positions within his/her department and the City. It is our policy to institute training procedures when possible to enable employees to progress to jobs for which his/her abilities and skills are best suited.

When a position becomes vacant or when a new job is created within the City, strong consideration will be given to present employees who are qualified and for whom transfer to the position would be beneficial to the City.

**Section 206.03.            ALCOHOL AND DRUG ABUSE**

Subd. 1.            General rule. Any employee found guilty of having in their possession or using controlled substances or alcohol at work will be subject to discipline, up to and including discharge. This includes liquor found in lockers or in employee’s automobiles. Employees who report to work under the influence will be dismissed from that days work and subject to immediate discipline.

1. City may provide chemical dependence counseling if requested by the employee as provided by city policy manual.
2. The City Administrator may dismiss an employee in violation of this policy after reviewing the recommendation of the employee’s immediate supervisor; such dismissals are temporary, with pay until ratified by the City Council. In the event of a City Administrator in violation of the policy, it is the responsibility of the Mayor to dismiss the City Administrator; such dismissals are temporary and with pay until ratified by the City Council.

**Section 206.04.            APPOINTMENT PROCEDURE**

All probationary and regular appointments shall be made by the council on the basis of merit and fitness, and without regard for race, creed, color, age or sex. Seasonal and temporary appointments will be made by the City Administrator upon approval by the council.

**Section 206.05.            ATTENDANCE**

Employees are expected to be regular in attendance during all scheduled hours of work. Unsatisfactory attendance, including reporting late or quitting early, may be cause for disciplinary action. If employees anticipate being late for any reason, their immediate supervisor should be notified as far in advance as possible.



Section 206.06.       **AUTOMOBILES**

Personal Auto Expenses – An employee required to use a personal vehicle in the performance of work duties will be compensated at the state rate prevailing at the time.

Use of City Vehicles – City owned vehicles are to be used only for City business. There are no exceptions.

Only City employees will drive City vehicles, and persons other than City employees are allowed as passengers only when it is necessary for conducting City business.

Travel beyond the local area of Red Lake County must be approved and a travel schedule filed with the Administration office so it is known where the vehicle will be at all times.

Section 206.07.       **COMPENSATION**

All employees of the City shall be compensated according to the wages or salaries established annually by the council; provided, however that the council may change or modify any wages or salary of any employees at any time that it deems it necessary in the interest of good personnel administration.

Any wages or salary so established shall represent the total remuneration for employment, but shall not be considered as reimbursement for official travel or other expenses which may be allowed for the conduct of official business. Unless approved by the appointing authority, no employee shall receive pay from the municipality in addition to the salary authorized for any position or positions to which he has been appointed. This shall not operate to prevent employees from working in more than one position when authorized by the council.

Subd. 1.       Paydays.       Employees will be paid on a bi-weekly basis.

Should a payday fall on a holiday or weekend, payday will be the preceding day.

No advances will be made before the regular payday except in emergency, and then only with the approval of the City Administrator.

Subd. 2.       Payroll Deductions.       The City is required to deduct from your check State and Federal income taxes. We serve as the collection agency and pass the money on to the state and federal government.

If an employee selects dependent coverage under the group insurance plan, their share of the premium will be deducted.

There may be other deductions an employee may obtain as a service at the discretion of the council.

Subd. 3.       Wages.       Employee wages will be set at time of hiring and will be reviewed each year.

Subd. 4.       Overtime.       Employees, except salaried employees, are paid at one and one-half times base pay for all hours worked in excess of a regularly scheduled shift, with the exception of the City Administrator/Developer who are salaried employees. Changes of shifts do not qualify for overtime. Employees have an obligation to work overtime or call backs if requested by management

unless unusual circumstances prevent them from doing so. All overtime must be pre-approved by an employee's immediate supervisor.

Subd. 5. Outside Work Restrictions. Employees are not restricted from holding outside employment. However, the city job must be considered primary employment and other work must be compatible without conflict of interest or schedule. The City will not condone outside work which interferes with the efficient and effective performance of an employee's job duties and responsibilities. Employees are required to report to their immediate supervisor all outside employment in order that determination of compliance with this policy can be made.

Subd. 6. Educational Incentive Benefits. Employees may be paid an incentive for completing training with prior council approval that enhances their capacity to perform their job. A formal request from the employee in writing is required.

**THAT SECTION 206.07 SUBDIVISION 6 OF THE CODE OF ORDINANCES, CITY OF RED LAKE FALLS, MN. 1997 IS HEREBY AMENDED TO READ AS FOLLOWS:**

Policy: The City of Red Lake Falls encourages its employees to take advantage of and enroll in job related educational programs and training opportunities to help them improve the performance of their present work assignments and to prepare them for future work assignments and may provide support through financial assistance.

Employees: Financial assistance equal to 100 percent of the cost of tuition, books, fees, tests and mileage may be approved for eligible employees by the City Administrator. Books are to remain the property of the City unless the employee wishes to purchase them.

Requirements:

1. Only full-time employees are eligible (forty hours per week).
2. The employee must have completed one year of service with the City and have been granted "regular status" by the City Council.

Procedures:

1. Job related educational programs must be taken from an accredited institution of higher learning or vocational-technical school.
2. The City Administrator and/or department head decides which courses are job-related.
3. The City Administrator and/or department head must approve the education program prior to the beginning of any course. The final decision shall be made by the City Council.
4. Requests for approval must contain the name of the course, a brief course outline, names of books required, a statement from the employee outlining their own assessment of the job relevancy of the course, and an itemized list of total costs to the City.
5. The City Administrator and/or department head and City Council should consider the request for educational assistance based on the following:

- a. The nature and purpose of the course of study.

- b. The benefits to be derived by the employee and the City.
  - c. The level of responsibility and length of service of the employee.
6. All course work must be completed on the employee's own time. If time off to attend classes during regular working hours is approved by the City Administrator and/or department head, such time must be fully made up at another time approved.
  7. The City will pay the costs for the course in advance to the course starting. Once paid, employees will be held responsible for those costs if the employee does not receive a grade "C" or better (pass on a pass/fail basis) or satisfactory "S".

Subd. 7. **Severance Pay.** In the event that an employee does not use the full amount of sick leave allowed in any calendar year, the amount not taken accumulates from year to year up to a total of 80 days. Upon leaving the City due to retirement or death, one-half of the unused portion of sick leave is granted as severance pay to the employee or employee's family. This policy does not apply to an employee taking early or deferred retirement.

Subd. 8. **Health and Life Insurance.** The City participates with full-time employees for a full single policy per month on a comprehensive hospital and major medical group health insurance.

If an employee terminates employment with the City for any reason other than retirement, he or she may continue the group health care program, at personal expense, until he or she secures new employment or for the number of months as specified by law.

The City provides group term life insurance, with accidental death and dismemberment, in the amount of \$10,000. In addition, an employee has the option to purchase, at his or her own expense, additional life insurance, with accidental death and dismemberment, equal to as much as the next highest even thousand dollars over your annual gross earnings.

Employees in unpaid leaves or absences may retain insurance coverage at personal expense.

Subd. 9. **Benefits.** Benefits are provided to all employees classified as permanent full-time and are prorated for full-time employees who work less than 40 hours.

**Section 206.08. DATA PRIVACY**

Employee records are maintained in the Administration Office. Data is kept in individual personnel files, finance office files, personnel office files and computer files. Included is information needed to administer employee benefits and payroll, and to complete required Federal and State reports. Examples of data are: address, telephone number, social security number, person to notify in case of emergency, insurance and retirement beneficiaries, marital status, wage history, occupational injury and illness reports, race, sex, job category, and department. No information is retained unless required for a specific purpose.

The City does not reveal information from an employee's file without written authorization from the employee.

Employees must notify the City Administrator Office immediately when there is a change in any of the following:

1. Name (through marriage or otherwise)
2. Address.
3. Telephone Number.
4. Beneficiaries for life insurance and retirement.
5. Number of Dependents.
6. Marital Status.
7. Person for City to contact in case of emergency.

Reference Checks – When an employee leaves the employment of the City he or she may take a form showing the dates of employment, last wage, job title and description, attendance record, and reason for termination. Also included on the form is an employee's signed permission to release the information and note to prospective employers giving the name and telephone number to use to verify the accuracy of the data provided. The City will not respond to telephone reference checks. Written information will not be released without signed permission to do so.

#### Section 206.09. **DISMISSAL**

Subject to state law on veteran's preference, and officer or employee subject to the provisions of this manual may be dismissed from municipal service by the City Administrator upon approval of the council. Grounds for dismissal shall include, but not be limited to the following conditions:

1. Incompetence or inefficiency in the performance of assigned duties.
2. Conviction or reasonable cause to conclude that the employee committed a criminal offense involving moral turpitude.
3. Violation of any lawful or official regulation or order or failure to obey any lawful direction made and given by a superior officer where such violation or failure to obey amounts to an act of insubordination or reasonably might be expected to result in loss or injury to the city or to the public.
4. Consuming alcoholic beverages on duty or being under the influence of intoxicants including alcohol or drugs while on duty.
5. Physical or mental defect which in the judgment of the employer incapacitates the employee for the proper performance of the duties of the position. An examination by a licensed medical doctor may be required.
6. Wanton use of offensive conduct or language towards the public or city officers or employees.
7. Carelessness or negligent handling or control of city property or inappropriate disregard for the rights and reasonable expectations of the public from their public servants.
8. Inducing or attempting to induce an officer or employee of the city to commit an unlawful act or to act in violation of any lawful and reasonable official regulation or order.
9. Taking any fee, gift, or other valuable thing in the course of work or in connection with it from any person or corporation for personal use when such a gift, fee, or other is given in hope or expectation of receiving a favor or better treatment than that accorded other citizens.

10. Conduct in private life which brings discredit upon the city service.

11. Dishonesty in the performance of assigned duties.

**Section 206.10. EEOC**

The policy and intent of the City is to provide equal employment opportunity for all persons regardless of race, color, religion, national origin, marital status, political affiliation, status with regard to public assistance, disability, sex, or age.

This policy applies to all aspects of full, part-time and seasonal employment practices including selection, promotion, transfer, compensation, benefits, layoffs, and termination.

Equal employment opportunity problems should be brought to the attention of the City Administrator.

**Section 206.11. ENERGY CONSERVATION**

Employees are encouraged to conserve energy, both at home and on the job. Lights should be turned off in unoccupied areas. Thermostat settings should be reduced during winter months. Space heaters are discouraged. Employees should strive to conserve gasoline by combining trips whenever possible and eliminating unnecessary trips. Practice gasoline conserving driving practices such as steady acceleration, eliminating unnecessary idling, and not exceeding the posted speed limit, except in emergencies.

**Section 206.12. HOLIDAYS**

Employees receive 11 paid holidays each calendar year as determined by the City Administrator and approved by the council at the annual re-organizational meeting. These holidays are: New Years Day, Presidents Day, 4<sup>th</sup> of July, Memorial Day, Labor Day, Columbus Day, Thanksgiving Day, Day after Thanksgiving, Christmas, Veterans Day, Martin Luther King Day.

**Section 206.13. INJURY AT WORK**

In the event an employee is injured and permanently or temporarily disabled while in the line of duty he/she will be covered by workman's compensation.

The employee must notify their superior immediately or as soon as physically or mentally possible in person, or by telephone, when injured on or off the job.

**Section 206.14. LAYOFFS**

The city may lay off any employee whenever such action is made necessary by reason of shortage of work, or funds, the abolition of a position or because of changes in organization, provided however; that two weeks advance written notice shall be given. However, no permanent employee shall be laid off while there are temporary, provisional or probationary employees serving in the same class or position for which the permanent employee is qualified, eligible, and available. Length of service in the same class or position shall be given consideration.

**Section 206.15. LEAVES OF ABSENCE**

Leave of absence without pay – Upon request, a leave of absence without pay may be granted by the council, taking into consideration good conduct, length of service, efficiency of the employee and the general good of the municipal service. Such leave of absence shall not exceed a period of ninety (90) days provided that the same may be extended beyond such period if the leave of absence is for continued disability or other good and sufficient reasons, but in no case exceed one year except when the employee

is detailed for military service or is disabled for disability incurred while in the service of the city. No vacation or sick leave benefits shall accrue during a period of leave of absence without pay.

**Section 206.16. SICK LEAVE**

Sick leave may be taken on account of sickness or injury, to meet dental appointments, to take physical examinations, or to implement other sickness prevention measures.

Abuse of sick leave will subject the employee to disciplinary action. It may not be used as a substitute for vacation or time off from a regularly scheduled shift for reasons other than sickness. Computer records are analyzed each year to determine whether or not employees are abusing sick leave. Continual abuse of sick leave, after prior warnings and discipline, may result in discharge from employment with the city.

The employee may accumulate sick leave from the first day of employment at a rate of 1 day each month worked, with a maximum allowable accumulation of 80 days.

Proof required – In order to be eligible for sick leave with pay, an employee must:

1. Report promptly to his/her department head the reason for his/her absence.
2. Keep his/her department head informed of his/her condition if the absence is of more than (3) days duration.
3. Submit medical documentation for an absence exceeding three (3) days if required by the City Council.

Penalty – Claiming sick leave when physically fit except as permitted in this section may result in disciplinary action.

Benefits cease upon termination. No sick leave benefits of any kind shall be granted upon termination of employment, except as specified in Section 206.17.

**Section 206.17. FUNERAL LEAVE**

Sick leave of not more than five (5) days may be taken in the event of a death in your immediate family. That includes: spouse, child, father, mother, father-in-law, mother-in-law, brother, sister, or other relative living in the same household.

Sick leave of not more than two (2) days may be taken in the event of the death of any other blood relative.

**Section 206.18. FAMILY MEDICAL LEAVE**

Pregnancy and any associated medical complications, including recovery, are treated as temporary disabilities for the period in which the employee cannot perform her job. Written confirmation from a physician is required.

Upon confirmation of pregnancy, the employee must submit a letter of intent to her supervisor stating the expected period in which she will be unable to perform her job.

For that period in which her physician certified in writing that she cannot perform her job, she will be required to use up accrued sick leave and vacation time, after which time she will be placed on an unpaid leave of absence until her physician states that she is medically able to return to work.

Section 206.19.       **JURY DUTY**

In the case of jury duty or subpoena for witness in court, an employee, other than a police officer, shall receive an amount of compensation which is equal to the difference between employee's regular pay and compensation paid for jury duty or witness fee.

Section 206.20.       **PERSONAL LEAVE**

Employees will be allowed (2) days of personal leave each year in lieu of sick leave, with the 48 hours advanced permission of their supervisor.

Section 206.22.       **PROBATION**

Subd. 1.       Purpose.       The probationary period is an integral part of the selection process and shall be utilized for observing the employee's work, for securing the most effective adjustment of the employee to the position, and for rejecting any employee whose performance does not meet the required work standards.

Subd. 2.       Duration.       Every original appointment and every promotional appointment is subject to a probationary period of twelve months after appointment. Written evaluations will be given at three, six, nine, and twelve months, and copies placed in the employee file.

Subd. 3.       Termination.       The appointing authority may terminate a probationary employee anytime during the probationary period if in the appointing authority's opinion the working test indicates that the employee is unable or unwilling to perform the duties of the position satisfactorily or that his/her habits and dependability do not merit continuance in the position. The employee so terminated shall be notified in writing of the reasons for the termination and shall not have the right to appeal unless he/she is a veteran, in which case the procedure prescribed in Minnesota Statutes, Section 197.46 shall be followed.

A permanent employee terminated during the probationary period from a position to which he was transferred or promoted and not terminated from the city service as provided in these rules shall be placed on leave of absence without pay. When a vacancy arises in the class from which the employee was promoted or transferred, such employee shall be reinstated to that position.

Subd. 4.       Completion.       Immediately prior to the expiration of the probationary period, the department head shall notify the council (manager, administrator, personnel officer) in writing whether or not the services of the employee have been satisfactory and whether or not the employee will be continued. If the notification states that the employee will be continued, the employee shall become a permanent employee at the end of the probationary period.

Section 206.23.       **RESIDENCE REQUIREMENTS**

Employees should reside within the city limits. It shall be the responsibility of the employee to subscribe to phone service, so that rapid and timely communications are possible.

Section 206.24.       **RESIGNATION**

Any employee wishing to leave the city service in good standing shall notify his/her department head and shall file with the City Administrator at least fifteen (15) days before leaving, a written resignation stating the effective date of the resignation and the reason for leaving. Failure to comply with this procedure may result in denying such employee future employment by the city and denying terminal leave benefits.

Section 206.25.       **RETIREMENT**

General Rule. Every appointed employee of the city shall automatically be retired upon reaching the age of 70 years.

Retention after age 70 – If the City Administrator finds that the interests of the city will be best served by allowing a person to remain in the employ of the city after reaching 70 years of age because his/her services are especially needed or his/her replacement would be especially difficult, he/she may recommend to the council no later than 60 days before the employee’s retirement date that the employee be retained after his/her 70<sup>th</sup> birthday. Unless the council disapproves such retention within three (3) weeks after receipt of the recommendation of the City Administrator, the employee may continue the employment of such person for one year. Any such employee may be retained for successive one year periods until reaching the age of 75 upon the annual recommendation of the City Administrator and the approval of the council.

Section 206.26.       **RIGHT TO APPEAL SUSPENSION OR DISMISSAL**

In all cases of suspension and dismissal, except at the end of a probationary period, the reasons for such action must be presented in a dated, written statement to the employee affected. Upon the employee’s dated, written request to the City Administrator, filed within five (5) working days of receipt of the statement of reasons, an employee shall be granted a hearing before the council, said hearing to be held not later than ten (10) days from the date of filing of a request for hearing.

Section 206.27.       **SAFETY**

Employees are required, as a condition of employment, to develop safe work habits and to contribute in every manner possible to the safety of his/her self, co-workers, and the general public. To that end employees are required to:

Immediately report to supervisors all accidents and injuries occurring within the course of employment. The report must be submitted by the employee’s immediate supervisor to the Personnel Office immediately following the time of the injury.

Immediately report to a supervisor all unsafe practices or conditions observed.

Cooperate with and assist in the investigation of accidents to identify correctable causes and to prevent re-occurrence.

Actively support and participate in safety promotional and educational measures utilized in department safety programs.

Become familiar with and observe approved safe work procedures for work activities.

The employer will supply the employee a safety handbook with the safety policies of the City.



Section 206.28.       **SENIORITY**

Seniority is determined by your length of continuous service from the day of hiring.

The employee is not entitled to any duty assignment solely because of seniority. Seniority may be considered by supervisors in making duty assignments, but no supervisor is required to consider seniority in any matter other than the selection of vacation dates or days off.

Section 206.29.       **SUSPENSIONS**

Subd. 1.       Reasons.       Subject to state law on veteran's preference, the appointing authority may suspend an employee without pay for disciplinary reasons. Such suspensions shall not exceed thirty (30) days in any one calendar year.

1. Incompetence or inefficiency in the performance of assigned duties.
2. Conviction or reasonable cause to conclude that the employee committed a criminal offense involving moral turpitude
3. Violation of any lawful or official regulation or order or failure to obey amounts to an act of insubordination or reasonably might be expected to result in loss or injury to the city or to the public.
4. Consuming alcoholic beverages on duty or being under the influence of intoxicants including alcohol or drugs while on duty.
5. Physical or mental defect which in the judgment of the employer incapacitates the employee for the proper performance of the duties of the position. An examination by a licensed medical doctor may be required.
6. Wanton use of offensive conduct or language towards the public or city officers or employees.
7. Carelessness or negligent handling or control of city property or inappropriate disregard for the rights and reasonable expectations of the public from their public servants.
8. Inducing or attempting to induce an officer or employee of the city to commit an unlawful act or to act in violation of any lawful and reasonable official regulation or order.
9. Taking any fee, gift, or other valuable thing in the course of work or in connection with it from any person or corporation for personal use when such a gift, fee, or other is given in the hope or expectation of receiving a favor or better treatment than that accorded other citizens.
10. Conduct in private life which brings discredit upon city service.
11. Dishonesty in the performance of assigned duties.

Section 206.30.       **TELEPHONE COURTESY**

Whenever an employee uses the telephone, he/she "becomes the City" by what he/she says and how he/she says it. When a voice is warm and friendly, courteous and tactful, citizens will enjoy dealing with the City.

When employees receive a call.....

- Answer promptly with a smile
- Identify the department
- Explain when you leave the line, and return promptly – transfer calls only when necessary
- Terminate calls courteously
- Give “tactful” explanations for your co-worker’s absence from the office
- Take accurate messages

When employees place a call....

- Be sure of the number
- Plan your call in advance
- Identify yourself

Section 206.31.        **VACATION**

Subd. 1.        Accumulation.        Each permanent employee shall earn vacation leave on the following basis:

Years of Service.

1 year – Employees shall receive no vacation during the first six month probationary period. Upon the six month anniversary date employees shall receive 40 hours and accumulate 3.08 hours per bi-weekly pay period thereafter to a maximum of 80 hours.

Beginning in the second year through completion of the 9<sup>th</sup> year employees shall receive 3.08 hours per bi-weekly pay period which is a maximum of 80 hours per year.

Beginning in the 10<sup>th</sup> year through completion of the 14<sup>th</sup> year, employees shall receive 4.62 hours per bi-weekly pay period which is a maximum of 120 hours per year.

Beginning in the 15<sup>th</sup> year and thereafter employees shall accumulate 6.15 hours per bi-weekly pay period which is a maximum of 160 hours per year.

You can accumulate a maximum of 160 hours of vacation. After the first year on the job, you must take at least 40 hours of vacation during each calendar year. Vacation schedules are approved by management.

Subd. 2.        Taking of time.        Vacation leave may be used as earned, provided that the City Administrator shall approve the time at which the vacation leave may be taken. No employee shall be allowed vacation leave until after completion of the initial probationary period.

Subd. 3.        Severance.        Any employee leaving city service with good standing after giving proper notice of such termination of employment, may be compensated for vacation leave accrued and unused to the date of separation or may be required to take the time off. Accumulated vacation pay is computed to the nearest day based on the hourly wage at the time of termination.

Subd. 4.        Waiving vacation prohibited. No employee shall be permitted to waive accumulated vacation time for the purpose of monetary compensation in lieu thereof.

Section 206.32.       **WORK SCHEDULE**

The normal work year is 2,080 hours which you must account for through:

1.   Scheduled hours of work.
2.   Paid leave time.
3.   Roll Call.
4.   Training.
5.   Special Assignments.

The average scheduled work week is 40 hours. During the summer months the City may at the City Administrator's discretion elect to have City employees work four ten hour days per week. On weeks in which a holiday occurs, employees will work four eight hour days.

Section 206.33.       **SIGNATURE**

I \_\_\_\_\_ have received and reviewed the current personnel policy of the City of Red Lake Falls dated \_\_\_\_\_. I understand the policy and know that if I have any questions regarding it, the employee has the responsibility to ask his/her supervisor for clarification. If in the event no satisfaction is received, a request in writing may be made to the City Administrator.

**PART 7.    ABANDONED PROPERTY**

Section 207.01.       **ABANDONED MOTER VEHICLES**

Subd. 1.       Impoundment and sale.       The Red Lake Falls Police Department or the Red Lake County Sheriff's Department shall take into custody and impound any abandoned motor vehicle as defined by Minnesota Statutes, Section 168 B.02, Subdivision 2. It shall give notice of the taking as provided by law and if the owner or any ringleader does not reclaim the vehicle within the period provided by law, it shall provide for the sale of the vehicle to the highest bidder at a public auction or sale following two weeks published notice.

Subd. 2.       Summary action in certain cases.       When an abandoned motor vehicle is more than seven model years of age, is lacking vital component parts, and does not display a license plate currently valid in Minnesota or any other state or foreign country, it shall immediately be eligible for sale under Subdivision 1 and shall not be subject to the notification, reclamation, or title provisions of Minnesota Statutes 168 B.01 to 168 B.13.

Subd. 3.       Disposition of proceeds.       The proceeds of the sale of an abandoned motor vehicle shall be placed in the general fund of the city. If the former or entitled lien holder makes application and furnishes satisfactory proof of ownership or lien interest within 90 days of the sale, he shall be paid the proceeds of the sale of the vehicle less the cost of towing, preserving, and storing the vehicle and all administrative notice and publication costs incurred in its handling.

Section 207.02.       **OTHER ABANDONED PROPERTY**

Subd. 1.       Procedure.     All other property lawfully coming into the possession of the city shall be disposed of as provided in this section.

Subd. 2.       Storage.       The department of the city acquiring possession of the property shall arrange for its storage. If city facilities for storage are unavailable or inadequate, the department may arrange for storage at privately owned facilities.

Subd. 3.       Claim by owner.    The owner may claim the property by exhibiting satisfactory proof of ownership and paying the city any storage or maintenance costs incurred by it. A receipt for the property shall be obtained upon release to the owner.

Subd. 4.       Sale.        If the property remains unclaimed in the possession of the city for 90 days, the property shall be sold to the highest bidder at a public auction conducted by the County Sheriff or designated official of the city after two weeks published notice setting forth the time and place of the sale and the property to be sold.

Subd. 5.       Disposition of proceeds.    The proceeds of the sale shall be placed in the general fund of the city. If the former owner makes application and furnishes satisfactory proof of ownership within six months of the sale, he shall be paid the proceeds of the sale of his property less the costs of storage and the proportionate part of the cost of published notice and other costs of the sale.

**PART 8.    AMBULANCE DEPARTMENT**

Section 208.01.       **DEFINITIONS**

Subd. 1.       General.       Words and phrases used in this Code shall have the following meaning, unless otherwise specified.

Ambulance.    The word “ambulance” shall mean a vehicle designed or intended to be used in providing transportation of wounded, injured, sick, invalid, incapacitated persons, or expectant mothers.

Ambulance service.    The words “ambulance service” means the transportation for a wounded, injured, sick, invalid, or incapacitated person or expectant mother which is regularly provided, or offered to the provided, to the public by a public or private agency or by any person.

License.        The word “license” shall mean the authority granted by the State Board of Health for the operation of ambulance services.

Operator.       The word “operator” shall mean those persons who are qualified under the laws of Minnesota to operate an ambulance service.

Section 208.02.       **AMBULANCE DEPARTMENT**

The Council may, by resolution establish an Ambulance Department. The Ambulance Department is hereby granted authority to contract to provide ambulance and emergency service outside the city of Red Lake Falls if so required.

Section 208.03.       **LICENSING**

The Ambulance Department, or if a contract is made with a nonprofit organization under Section 208.05, then such organization shall provide ambulance services to meet the requirements of this part and licensing requirements of Minnesota Statute 144.902.

Section 208.04.       **STANDARDS**

Subd. 1.       Qualifications.       Any operator, driver, or assistant accompanying such operator or driver shall possess a current certification as required by Minnesota Statutes.

Subd. 2.       Equipment.       Every ambulance, when in service, shall be equipped with and carry the minimal equipment recommended by the American College of Surgeons.

Subd. 3.       Service hours.       All ambulances offering emergency services shall operate on a 24 hour basis every day of the year.

Subd. 4.       Automatic safety equipment.       Every ambulance shall conform to any statutes of regulatory authority vested in the Department of Highway concerning automotive equipment and safety requirements.

Subd. 5.       Driver's license.       Any person driving an ambulance shall have, in his or her possession, a valid Minnesota driver's license.

Subd. 6.       Police emergency vehicle.       Nothing in this section shall prevent the operation of a police emergency vehicle.

Section 208.05.       **CONTRACT WITH NONPROFIT ORGANIZATION IN LIEU OF AMBULANCE DEPARTMENT**

In lieu of a city established Ambulance Department, the City may contract with any nonprofit organization within the City of Red Lake Falls organized to operate ambulances and provide ambulance services.

Section 208.06.       **PENALTY**

Any person who violates any provision of this Part will be subject to a fine of not more than \$1,000.00 or 90 days in jail, or both.

**PART 9. ELECTIONS**

**THAT SECTION 209.01 OF THE CODE OF ORDINANCE, CITY OF RED LAKE FALLS, MINNESOTA 1987 IS HEREBY AMENDED FEBRUARY 24, 1992 TO READ AS FOLLOWS:**

Section 209.01.       **ELECTION WARDS**

The City of Red Lake Falls is hereby divided into three election wards, to be described as follows:

FIRST WARD: All that part of the City of Red Lake Falls which lies East of Marshall Avenue N.E. beginning at the northerly city limits and Marshall Avenue N.E. thence along the center line of the Red Lake River northerly and easterly to the East City limits; thence southerly along the East City limits

to the center line of the Clearwater River; thence westerly and northerly along the centerline of the Clearwater River to Bridge Street N.E. thence northerly along the center line of Marshall Avenue N.E. to the point of beginning.

**SECOND WARD:** All that part of the City of Red Lake Falls which lies North of Fourth Street South and is bounded by the West City Limits and on the North by the centerline of the Red Lake River and the North boundary of the City limits extended easterly to Marshall Avenue N.E. thence south along the centerline of Marshall Avenue N.E. to the centerline of Bridge Street N.E.; thence westerly to the centerline of the Clearwater River to the centerline of Fourth Street S.E. and all that part of the City of Red Lake Falls which lies South of 4<sup>th</sup> Street South and West of Falls Avenue.

**THIRD WARD:** All that part of the City of Red Lake Falls which lies South of Fourth Street and East of Falls Avenue in the City of Red Lake Falls.

**PART 9. ELECTIONS (Before being revised 2/24/92)**

Section 209.01 **ELECTION WARDS**

The City of Red Lake Falls is hereby divided into three election wards, to be described as follows:

**FIRST WARD:** Beginning at the westerly City limits and Ninth Street N.E., thence following the City limits northerly and easterly to the West Boundary of Government Lot 8 and the center line of the Red Lake River; thence along the center line of the Red Lake River northerly and easterly to the East City limits; thence southerly along the East City limits to the center line of the Clearwater River; thence westerly and northerly along the centerline of the Clearwater River to Bridge Street N.E.; thence northerly along the center line of Marshall Ave. N.E. to Ninth Street N.E.; thence westerly along Ninth Street N.E. to the City Limits, the point of beginning.

**SECOND WARD:** All that part of the City of Red Lake Falls which lies North of Fourth Street South and is bounded by the West City limits on the North by the center line of the Red Lake River and the North Boundary of the City limits extended easterly to Ninth Street N.E. and along the center line of Ninth Street N.E. to the center line of Marshall Ave. N.E. thence South to the center line of Bridge Street N.D., thence westerly to the center line of the Clearwater River to the center line of Fourth Street S.E.

**THIRD WARD:** All that part of the City of Red Lake Falls which lies South of Fourth Street South.

**PART 10. FINANCE**

Section 210.01. **PAYMENT OF FINES, FORFEITURES AND PENALTIES INTO CITY TREASURY**

All fines, forfeitures, and penalties recovered for the violation of any ordinance of the City of Red Lake Falls shall be paid into the City Treasury by the court or officer receiving such moneys. Payment shall be made in the manner at the time provided by applicable law.

## **CHAPTER III. STREET, PARK, PUBLIC PROPERTY AND IMPROVEMENTS**

### **PART 1. STREET EXCAVATIONS**

#### **Section 301.01. PERMIT REQUIRED**

No person, except an authorized city employee or contractor performing work under a contract with the city, shall make any excavation in a street, alley, sidewalk, or public ground without first having secured a permit therefore from the City Administrator's Office. The fee for such a permit shall be \$10.00 for each location covered by the permit, but no fee shall be required for an excavation made pursuant to a permit for sewer or water construction.

#### **Section 301.02. APPLICATION AND REGULATIONS**

The City Administrator's Office shall prepare the necessary forms and permits required under section 301.01. He shall also prepare such rules and regulations with respect to excavations as he finds necessary to protect the public from injury, prevent damage to public or private property, and minimize interference with the public use of streets, alleys, sidewalks, and public grounds. Any person making an excavation covered by this section shall comply with such rules and regulations.

#### **Section 301.03. BOND**

Any permittee except a public utility corporation or a bonded plumber shall file with the City Administrator's Office a corporate surety bond in the amount of \$1,000.00 or the estimated repair cost, whichever is greater conditioned that the permittee will:

1. Perform work in connection with the excavation in accordance with applicable ordinances and regulations;
2. Indemnify the city and hold it harmless from all damage caused in the execution of such work; and
3. Pay all costs and damages suffered by the city by reason of the failure of the permittee to observe the terms of applicable ordinances and regulations or because of negligence in the execution of the work.

The bond shall be approved as to form and legality by the city attorney.

Any permittee except a public utility corporation shall furnish proof that the permittee has in existence an insurance policy protecting him from liability to the public, including the city, to an amount equal to the maximum claim the city might be required to pay under Minnesota Statutes, Chapter 466.

#### **Section 301.04. GENERAL REGULATIONS FOR EXCAVATIONS**

Street opening shall be made in a manner that will cause the least inconveniences to the public. Provisions shall be made for the passage of water along the gutters and at least one-half of the traveled portion of the street shall be left open and in good condition for the safe passage of vehicles. Open excavations shall be guarded with substantial barriers and marked with red flags and at night with red lights or flashing devices. Pipes or mains exposed to freezing temperatures shall be protected so as to prevent freezing. Any person responsible for exposing a city main or pipe so that it might be damaged by freezing shall be liable to the city for all damages caused by such freezing and all damages sustained by others such freezing for which the city may be liable.

Section 301.05.       **REFILLING EXCAVATIONS**

Every street excavation shall be refilled as soon as possible after the work is completed and paving, sidewalks, and appurtenances shall be replaced in at least as good condition as before the excavation to the satisfaction of the City Administrator or other designated person. All dirt and debris shall be removed immediately. Any person who fails to comply with these requirements within 24 hours after notice from the city shall be liable to the city for the full cost incurred by the city in remedying the defect and restoring the street, sidewalk, alley, or public ground to its proper condition. The cost shall be an obligation of the surety on the Bond.

Section 301.06.       **MAP OF SUBSURFACE INSTALLATIONS**

The City Hall maintains a map showing the location of all utility and other installations made beneath the surface of any public street, grounds or right of way. The information on the map shall be sufficiently complete and accurate to permit any one making an excavation in a public place having any underground installation to avoid damage to any existing underground installation and to properly locate any new underground facilities and shall be recorded on the map as soon as practicable upon the issuance of an excavation permit or the completion of a contract for the installation of City underground installations.

**PART 2.   ASSESSABLE   CURRENT   SERVICES;   OBLIGATIONS   OF  
PROPERTY OWNERS AND OCCUPANTS**

Section 302.01.       **DEFINITION**

The term “current service” as used in this ordinance means one or more of the following: snow, ice, or rubbish removal from sidewalks; weed elimination from street grass plots adjacent to sidewalks or from private property; removal or elimination of public health or safety hazards from private property, excluding any hazardous building included in Minnesota Statutes, Sections 463.15 to 463.26; installation or repair of water service lines; street sprinkling, street flushing, light street oiling, or other dust treatment of streets; repair of sidewalks and alleys; trimming and care of trees and removal of unsound and insect infected trees from the public streets or private property; and the operation of a street lighting system.

Section 302.02.       **SNOW, ICE, DIRT AND RUBBISH**

Subd. 1.       Duty of owners and occupants. The owner and the occupant of any property adjacent to a public sidewalk may use diligence to keep such walk safe for pedestrians. No such owner or occupant shall allow snow, ice dirt, or rubbish to remain on the walk longer than 36 hours after its deposit thereon.

Subd. 2.       Removal by city. The designated official shall remove from all public sidewalks all snow, ice, dirt and rubbish as soon as possible beginning 36 hours after any such matter has been deposited thereon or after the snow has ceased to fall. He shall keep a record showing the cost of such removal adjacent to each separate lot and parcel and shall deliver such information to the City Administrator.

Section 302.03.       **WEED ELIMINATION**

Subd. 1.       Weeds as a nuisance. Any weeds, whether noxious as defined by law or not, growing upon any lot or parcel of land outside the traveled portion of any street or alley in the City of Red Lake Falls to a greater height than 6 inches or which have gone or are about to go to seed are a nuisance. The owner and the occupant shall abate or prevent such nuisance on such property and on land outside the traveled portion of the street or alley abutting on such property.



Subd. 2. Notice. On or before June 1 each year and at such other times as ordered by resolution of the council, the City Administrator shall publish once in the official newspaper a notice directing owners and occupant of property within the city to destroy all weeds declared by Subdivision 1 to be a nuisance and stating that if not so destroyed within ten days after publication of the notice, the weeds will be destroyed by the weed inspector (street commissioner or other designated official) at the expense of the owner and that if not paid, the charge for such work will be made a special assessment against property concerned.

Subd. 3. Removal by city. If the owner or occupant of any property in the city fails to comply with the notice within ten days after its publication, the City or designated person (street commissioner or other designated officials) shall cut and remove such weeds. He shall keep a record showing the cost of such work attributable to each separate lot and parcel and shall deliver such information to the City Administrator.

Section 302.04. **PUBLIC HEALTH AND SAFETY HAZARDS**

When the city removes or eliminates public health or safety hazards from private property under city ordinance, the administrative officer responsible for doing the work shall keep a record of the cost of such removal or elimination against each parcel of property affected and annually deliver such information to the City Administrator. This section does not apply to hazardous buildings under hazardous building law, Minnesota Statutes, Section 463.15 to 463.26.

Section 302.05. **INSTALLATION AND REPAIR OF WATER SERVICE LINES**

Whenever the city install or repairs water service lines serving private property under Chapter IV of this code, the designated official shall keep a record of the total cost of the installation or repair against the property and deliver such information to the City Administrator annually by August 15 as to each parcel of property on which the cost has not been paid.

Section 302.06. **REPAIR OF SIDEWALKS AND ALLEYS**

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

Subd. 2. Inspections: notice. The designated official shall make such inspections as are necessary to determine that public sidewalks and alleys within the city are kept in repair and safe for pedestrians or vehicles. If he finds that any sidewalk or alley abutting on private property is unsafe and in need of repairs, he shall cause a notice to be served, by registered or certified mail or by personal service, upon the record owner of the property and the occupant, if the owner does not reside within the city or cannot be found therein, ordering such owner to have the sidewalk or alley repaired and made safe within 15 days and stating that if the owner fails to do so, the designated official will do so on behalf of the city, that the expense thereof must be paid by the owner, and that if unpaid it will be made a special assessment against the property concerned.

Subd. 3. Repair by city. If the sidewalks or alley is not repaired within 15 days after receipt of the notice, the designated official shall report the facts to the council and the council shall by resolution order the designated official to repair the sidewalk or alley and make it safe or order the work done by contract in accordance with law. The (street commissioner or other official) shall keep

a record of the total cost of the repair attributable to each lot or parcel of property and report such information to the City Administrator.

**Section 302.07. STREET SPRINKLING, STREET FLUSHING, TREE CARE, ETC.**

Subd. 1. Proposed projects. The council shall each year determine by resolution what streets and alleys shall be sprinkled or flushed, oiled, or given other dust treatment during the year and the kind of work to be done on each. The council shall also determine by resolution from time to time the streets on which trees shall be trimmed and cared for, the kind of work to be done, and what unsound trees shall be removed. Before any work is done pursuant to either of these resolutions, the city administrator shall, under council's direction, publish notice that the council will meet to consider such projects. Such notice shall be published in the official newspaper at least once no less than two weeks prior to such meeting of the council and shall state the date, time, and place of such meeting, the streets affected and the particular projects proposed, and the estimated cost of each project, either in total or on the basis of the proposed assessment per front foot or otherwise.

Subd. 2. Hearing; order. At such hearing or at any adjournment thereof, the council shall hear property owners with reference to the scope and desirability of the proposed projects. The council shall thereupon adopt a resolution confirming the original projects with such modifications as it considers desirable and shall provide for the doing of the work by day labor through the designated official or by contract.

The designated official shall keep record of the cost and the portion of the cost properly attributable to each lot and parcel of property abutting on the street or alley on which the work is done and shall report such information to the City Administrator.

**Section 302.08. PERSONAL LIABILITY**

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

**Section 302.09. ASSESSMENT**

On or before September 1 of each year, the City Administrator shall list the total unpaid charges for each type of current service against each separate lot or parcel to which they are attributable under this ordinance. The council may then spread the charges against property benefited as a special assessment under Minnesota Statutes, Section 429.01 and other pertinent statutes for certification to the county auditor and collection along with current taxes the following year or in annual installments, not exceeding ten, as the council may determine in each case.

**PART 3. LOCAL IMPROVEMENT POLICY**

**Section 303.01. CUTOFF DATE FOR PETITIONS**

No petition for construction of capital improvements shall be accepted or acted upon by the council unless it is filed with the City Administrator on or before September 1 of the year prior to the year of requested construction.

Section 303.02.           **CLASSIFICATION OF PROJECTS**

Subd. 1.           In general.   Public improvements are divided into the three classes specified in the following subdivisions according to their respective benefit to the whole city and to property specifically served by the improvement and taking into account past city practice.

Subd. 2.           **CLASS A.**   Class A improvements are those which are of general benefit to the city at large, including (1) public buildings, except a building which is part of an improvement described in one of the following subdivisions; (2) any public part, playground, or recreational facility; (3) the installation and maintenance of street lighting systems; and (4) any improvement not described in Minnesota Statutes, Section 429.021, Subdivision 1. Any such improvement shall be financed from general city funds and not from special assessments.

Subd. 3.           **CLASS B.**   Class B improvements are those which are of both general benefit and special benefit to abutting or nearby property. Class B improvements include: (1) major trunk water mains, (2) major trunk sanitary sewer mains, (3) permanently surfacing arterial streets; (4) storm sewers; (5) the construction of off –street parking facilities.

Subd. 4.           **CLASS C.**   Class C improvements are those which are primarily, if not exclusively of benefit to property abutting or in the area of the improvement, including (1) the construction of sidewalks; (2) the construction of water mains, (3) the construction of sanitary sewer mains, (4) the construction of curbs and gutters; (5) grading, graveling, oiling, and applying nonpermanent surfacing to streets; (6) permanently surfacing residential streets; (7) the abatement of nuisances and the draining of swamps, marshes and ponds on public or private property and filling the same.

Section 303.03.           **FINANCING CLASS B AND C IMPROVEMENTS**

It is the policy of the city to finance Class B and C improvements by the methods prescribed in Sections 303.04, 303.05, and 303.06. The apportionment of the cost between benefited property and the city at large and the method of levying assessments prescribed in those sections shall be followed in each case unless the council, by resolution, finds that because of special circumstances stated in the resolution a different policy is necessary or desirable in the particular case. Any local improvements described in Minnesota Statutes, Section 429.02 and not placed in Class A, B or C by Section 303.02 shall be financed as the council determines to be most feasible and equitable in each case.

Section 303.04.           **ASSESSMENT REGULATIONS FOR CLASS B IMPROVEMENTS**

Subd. 1.           Trunk water mains and sanitary sewers. When a water or sewer main is laid across or adjacent to un-platted property, the city shall not defer the assessment against the un-platted property if the assessment would be made for such an improvement in the case of platted property, but the city shall make the assessment payable over ten years at the time the assessment against other property is made, apportioning the assessment against the un-platted property on the basis of area. When a trunk sewer or water main is constructed and is to serve also as a lateral sewer or water main for abutting property, the abutting property shall be assessed for the cost of a lateral sewer or water main plus its proportionate share of the excess capacity. Other property benefited by the trunk sewer or water main but unable to utilize it until a lateral connected to the trunk sewer or water main has been built to serve the property shall not be assessed for its share of the cost of the trunk sewer or water main until the lateral is built. The assessment for the lateral shall then include the property’s share of the trunk sewer or water main. The cost of the trunk sewer or water main in excess of the lateral assessment shall be assessed on

the basis of area, frontage, or other rule against all properties benefited. The cost of a lift station shall be assessed on the basis of area, frontage, or other rule against that property actually benefited by the lift station.

Subd. 2. Arterial street surfacing. When an arterial street is paved with concrete, bituminous mat, or other permanent surface, the cost of the pavement in a 36 – foot roadway shall be assessed against the benefited property on the basis of frontage on the abutting street. When the standards for such paving are higher than those the city would use for a residential street, the cost to be assessed shall be based on the cost of paving a residential street of the same width. The rest of the cost shall be paid from general funds.

Subd. 3. Storm sewers. A portion of storm sewers construction costs as determined by the City Council shall be paid by the city from general funds. The remainder of the cost shall be assessed against the property in the area served by the sewer on the basis of the square footage of the property. The area to be assessed shall be determined on the basis of topographic maps and other pertinent data.

Section 303.05. **ASSESSMENT RULES FOR CLASS C IMPROVEMENTS**

Subd. 1. Sidewalks. The cost of the construction of sidewalks shall be assessed on the basis of frontage against property abutting the side of the street on which the sidewalk is located.

Subd. 2. Water and sewer. The cost of lateral water mains and of lateral sanitary sewer mains shall be assessed against abutting property on the basis of frontage. The cost of water mains to be assessed includes the service lines if furnished, hydrants, and valves. The cost of sewer mains includes lines, if furnished.

Subd. 3. Streets. The cost of construction of curbs and gutters on any street, of grading, oiling, and applying nonpermanent surfacing to any street, or of applying permanent surfaces to residential streets shall be assessed on the basis of frontage.

Subd. 4. Nuisances. The cost of abating nuisances and draining of swamps, marshes and ponds on public or private property and filling the same shall be assessed in a manner determined by the council in each case to measure most equitably the benefit received by property to be assessed. The assessment in any such case may be made against non-abutting property to the extent the property is benefited by the improvement.

Section 303.06. **SPECIAL RULES**

Subd.1. Corner lots. In any assessment made on basis of frontage, except one for water or sanitary sewer, corner lots shall be assessed for footage along the front of the lot plus one-third of the side footage; the other two-thirds of the side footage shall be spread among all other assessed properties. In the case of an assessment for a lateral water or sewer main, Class C, corner lots shall be assessed for the frontage along the front side of the lot and shall be assessed for the footage along the front side of the street abutting the lot unless the lot is large enough to accommodate another building which would be benefited by construction of the second main.

Subd. 2. Intersections. The cost of water and sewer improvements in street intersections shall be included as part of the total assessable cost. In the case of any kind of street improvement, intersection costs shall be paid by the city.

Subd. 3. Adjusted frontage. When the amount of an assessment is determined by frontage, an equivalent front footage shall be determined according to the following rules when an irregular lot requires such adjustment to maintain fairness in the assessment:

- a. Front footage shall be measured at setback on cul-de-sacs and sharply curved streets and irregularly shaped lots.
- b. Equivalent front footage shall be determined by dividing the square footage of the lot by the general lot depth of the subdivision for pie-shaped lots and irregular shaped lots where other rules do not apply.
- c. Where frontage curves so greatly as to a general appearance of a corner, the lot shall be considered a corner lot and equivalent front footage, as well as side footage where required, determined on the basis of an irregularly shaped lot.
- d. Where a lot consists of a combination of rectangular and pie-shaped or irregular portions, the equivalent front footage shall be determined as the sum of the straight front footage plus the remainder in accordance with applicable rules.

**Section 303.07. FEDERAL, STATE AND COUNTY AID USE**

If the city receives financial assistance from the federal government, the state, or the county to defray a portion of the cost of a street improvement project, such aid shall be used first to reduce the share of the project cost which would be met from general city funds according to the assessment formula contained in this ordinance. If such aid is more than the amount of the improvement cost to be borne by the city, the remainder of the aid so received shall be used to reduce each individual assessment proportionately.

**Section 303.08. PROCEDURAL RESTRICTIONS**

Subd. 1. In general. In addition to conforming to the provisions of Minnesota Statutes, Chapter 429, proceedings for a public improvement to be paid wholly or partly by special assessments shall conform to the requirements of this section.

Subd. 2. Waivers. When the estimated cost of an improvement is less than \$25,000 and the council has determined that at least twenty (20) percent of the estimated project cost can be collected by special assessments, the improvement contract shall not be entered into or the work shall not be commenced by day labor unless all property owners subject to the assessment have signed and submitted to the City Administrator waivers of the right to appeal from the assessment when levied.

Subd. 3. Conditional contracts. When the estimated cost of improvement is \$25,000 or more and the council has determined that at least twenty (20) percent of the estimated project cost can be collected by special assessments, the contract for the improvement shall provide that no work shall be undertaken pursuant to the contract until 30 days after the hearing on the proposed assessment. The contract shall also provide that if any objection to the proposed assessment is filed within such 30-day period, the contract shall be void.

Subd. 4. Findings on market value increase. Before determining proposed special assessments on any project, the city shall gather as much evidence as is practical and useful to show that the aggregate benefits to property to be assessed do not exceed the cost of the project and that each proposed individual assessment does not exceed the increase in market value on the property on which the assessment is to be made.

**Section 303.09. DEFERMENT OF SPECIAL ASSESSMENTS FOR SENIOR CITIZENS**

Subd. 1. When deferred. The council may defer the payment of any special assessment on homestead property owned by a person who is 65 years of age or older and has an annual income equal to State of MN poverty level. The deferment shall be granted upon a certification by the qualification of the owner for such deferment. The application shall be made within 30 days after a similar application not later than September 30. The council shall either grant or deny the deferment and, if it grants the deferment, it may require the payment of the interest due each year. If the council grants the deferment, the City Administrator shall notify the county auditor of that fact.

Subd. 2. When deferment ends. The option to defer the payment of special assessments shall terminate and all amounts accumulated plus applicable interest shall become due upon the occurrence of any one of the following events: (1) the death of the owner when there is not spouse who is eligible for deferment; (2) the sale, transfer, or subdivision of all or any part of the property; (3) loss of homestead status on the property; (4) determination by the council for any reason that there would be no hardship to require immediate or partial payment; or (5) failure to file a renewal application within the time prescribed by Subdivision 1.

Subd. 3. Procedure for termination. Upon the occurrence of one of the events specified in Subdivision 2, the council shall terminate the deferment. Thereupon, the City Administrator shall notify the county assessor and the county auditor of the termination, including the amounts accumulated on unpaid installments plus applicable interest which shall become due and payable as a result of the termination.

**Section 303.10. BRANCH SERVICE LINES**

Water and sewer lines shall be installed from the main to the front property line of property to be served before any permanent street surfacing is constructed in the street. If any property owner fails to put in such water and sewer service lines within 30 days after notice from the City Administrator, the City Council shall proceed to have water and sewer service installed and to assess the cost against the property.

**Section 303.11. PARTIAL REPAYMENT**

After the adoption by the City Council of the assessment roll in any local improvement proceeding, the owner of any property specially assessed in the proceeding may, prior to the certification of the assessment or the first installment to the county auditor, pay to the city administrator any portion of the assessment not less than \$500.00. The remaining unpaid balance shall be spread over the period of time established by the council for installment payment of the assessment.

**Section 303.12. CERTIFICATION OF ASSESSMENTS**

After the adoption of any special assessment by the council, the city administrator shall transmit a certified duplicate of the assessment roll with each installment, including interest, set forth separately to the county auditor to be extended on the proper tax lists of the county.

Section 303.13. **PERMANENT IMPROVEMENT REVOLVING FUND**

Subd. 1. Establishment. There is hereby established a permanent improvement revolving fund of the city to be held and administered by the city administrator, separate and apart from all other funds of the city, for the purpose of financing local improvements.

Subd. 2. Source of funds. The fund shall be a permanent fund of the city and the monies necessary for its maintenance shall be provided by taxation, by the appropriation of available monies from other funds of the city, and/or by the issuance and sale of permanent improvement revolving fund bonds of the city as deemed necessary from time to time by the council.

Subd. 3. Disposition of funds. Monies in the fund shall be used only as directed by resolution of the council for the purpose of advancing to local improvement funds the cost of improvements for which assessments are to be levied. All such monies so advanced to an improvement fund shall be restored as soon as sufficient monies are received in the improvement fund, together with interest at a rate fixed by the council at not less than statutory rate per annum during the time for which monies have been so furnished.

Subd. 4. Investment. Whenever there are monies in the fund not immediately needed for local improvements, such monies shall be invested by the city administrator under the direction of the council in any securities authorized for investment of municipal sinking funds by law.

Subd. 5. Transfer of surplus. When the fund accumulates encumbered monies in excess of any amounts reasonably anticipated to the needed for local improvement fund advances, the council may, by resolution adopted by a two-thirds vote, declare any part of such excess to be surplus and transfer it to the general fund.

Section 303.14. **ASSESSMENT MANUAL**

The City Administrator shall prepare an administrative manual specifying more detailed procedures for the conduct of local improvements and the levy of special assessments in supplementation of this ordinance and consistent therewith. Upon approval of the council by resolution, such manual shall be used with this ordinance in the conduct of all local improvement proceedings to which they apply by their terms.

**CHAPTER IV. WATER AND SEWER**

**PART 1. GENERAL PROVISIONS ON WATER AND SEWER SYSTEMS**

Section 401.01. **WATER AND SEWER DEPARTMENT**

There is hereby established a water and sewer department, which shall be under the supervision of the designated official. The department shall be responsible for the management, maintenance, care, and operation of the water works and sanitary sewage system of the city.

Section 401.02. **USE OF WATER OR SEWER SYSTEM RESTRICTED**

No person shall 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.

Section 401.03.       **APPLICATION FOR SERVICE**

Subd. 1.       Procedure.       Application for a water or sewer service installation and for water service shall be made to the City Administrator on forms prescribed by the City Council and furnished by the city. By his signature, the applicant shall agree 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. 2.       Fees or deposit.       Application for a service installation shall be made by the owner of the property to be served or by his 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 his agent or by the tenant or occupant of the premises.

Section 401.04.       **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 City Administrator. The fee for water and sewer connections shall be set by City Council resolutions. A copy of this schedule shall be in the appendix of this code. These fees shall be in addition to any fees required under Subdivision 2, 3, and 4.

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 the necessary street repairs.

Subd. 3.       Certification.       No permit shall be issued to connect with any water or sanitary sewer main unless the applicant certifies to the truth of one of the following or the payment required under Subdivision 4 is made:

1. That the lot or tract to be served has been assessed for the cost of construction 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
2. That the cost of construction of the main has been paid by the developer or builder platting the lot or tract; or
3. That, if neither of the foregoing is true, a sum equal to the portion 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 attributable to the property upon the same basis as any assessment previously levied against other property for the main. The determination shall be made by the City Council. If no such assessment has been levied, the assessable cost shall be determined upon the basis of the uniform charge 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. Where the assessable cost cannot be determined, the charge shall be set by the City Council based on front footage of the property to be served. In no event shall the connection charge made under this subdivision exceed the increase in value of the property attributable to the main.



Subd. 5. Notice and hearing. Before the City Council makes a final determination of the additional connection fee under Subdivision 4, (s)he shall submit a written notice to the applicant stating the amount of the proposed connection fee and the basis of its calculation. The notice shall also state that the applicant may, within ten days of receipt of the notice demand a hearing on the matter. If the applicant requests a hearing within that time, a hearing shall be held on the matter of the City Council at least one week after the date in which the request is made. If as a result of the hearing, the City Council finds that the proposed connection fee complies with the requirements of Subdivision 4, it shall so determine. If (s)he determines that the proposed fee is in excess of the amount that would have been assessed had the property been assessed for the main or in excess of the increase in market value attributable to construction of the main, (s)he shall make a determination of the proper amount of the fee within the limits specified in Subdivision 4. No connection shall be made without payment of the connection fee determined after the hearing or determined after the expiration of ten days from receipt of the notice when there has been no request within that time for a hearing.

Section 401.05. **ACCOUNTING, BILLING, AND COLLECTION**

Subd. 1. Accounts in name of owner. All accounts shall be carried in the name of the owner. The owner shall be liable for water supplied to his property, whether he 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 together. Bills shall be mailed to the customers monthly and shall specify the water consumed and the sewer and water charges in accordance with the rates set out in this chapter.

Subd. 3. Delinquent accounts. All charges for water and sewer service shall be due on the monthly due date specified by the city for the respective account and shall be delinquent 15 days thereafter. The city shall endeavor to collect delinquent accounts promptly. In any case, where satisfactory arrangements for payment have not been made, the Public Works Department may, after the procedural requirements of Subdivision 4 have been complied with, discontinue 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 of \$20.00. Delinquent accounts shall be certified to the City Administrator 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 November 1 each year for certification to the county auditor for collection along with taxes. Such action optional and may be subsequent to taking legal action to collect delinquent accounts.

**THAT SECTION 401.05 SUBDIVISION 4 IS HEREBY AMENDED, AS PASSED BY THE CITY COUNCIL ON MARCH 24, 2008, DOES NOT CHANGE IN CONTENT, BUT THE FOLLOWING IS ADDED TO DEFINE THE SCHEDULE/PROCEDURE FOR GIVING NOTICE OF SHUT OFF TO DELINQUENT ACCOUNTS.**

Residents having a delinquent utility bill of 45 days will receive a certified letter. The resident will be charged for the certified mail expense at the current rate. The resident will have until the 5<sup>th</sup> business day after receiving the certified letter to pay the utility bill in full. If the resident has not paid the utility bill in full before the 5<sup>th</sup> business day following receipt of the certified letter, the resident will have the water services shut off. To restore the resident's utilities, the resident must pay the utility bill in full including the current month, pay a reconnection fee of \$20.00 and a penalty of \$150.00. After the second disconnect the resident must pay an additional \$200.00 penalty.

**THAT SECTION 401.05 SUBDIVISION 3 IS HEREBY AMENDED, AS PASSED BY THE CITY COUNCIL ON DECEMBER 14, 1998, IT DOES NOT CHANGE IN CONTENT, BUT THE FOLLOWING IS ADDED TO DEFINE THE SCHEDULE/PROCEDURE FOR GIVING NOTICE TO PROPERTY OWNERS OF DELINQUENT ACCOUNTS PRIOR TO CERTIFICATION TO COUNTY AUDITOR TO BE PLACED ON ASSESSMENT ROLE.**

Notice (by certified letter) to property owners affected by a delinquent utility bill will occur 75 days after the last day a utility bill can be paid without penalty (15<sup>th</sup> of each month) or 90 days from the time the bill is sent. This notice will typically occur 20 days after shut off of service. In any case this notice shall occur to inform the property owner of the process of applying the delinquent account to the property taxes of the affected property in December of the year in which the delinquency occurred.

Subd. 4. Procedure for shut off 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 personally served or by registered mail to last known resident 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 is held. If the customer requests a hearing before the date specified, a hearing shall be held on the matter by the City Council at least one week after the date on which the request is made. If as a result of the hearing, the City Council finds that the amount claimed to be owing is actually due and unpaid and that there is no legal reason why the water supply of the delinquent customer may not be shut off in accordance with the ordinance, the city may shut off the supply.

**THAT SECTION 401.05 SUBDIVISION 4 IS HEREBY AMENDED, AS PASSED BY THE CITY COUNCIL ON MARCH 9, 1998, DOES NOT CHANGE IN CONTENT, BUT THE FOLLOWING IS ADDED TO DEFINE THE SCHEDULE/PROCEDURE FOR GIVING NOTICE OF SHUT OFF TO DELINQUENT ACCOUNTS.**

Notice (by certified letter) will occur 45 days after the last day a utility bill can be paid without penalty (15<sup>th</sup> of each month) or 60 days from the time the bill is sent. Ten (10) days after sending of the notice, water service can be shut off (total delinquency = 70 days).

Initial notice of delinquency occurs at the time an account reaches over 15 days old and shows up right on the monthly bill as a late fee.

Section 401.06            **PROTECTION OF PUBLIC AND CITY**

Subd. 1. Permit and bond. A permit for construction and connection of the extension between a building drain and the sewer main and stub, herein called the building sewer, or between the building water service pipes and a water main or stub shall be issued only upon application by a master plumber who has furnished a bond either to the city administrator or the secretary of state under Minnesota Statutes 326.40. The bond shall be in the amount of \$2,000 conditioned so as to secure compliance by the principal with the provisions of this chapter and to further secure performance by him of all work undertaken within the city.

Subd. 2. Liability insurance. Before undertaking the construction work authorized by the permit, the plumber shall secure and maintain a policy of insurance in the amount of \$300,000

combined single limit or equivalent or equivalent against damages to property or injury or death to persons. 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. 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 is adequate in amount, the master plumber shall indemnify and save harmless the city and its personnel in like matter.

Subd. 3. Apportionment of cost. 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. He shall indemnify the city for any loss or damage directly or indirectly caused by its installation and connection. To the extent he deems necessary, the City Administrator shall establish rules and regulations for the proper implementation of these requirements which, when approved by the council by resolution, shall govern the installation and connection of building sewers and extension of water service to private property.

## **PART 2. WATER SYSTEM**

### **Section 402.01. 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 401.05, Subdivision 4, for nonpayment 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 except 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 cock 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 service. If he fails to repair any leak in such service pipe within 24 hours after notice by the city, the city may turn the water off. 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. The City Administrator may work a payment schedule at this discretion.

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 Administrator.

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 City Administrator 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, the department shall ascertain that no cross connection will exist when the new connection is made.

Subd. 7. Restricted hours. Whenever the council determines that a shortage 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 \$100.00 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 charge provided above. Continued violation shall be cause for discontinuance of water service.

Subd. 8. Permitting use by others. No person shall permit city water to be used for any purpose except upon his own premises except in any emergency and then only if written permission is first obtained from the City Administrator. Anyone wishing to obtain water from a hydrant for construction purposes shall make application to the City Administrator's office for such services.

#### Section 402.02. **METERS**

Subd. 1. Meters required. Except for the extinguishments of 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 City Administrator shall connect, disconnect, take apart, or in any manner change or interfere with any such meter or its use.

Subd.2. Deposit. A city meter shall be installed by a licensed plumber. A perpetual care fee shall be set by council resolution, a copy of which shall be in the appendix of this code.

Subd. 3. Maintenance. The city shall maintain and repair at its expense any meter that has become 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 charged is paid.

Subd. 4. Complaints / meter testing. When a consumer complains that the bill for any past service period is excessive, the city shall have the meter reread on request. If the consumer remains dissatisfied, he may, on written request and the deposit of an amount adopted by council resolution, a copy of which is in the appendix of this code, have the meter tested. If the test shows an error in the individual's favor exceeding five percent of the water consumed, the deposit shall be refunded, an accurate meter shall be installed, and the bill shall not extend back more than one service period from the date of the written request.

Subd. 5. 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. 6. 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.

**THE CODE OF ORDINANCES OF THE CITY OF RED LAKE FALLS, MINNESOTA 1987 IS HEREBY AMENDED BY ADDING A SUBDIVISION TO BE NUMBERED SUBDIVISION 7, WHICH SUBDIVISION READS AS FOLLOWS:**

Subd. 7. The City is responsible for the installation and maintenance of the water main to the curb box and property owner be responsible for all costs for installation and maintenance of that pipe from the water main to the home including the curb box. After installation the City will be responsible for the repair of the copper pipe from the curb box to the main.

Section 402.03 **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 6 feet below the surface and be so arranged as to prevent rupture by freezing. A shut off or other stop cock 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. Copper tubing or high pressure plastic shall be used for all services of two inches or less. Joints 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. Connections with the mains for domestic supply shall be at least  $\frac{3}{4}$  of an inch.

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

1. 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.
2. The bottom of the meter shall be between 6 and 12 inches above the finished floor line. The meter shall be set not more than 12 inches horizontally from the inside line of the basement wall unless a different position is approved by the Public Works Department. A suitable bracket shall be provided to support the meter in a proper vertical position and prevent noise from vibration.
3. 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.
4. 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.
5. Meter setting devices for  $\frac{5}{8}$  inch,  $\frac{3}{4}$  inch, and 1 inch meters shall be of copper pipe or tubing from the terminus of the service pipe up to and including the stop and waste valve of the building site.

Subd. 3. Location of stop boxes. Curb stop boxes shall be installed generally where desired by the owners of occupied properties, but they shall be placed as near as possible to the curb if on a street or within one foot of the alley line if the main is located in the alley. They shall be installed at an approximate depth of 6 feet below the established grade and shall be left in an accurate vertical position when back filling is completed.

Section 402.04. **WATER RATES**

Subd. 1. Rate schedule. The City Council shall by resolution adopt a utility rate schedule which shall be in the appendix of this code.

Subd. 2. Service charge. A \$2.00 fee or a 1 ½% penalty per month on the outstanding balance whichever is greater shall be assessed against delinquent accounts.

Subd. 3. Demand rate. The City Council shall by resolution adopt a utility demand rate schedule which shall assess various charges based on the size of the service. The schedule shall be in the appendix of this code.

### **PART 3. SEWER USE REGULATIONS**

Section 403.01. **DEFINITIONS**

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall have the meanings hereinafter designated.

“Act” – The Federal Water Pollution Control Act also referred to as the Clean Water Act, as amended, 33. U.S.C. 1251, et seq.

“ASTM” – American Society for Testing Materials.

“Authority” – The City of Red Lake Falls, Minnesota or its representative thereof.

“BOD 5 or Biochemical Oxygen Demand” – The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees centigrade in terms of milligrams per liter (mg/l).

“Building Drain” – That part of the lowest horizontal piping of a draining system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the building wall.

“Building Sewer” – The extension from the building drain to the public sewer or other place of disposal, also referred to as a house connection or service connection.

“City” – The area within the corporate boundaries of the City of Red Lake Falls as presently established or as amended by ordinance or other legal actions at a future time. The term “City” when used herein may also be used to refer to the City Council and its authorized representative.

“Chemical Oxygen Demand (COD)” – The quantity of oxygen utilized in the chemical oxidation of organic matter as determined by standard laboratory procedures, and as expressed in terms of milligrams per liter (Mg/l).

“Compatible Pollutant” – Biochemical oxygen demand, suspended solids, PH, and fecal coli-form bacteria, plus additional pollutants identified in the NPDES/SDS permit if the treatment facilities are designated to treat such pollutants to a degree which complies with effluent concentration limits imposed by the permit.

“Control Manhole” – A structure specially constructed for the purpose of measuring flow and sampling wastes.

“Easement” – An acquired legal right for the specific use of land owned by others.

“Fecal Coli-form” – Any number of organisms common to the intestinal tract of man and animals whose presence in sanitary sewage is an indicator of pollution.

“Float able Oil” – Oil, fat or grease in a physical state, such that it will separate by gravity from wastewater.

“Garbage” – Animal and vegetable waste resulting from the handling, preparation, cooking and serving of food.

“Incompatible Pollutant” – Any pollutant that is not defined as a compatible pollutant (Sec. 9) including non-biodegradable dissolved solids.

“Industry” – Any non-governmental or non-residential user of a publicly owned treatment works which is identified in the Standard Industrial Classification Manual, latest edition, which is categorized in Divisions A, B, D, E, and I.

“Infiltration” – Water entering the sewage system (including building drains and pipes) from the ground through such means as defective pipes, pipe joints, connections, and manhole walls.

“Infiltration/Inflow (I/I)” – The total quantity of water from both infiltration and inflow.

“Inflow” – Water other than wastewater that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, yard and area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers, catch basins, surface runoff, street wash waters or drainage.

“Interference” – The inhibition or disruption of the City’s wastewater disposal system processes or operations which causes or significantly contributes to a violation of any requirement of the City’s NPDES and/or SDS permits. The term includes of sewage sludge use or disposal by the City in accordance with published regulations providing guidelines under Section 405 of the Act or any regulation developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria applicable to the method of disposal or use employed by the city.

“National Categorical Pretreatment Standards” – Federal regulations establishing pretreatment standards for introduction of pollutants in publicly owned wastewater treatment facilities which are determined to be not susceptible to treatment by such treatment facilities or would interfere with the operation of such treatment facilities, pursuant to Section 307 (b) of the Act.

“National Pollutant Discharge Elimination System (NPDES) Permits” – A permit issued by the MPCA, setting limits on pollutants that a permittee may legally discharge into navigable waters of the United States pursuant to Section 402 and 405 of the Act.

“Natural Outlet” – Any outlet, including storm sewers and combined sewers, which overflow into a watercourse, pond, ditch, lake or other body of surface water or ground water.

“Non-contact Cooling Water” – The water discharged from any use such as air conditioning, cooling or refrigeration, or during which the only pollutant added, is heat.

“Normal Domestic Strength Waste” – Wastewater that is primarily introduced by residential users with a BOD5 concentration not greater than 250 mg/l and a suspended solids (TSS) concentration not greater than 250 mg/l.

“Person” – Any individual, firm, company, association, society, corporation, or group.

“pH” – The logarithm of the reciprocal of the concentration of hydrogen ions in terms of grams per liter of solution.

“Pretreatment” – The treatment of wastewater from industrial sources prior to the introduction of the waste effluent into publicly owned treatment works. (see Sec.23.)

“Properly Shredded Garbage” – The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than ½ inch (1.27 cm) in any dimension.

“Sewage” – The spent water of a community. The preferred term is wastewater.

“Sewer” – A pipe or conduit that carries wastewater or drainage water.

- a. “Collection Sewer” – A sewer whose primary purpose is to collect wastewater from individual point source discharges and connections.
- b. “Combined Sewer” – A sewer intended to serve as a sanitary sewer and storm sewer
- c. “Force Main” – A pipe in which wastewater is carried under pressure.
- d. “Interceptor Sewer” – A sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.
- e. “Private Sewer” – A sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.
- f. “Public Sewer” – A sewer owned, maintained and controlled by a public authority.



- g. “Sanitary Sewer” – A sewer intended to carry only liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters which are not admitted intentionally.
- h. “Storm Sewer or Storm Drain” – A drain or sewer intended to carry storm waters, surface runoff, ground water, subsurface water, street wash water, drainage, and unpolluted water from any source.

“Shall” is mandatory: “May” is permissive.

“Significant Industrial User” – Any industrial user of the wastewater treatment facility which has a discharge flow (1) in excess of 25,000 gallons per average work day, or (2) has exceeded five percent (5%) of the total flow received at the treatment facility, or (3) whose waste contains a toxic pollutant in toxic amounts pursuant to Section 307 (a) of the Act, or (4) whose discharge has significant effect, either singly or in combination with other contributing industries, on the wastewater disposal system, the quality of sludge, the system’s effluent quality, or emissions generated by the treatment system.

“Slug” – Any discharge of water or wastewater which in concentration of any given constituent, or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average 24-hour concentration of flows during normal operation, and shall adversely affect the collection and/or performance of the wastewater treatment works.

“State Disposal System (SDS) Permit” – Any permit (including any terms, conditions and requirement thereof) issued by the MPCA pursuant to Minnesota Statutes 115.7 for a disposal system as defined by Minnesota Statutes 115.01, Subdivision 8.

“Superintendent” – The utilities Superintendent or a deputy, agent or representative thereof.

“Suspended Solids (SS) or total Suspended Solids (TSS)” – The total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and is removable by laboratory filtering as prescribed in “Standard Methods for the Examination of Water and Wastewater”, latest edition, and referred to as non-filterable residue.

“Toxic Pollutant” – The concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse effects as defined in standard issued pursuant to Section 307 (a) of the Act.

“Unpolluted Water” – Water of quality equal to or better than the effluent criteria effect, or water that would not cause violation of receiving water quality standards, and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities. (See “Non-contact Cooling Water”, Sec. 23.)

“User” – Any person who discharges or causes or permits the discharge of wastewater into the city’s wastewater disposal system.

“Wastewater” – The spent water of a community and referred to as sewage. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with any ground water, surface water and storm water that may be present.

“Wastewater Treatment Works or Treatment Works” – An arrangement of any devices, facilities, structures, equipment, or processes owned or used by the City for the purpose of the transmission, storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage or industrial wastewater, or structures necessary to recycle or reuse water including interceptor sewers, outfall sewers, collection sewers, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal or residues resulting from such treatment.

“Watercourse” – A natural or artificial channel for the passage of water, either continuously or intermittently.

“WPCF” – The Water Pollution Control Federation.

**Section 403.02. CONTROL BY THE UTILITIES SUPERINTENDENT**

The utilities Superintendent shall have control and general supervision of all public sewers and service connections in the city, and shall be responsible for administering the provisions of this ordinance to the end that a proper and efficient public sewer is maintained.

**Section 403.03. GENERAL REGULATIONS**

1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under jurisdiction, any human or animal excrement, garbage or objectionable waste.
2. It shall be unlawful to discharge to any natural outlet any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance and the City’s NPDES/SDS Permit.
3. Except as provided hereinafter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.
4. The owners(s) of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes from which wastewater is discharged, and which is situated within the City and adjacent to any street, alley, or may in the future be located, a public sanitary sewer of the City, shall be required at the owner(s) expense to install a suitable service connection to the public sewer in accordance with provisions of this Code, within 90 days of the date said public sewer is operational, provided said public sewer is within 200 feet of the structure generating the wastewater. All future buildings constructed on property adjacent to the public sewer shall be required to immediately connect to the public sewer. If sewer connections are not made pursuant to this section, an official thirty (30) day notice shall be served instructing the affected property owner to made said connection.
5. In the event an owner shall fail to connect to a public sewer in compliance with a notice given under Article III, Section 4 of the Ordinance, the City must undertake to have said connection made and shall assess the cost thereof against the benefited property. Such assessment, when levied, shall bear interest at the rate determined by the City Council and shall be certified to the Auditor of the County of Red Lake, Minnesota and shall be collected and remitted to the

City in the same manner as assessments for local improvements. The rights of the City shall be in addition to any remedial or enforcement provisions of this ordinance.

Section 403.04.        **PRIVATE WASTEWATER DISPOSAL**

1. Where a public sewer is not available under the provisions of Article III, Section 4, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Article.
2. Prior to commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the City. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary to the City.
3. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the City or its authorized representative. The City or its representative shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the City when work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty four hours of the receipt of notice.
4. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of 6 MCAR 4.8040, entitled "Individual Sewage Treatment System Standards"
5. At such time as a public sewer becomes available to a property serviced by a private wastewater disposal system, a direct connection shall be made to the public sewer within 365 days in compliance with the Ordinance, and within 30 days any septic tanks, cesspools, and similar private wastewater disposal systems shall be cleaned of sludge. The bottom shall be broken to permit drainage, and the tank or pit filled with suitable material.
6. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the City.
7. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the MPCA or the Department of Health of the State of Minnesota.

Section 403.05.        **BUILDING SEWERS AND CONNECTIONS**

1. Any new connection(s) to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to capacity for flow, BOD5' and Suspended Solids, as determined by the Superintendent.
2. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City.

3. Applications for permits shall be made by the owner or authorized agent and the party employed to do the work and shall state the location, name of owner, street number of the building to be connected, and how occupied. No person shall extend any private building drain beyond the limits of the building or property for which the service connection permit has been given.
4. There shall be two (2) classes of building sewer permits; (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the application shall be supplemented by any plans, specifications, or any other information considered pertinent in the judgment of the City The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.
5. All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the City from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.
6. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. The building sewer from the front building may be extended to the rear building and the whole considered one building sewer.

The City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such connection aforementioned.

7. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent or his representative, to meet all requirements of this ordinance.
8. The size, slopes, alignment, materials or construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling of the trench, shall all conform to the requirements of the State of Minnesota Building and Plumbing code or applicable rules and regulations of the City. In the absence of code provisions or in the amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9, shall apply.
9. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
10. No person(s) shall make connection of roof down spouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or indirectly to the wastewater disposal system.
11. The connection of the building sewer into the public sewer shall conform to the requirement of the State of Minnesota Building and Plumbing Code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the ASTM and the

WPCF Manual of Practice No. 9. All such connections shall be made gas, tight and watertight, and verified by proper testing to prevent the inclusion of infiltration/inflow. Any deviation from the prescribed procedures and materials must be approved by the City prior to installation.

12. The applicant for the building sewer permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer. The connection and inspection shall be made under the supervision of the Superintendent or authorized representative thereof.
13. All excavations for building sewer installation shall be adequately guarded with rancidness and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work, shall be restored in a manner satisfactory to the City.
14. No person shall make a service connection with any public sewer unless permitted under this chapter to perform such work, and no permit shall be granted to any person except such regularly licensed. Person.
15. Any person desiring a license to make a service connection with public sewers, shall apply in writing to the City Council with satisfactory evidence that the applicant or employer is trained, skilled and licensed in the State of Minnesota as a plumber. All applications shall be referred to the City Administrator. If approved by the City Administrator, such permit shall be issued upon the filing a bond as hereinafter provided.
16. No permit shall be issued to any person until a \$1,000 bond and/or certified check to the City, approved by the council, is filed with the City Administrator conditioned that the licensee will indemnify and save harmless the City from all suits, accidents, and damage that may arise by reason of any opening in any street, alley, or public ground, made by the licensee or by those in the licensee's employment for any purpose whatever, and that the licensee will replace and restore the street and alley over such opening to the condition existing prior to installations, adequately guard with barricades and lights and will keep and maintain the same to the satisfaction of the City Administrator, and shall conform in all respects to the rules and regulation of the Council relative thereto, and pay all fines that may be imposed on the licensee by law.
17. The permit for each service connection shall be set by City Council resolution and be in the appendix of this code. All permits shall expire on December 31 of the permit year unless the permit is suspended or revoked by the Council for cause.
18. The council may suspend or revoke any permit issued under this article for any of the following causes:
  - a. Giving false information in connection with the application for a permit.
  - b. Incompetence of the permittee.
  - c. Willful violation of any provisions of this article or any rules or regulation pertaining to the making of service connection.

Section 403.06. **USE OF PUBLIC SERVICES**

1. No person(s) shall discharge or cause to be discharged any unpolluted water such as storm water, ground water, roof runoff, surface drainage, or non-contact cooling water to any sanitary sewer.
2. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers or to a natural outlet approved by the City and other regulatory agencies. Industrial cooling water or unpolluted process waters may be discharged to a storm sewer or natural outlet on approval of the City and upon approval and the issuance of a discharge permit by the MPCA.
3. No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
  - a) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater disposal system or to the operation of the system. prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketone, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.
  - b) Solid or viscous substances which will cause obstructions to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half (1/2) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, strew, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.
  - c) Any wastewater having a pH of less than 5.0 or greater than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater disposal system.
  - d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to inhibit or disrupt any wastewater treatment process, constitute a hazard to humans or animals, or create a toxic effect in the receiving waters of the wastewater disposal system. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307 (a) of the Act.
4. The following described substances, materials, water, or wastes shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either sewers, the wastewater treatment works treatment process or equipment, will not have an adverse effect on the receiving stream and/or soil, vegetation and ground water, or will not otherwise endanger lives, limb public property, or constitute nuisance. The Superintendent may set limitations lower than limitations established in the regulation below if, in his opinion, such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability of wastes, the Superintendent will give consideration to such factors as the

quantity of subject waste in reaction to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, the City's NPDES and/or SDS permit, capacity of the sewage treatment plant, degree of treat ability of wastes in the sewage treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Superintendent are as follows:

- a) Any wastewater having a temperature greater than 150 degree F (65.6 degrees C), or causing, individually or in combination with other wastewater, the in fluent at the wastewater treatment plant to have a temperature exceeding 104 degree F (40 degree C), or having heat in amounts which will inhibit biological activity in the wastewater treatment works resulting in interference therein.
- b) Any wastewater containing fat, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/1 or containing substance which may solidify or become viscous at temperatures between 32 degree F and 150 degree F (0 degree C and 65.6 degrees C); and any wastewater containing oil and grease concentrations of mineral origin of greater than 100 mg/1 emulsified or not.
- c) Any quantities of flow, concentration, or both which constitute a "slug" as defined herein. (See Article I, Section I, Section 33).
- d) Any garbage not properly shredded, as defined in Article I, Section 31. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurant, hospitals, catering establishments, or similar places where garbage originates from the preparation of food on the premises or when served by caterers.
- e) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are capable of creating a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for their maintenance and repair.
- f) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to dye wastes and vegetable tanning solution.
- g) Non-contact cooling water or unpolluted storm, drainage, or ground water.
- h) Wastewater containing inert suspended solids (such as, but not limited to, fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in such quantities that would cause disruption with the wastewater disposal system.
- i) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.
- j) Any water or wastes containing the following substances to such degree that any such material received in the composite wastewater at the wastewater treatment worked is detrimental to the treatment processes, adversely impacts land application, adversely affects the receiving waters, or is in violation of standards pursuant to Section 307(b) of the Act. The substances are arsenic, cadmium, copper, cyanide, lead, mercury, nickel,

silver, total chromium, zinc and phenolic compounds which cannot be removed by City's wastewater treatment system.

- k) Any wastewater which creates conditions at or near the wastewater disposal system which violates any statute, rule regulation, or ordinance of any regulatory agency, or state or federal regulatory body.
  - l) Any waters or wastes containing BOD5 or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment works, except as may be permitted by specific written agreement subject to the provisions of Section 17 of this Article.
5. If any waters or wastes are discharged or are proposed to be discharged to the public sewers which contain substances or possess the characteristics enumerated in Section 4 of this Article, and/or which in the judgment of the Superintendent, may have a deleterious effect upon the wastewater treatment facilities, processes, or equipment; receiving waters and/or soil, vegetation, and ground water; or which otherwise create a hazard to life or constitute a public nuisance, the City may:
- a) Reject the rates.
  - b) Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to Section 307 (b) of the Act and all addendums thereof.
  - c) Require control over the quantities and rates of discharge, and/or,
  - d) Require payment to cover the added costs of handling, treating, and disposing of wastes not covered by existing taxes or sewer service charges.

If the city permits the pretreatment or equalization of waste, flows, the design, installation, and maintenance of the facilities and equipment shall be made at the owners' expense, and shall be subject to the review and approval of the City pursuant to the requirements of the MPCA.

- 6. No user shall increase the use of process water or, in any manner, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in Sections 3 and 4 of this Article, or contained in the National Categorical Pretreatment Standards or any state requirements.
- 7. Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, they shall be maintained at the expense of the owner(s).
- 8. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing float able grease in excessive amounts, as specified in Section 4(b), any flammable wastes as specified in Section 3(a), sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of the type to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal of the captured materials by appropriate means and shall maintain a record of dates and means of disposal which are



subject to review by the Superintendent. Any removal and hauling of the collecting materials not performed by the owners' personnel must be performed by a currently licensed waste disposal firm.

9. Where required by the City, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure, or control manhole, with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of wastes. Such structure shall be accessible and safely located, and shall be constructed in accordance with plans approved by the City. The structure shall be installed by the owner at his expense and shall be maintained by the owner to be safe and accessible at all times.
10. The owner of any property serviced by a building sewer carrying industrial wastes may, at the direction of the City, be required to provide laboratory measurements, tests, or analysis of waters or wastes to illustrate compliance with this Ordinance and any special condition for discharge established by the City or regulatory agencies having jurisdiction over the discharge. The number, type, and frequency of sampling and laboratory analysis to be performed by the owner shall be as stipulated by the City. The industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with Federal, State, and local standards are being met. The owner shall report the results of measurements and laboratory analysis to the City at such times and in such manner as prescribed by the City. The owner shall bear the expense of all measurements, analysis, and reporting required by the City. At such times as deemed necessary, the City reserves the right to take measurements and samples for analysis by an independent laboratory.
11. All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association. Sampling methods, locations, times, duration and frequencies are to be determined on an individual basis subject to approval by the Superintendent.
12. Where required by the City, the owner of any property serviced by a sanitary sewer shall provide protection from an accidental discharge of prohibited materials or other substances regulated by this ordinance. Where necessary, facilities to prevent accidental discharges of prohibited materials shall be provided and maintained at the owners' expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Superintendent for review and approval prior to construction of the facility. Review and approval of such plans and operating procedures shall not relieve any user from the responsibility to modify the user's facility as necessary to meet the requirements of this ordinance. Users shall notify the Superintendent immediately upon having a slug or accidental discharge of substances of wastewater in violation of this ordinance to enable countermeasures to be taken by the Superintendent to minimize damage to the wastewater treatment works. Such notification will not relieve any user of any responsibility for any expense, loss or damage to the wastewater treatment system or treatment process, or for any fines imposed on the City on account thereof under any State or Federal law. Employees shall insure that all employees who may cause or discover such a discharge are advised of the emergency notification procedures.

13. No person, having charge of any building or other premises which drains into the public sewer, shall permit any substance or matter which may form a deposit or obstruction to flow or pass into the public sewer. Within thirty (30) days after receipt of written notice from the City, the owner shall install a suitable and sufficient catch basin or waste trap, or if one already exists, shall clean out, repair or alter the same, and perform such other work as the Superintendent may deem necessary. Upon the owners' refusal or neglect to install a catch basin or waste trap or to clean out, repair, or alter the same after the period of thirty (30) days, the Superintendent may cause such work to be completed at the expense of the owner or representative thereof.
14. Whenever any service connection becomes clogged, obstructed, broken or out of order, or detrimental to the use of the public sewer, or unfit for the purpose of drainage, the owner shall repair or cause such work to be done as the Superintendent may direct. Each day after seven (7) days that a person neglects or fails to so act shall constitute a separate violation of this section, and the Superintendent may then cause the work to be done, and recover from such owner or agent the expense thereof by an action in the name of the City.
15. The owner or operator of any motor vehicle washing or servicing facility shall provide and maintain in serviceable condition at all times, a catch basin or waste trap in the building drain system to prevent grease, oil, dirt or any mineral deposit from entering the public sewer system.
16. In addition to any penalties that may be imposed for violation of any provision of this chapter, the City may assess against any person the cost of repairing or restoring sewers or associated facilities damages as a result of the discharge of prohibited wastes by such person, and may collect such assessment as an additional charge for the use of the public sewer system or in any other manner deemed appropriate by the City.
17. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City of Red Lake Falls and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore by the industrial concern, providing that National Categorical Pretreatment Standards and the City's NPDES and/or State Disposal System Permit limitations are not violated.

**Section 403.07. PENALTY**

No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under the charge of misdemeanor.

**Section 403.08. USER RATE SCHEDULE FOR CHARGES**

1. Each user of sewer services shall pay the charge(s) applicable to the type of service as set by City Council resolution. A schedule of these fees shall be in the appendix of this code.

**Section 403.09. POWERS AND AUTHORITY OF INSPECTORS**

1. The Superintendent or other duly appointed employee of the City, bearing proper credentials and identified shall be permitted to enter all properties for the purpose of inspection, observations, measurement, sampling, and testing pertinent to the discharges to the City's sewer system in accordance with the provisions of this ordinance.

2. The Superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the type and source of discharge to the wastewater collection system. An industry may withhold information considered confidential; however, the industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.
3. While performing necessary work on private properties, the Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article VI, Section 9 of this ordinance.
4. The Superintendent or other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Section 403.10. **PENALTIES**

1. Any person found to be violating any provision of this ordinance, shall be served by the City with written notice stating the nature of the violation and providing a time limit for the satisfactory correction thereof. The offender shall within the period of time stated in such notice, permanently cease all violations.
2. Any person who shall continue any violation beyond the time provided for in Section 1 of this Article, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in the amount not exceeding \$1,000.00 for each violation or as permitted by law. Each day in which any such violation occurs shall be deemed as a separate offense.
3. Any person violating any of the provisions of this ordinance shall become liable to the City for any expense, loss, or damage occasioned by the City by reason of such violation.

## **PART 4. INDIVIDUAL SEWAGE DISPOSAL SYSTEMS**

Section 404.01. **DEFINITIONS**

Subd. 1. **WORDS AND PHRASES.** 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 subject to any treatment process.

Subd. 3. **INDIVIDUAL SEWAGE DISPOSAL SYSTEM.** An individual sewage disposal 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 disposal system.”

Subd. 4. **BUILDING DRAIN.** The building drain is that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, 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 404.02. CODE ADOPTED**

The 1997 edition of the Minnesota Individual Sewage Treatment Systems Standards (6 MCAR, Section 4.8940) recommended by the Minnesota Pollution Control Agency is 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 city administrator shall mark at least one copy of the Pollution Control Agency Code as an official copy and file it in his office for use and examination.

**Section 404.03. LICENSING**

No person shall engage in the business of installing or constructing sewage disposal systems within the city of Red Lake Falls without first obtaining a license to carry on such occupation from the City Council and procuring and posting with the City Administrator a bond in the amount of \$2000.00 in favor of the city and the public, conditioned upon the faithful performance of contracts and compliance with this ordinance. Such license shall be renewable annually on or before December 31 of each year and may be revoked as provided in this code for licenses generally. Any installation, construction, alteration or repair of a sewage disposal system by a licensee in violation of the provisions of Section 404.05 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. 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. The annual license fee shall be adopted by City Council resolution, a copy of which shall be in the appendix of this code. Application for such license shall be made annually on a form furnished by the city administrator.

**Section 404.04. PERMITS**

Subd. 1. **PERMIT REQUIRED.** No person shall install, alter, repair, or extend any individual sewage disposal system in the city without first obtaining a permit therefore from the council or its authorized representative for the specific installation, alteration, repair, or extension; and, at the time of applying for the permit, shall pay a fee which shall be set by City Council Resolution and in the appendix of this code shall be valid for a period of six months from date of issue.

Subd. 2. **APPLICATIONS.** Applications for permits shall be made in writing upon printed blanks or forms furnished by the city administrator 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 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 404.05. **CONSTRUCTION REQUIREMENTS**

Every individual sewage disposal system installed after the effective date of this ordinance and every alteration, extension and repair to any system made after that date shall conform to the standards of the code adopted by reference in Section 404.02. Any individual sewage disposal system or pertinent part thereof, irrespective of the date of original installation, which is not located, constructed or installed in accordance with items 1b and 1c of the code shall be so relocated, reconstructed or reinstalled as to comply with the standards of those items.

Section 404.06. **ADMINISTRATION**

The building inspector shall enforce the provisions of this ordinance.

Section 404.07. **INSPECTION**

The building inspector (official designated in Section 404.06) shall make such inspection or inspections as are necessary to determine compliance with this ordinance. No part of the system shall be covered until it has been inspected and accepted by the building inspector. It shall be the responsibility of the applicant for the permit to notify the building inspector that the job is ready for inspection or re-inspection, and it shall be the duty of the building inspector to make the indicated inspection within 48 hours after notice has been given. It shall be the duty of the owner or occupant of the property to give the building inspector 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 building inspector shall issue to the applicant a certificate of approval.

If upon inspection the building inspector discovers that any part of the system is not constructed in accordance with the minimum standards provided in this ordinance, he shall give the applicant written notification describing the defects. The applicant shall pay an additional fee 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 404.08. **MAINTENANCE**

Subd. 1. **Sludge measurement and removal.** At least once a year the owner of any septic tank or his agent shall measure or arrange for measurement of the depth of sludge and scum in such septic tank. When, as a result of such measurement, the top of the sludge layer in the tank or any compartment of the tank is found to be less than 12 inches below the bottom of the outlet baffle or submerged pipe, or if the bottom of the scum layer is less than 3 inches above the bottom of the septic tank outlet baffle or submerged pipe, the owner or agent shall arrange for the removal and sanitary disposal of sludge and scum from the tank; provided that such requirement for measuring shall be waived for any septic tank which is cleaned as indicated at least once each calendar year.

Subd. 2. Removal of solids from distribution box. At least once each year the owner of any system equipped with a distribution box and the removal of any settled solids therein. Such material shall be disposed of to the septic tank or by other means acceptable to the council.

Subd. 3. Seepage pit liquid. At least once between May 1 and June 30 of each year the depth of liquid in each seepage pit shall be measured. When, as a result of such measurement it is found that the liquid level in the pit is less than one foot below the inlet, a second measurement shall be made 8 to 12 hours after the first measurement, during which time no liquid shall be discharged to the seepage pit. If, as a result of the second measurement, it is found that the liquid level in the pit has not lowered at least 2 feet during the indicated period of time, an additional seepage pit or other acceptable soil absorption system shall be provided.

Section 404.09. **OBJECTIVES**

The objective of this ordinance is 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.

## **PART 5. SEWER DISTRICTS**

Section 405.01. **CREATION AND ESTABLISHMENT OF SEWER DISTRICTS**

There is hereby created and established a system of Sewer Districts. The Sewer Districts are to be numbered and are to include the following described territory.

- a. Sewer District No. 1 of the city of Red Lake Falls is hereby created and established and the same shall consist of and include the following described territory within the City including all streets, alleys, and public grounds within the boundaries of said territory and immediately adjoining the Lots of block three (3), Lots one (1) to twelve (12) of Block two (2), Lots one (1) to twenty-four (24) of block three (3), Lots one (1) to eleven (11) of Block four (4), Lots two (2), four (4), and six (6), of Block five (5), Lots nine (9) to twenty-four (24) of Block six (6) all of Block seven (7), Lots one (1) to twelve (12) of Block eight (8), Lots one (1) to twelve (12) of Block nine (9), all of Blocks ten (10) and eleven (11), Lots one (1) to six (6) of Block twelve (12), Lots one (1) to six (6) of Block thirteen (13), all of Blocks fourteen (14) and fifteen (15), Lots one (1) to twelve (12) and Lots twenty-four (24), of Block sixteen (16), all of Block nineteen (19), Lots one (1) to twelve (12) of Block eighteen (18), all of Block twenty (20), Lots one (1) to twenty-four (24) inclusive of Block twenty-one (21), Lots one (1) to six (6) inclusive of Block twenty-two (22); Lots thirteen (13) to eighteen (18) inclusive of Block twenty-four (24), Lots one (1) to three (3) inclusive in Block twenty-six (26), all in Champagne & Dow's Addition to Red Lake Falls, Minnesota, it being intended hereby that all lots mentioned in this ordinance shall be inclusive of all numbers given: also, Lots one (1) to twenty-seven (27) of Block one (1), Lots one (1) to twelve (12) of Block nine (9), Lots one (1) to twenty-four (24) of Block ten (10) and Lots one (1), twenty-two (22), of Block two (2), Lots one (1) to four (4) of Block five (5) and Lots one (1) to eight (8) of Block six (6) all in Buse and Bottineau's Addition to Red Lake Falls, also Church Lots "C", Lot "A" and Lots one (1) to ten (10) of Block one (1) except railway right of way, and all of Block two (2), all in

Langevin's Subdivision, of Church Lot; also, Lots "B" and Lots one (1) to eleven (11) of Block one (1) except railway right of way Lot "K" and Lots one (1) to fourteen (14) of Block two (2) except church property, and Lots one(1) to twenty-nine (29) of Block three (3) except railway right of way, all in the Original Town-site of Red Lake Falls also, Lot two (2) of Block fourteen (14) in Mill Reserve Addition to Red Lake Falls.

- b. Sewer District Number 2 of said City shall consist of and include the following described territory within said City including all streets, alleys and public grounds within the boundaries and limit of said territory and immediately adjoining the lots and blocks included therein to-wit:

All that part of Reserve K, in Block Two (2) of the Original Town-site of Red Lake Falls, lying north of a line drawn parallel to the south boundary line of said Reserve K, and One Hundred Fifty (150) feet North thereof, being the property now owned and occupied by the parsonage and Church of the First Presbyterian Church; also all of Reserve S and Lots Fifteen (15), sixteen (16), seventeen (17), eighteen (18), nineteen (19), twenty (20), twenty-one (21), twenty-two (22), twenty-three (23), twenty-four (24), twenty-five (25), twenty-six (26), twenty-seven (27) and Lots B, all in Block Two (2) of said Original Town-site: also Lots one (1), two (2), three (3), four (4), five (5), six (6), seven (7), eight (8), nine (9), ten (10), A, B, C, and D of Block Four (4) in the Original Town-site of Red Lake Falls as afore said; also Lots One (1), two (2), three (3) of Block Eight (8), in Mill Reserve addition to Original Town-site of Red Lake Falls, Minnesota.

- c. Sewer District Number 3 of said City shall consist of and include the following described territory within the City including all streets, alleys and public grounds within the boundaries and limits of said territory and immediately adjoining the lots and blocks included therein, to-wit:

Lots Ten (10), Eleven (11), Twelve (12), Twenty-two (22), Twenty-three (23), and Twenty-four (24) of Block Forty-two (42); Lots two (2) to Thirteen (13) inclusive, of Block Forty-three (43), Lots ten (10) Eleven (11), Twelve (12), Twenty-two (22), Twenty-three (23) and Twenty-four (24) of Block Forty-four (44); Lots Ten (10), Eleven (11), Twelve (12), Twenty-two (22), Twenty-three (23), Twenty-four (24) of Block forty-five (45); Lots Ten (10), Eleven (11), Twelve (12), Twenty-two (22), Twenty-three (23), and Twenty-four (24) of Block Forty-six (46); Lots Ten (10), Eleven (11), Twelve (12) of Block Forty-seven (47); all of Blocks Forty-eight (48), Forty-nine (49), Fifty (50) and Fifty-one (51); Lots One (1) to Twelve (12) inclusive in Block Fifty-three (53); Lots One (1) to Twelve (12) and Twenty-two (22), twenty-three (23) and Twenty-four (24) in Block Sixty-four (64); One (1) to Twelve (12) and Thirteen (13), Fourteen (14) and Fifteen (15) in Block Seventy-one (71); Lots One (1) to Twelve (12) in Block Eighty-two (82); Lots One (1) to Twelve (12) in Block Ninety-one (91); Lots One (1) to Twelve (12) in Block One Hundred and two (102); Lots One (1), Two (2), Three (3), and Thirteen (13) to Twenty-four (24) of Block Seventy (70) and Sixty-five (65); Lots One (1) to Fifteen (15) of Block Sixty-six (66); Lots One (1) to Twelve (12) of Block Sixty-nine (69); Lots One (1) to Twelve (12) of Block Eighty-four (84); Lots One (1) to Twelve (12) of Block Eighty-nine (89); Lots One (1), Two (2), and Three (3) Thirteen (13), Fourteen (14), Fifteen (15) of Block Seventy-two (72) all in Kretzschmar's Addition of the City of Red Lake Falls.

All of Detling's Subdivision of Market Square; all of Lots Three (3) of Hodgson's Subdivision of the City of Red Lake Falls. Lots Ten (10) to Eighteen (18) of Block One (1); Lots Thirteen (13) to Twenty-four (24) of Block Two (2); Lots One (1) to Twelve (12) of Block Seven (7); Lots (1) to Nine (9) of Block Eight (8); all in E. & O. Buse's Addition of the City of Red Lake Falls, Minnesota.

- d. Sewer district Number 4 of said City shall consist of and include the following described territory within said City including all streets, alleys, and public grounds within said Boundaries and limits of said territory and immediately adjoining the lots and blocks included therein, to-wit:

Lots Twelve (12) to Seventeen (17) inclusive of Block One (1); Lots A, and Lots Six (6) of Fourteen (14) inclusive of Block Five (5) all in Original Town-site of Red Lake Falls; all of Block Thirteen (13) and Lots One (1) to Three (3) inclusive of Block Twelve (12); all of Blocks Nine (9), Ten (10), Eleven (11) and Fourteen (14) said last blocks being a public park of said City; all in Mill Reserve Addition of the City of Red Lake Falls, Minnesota.

- e. There is hereby created and established a sanitary sewer district in the City of Red Lake Falls to be known as Sanitary Sewer District No. 5, the boundaries of which shall be as follows:

Beginning at a point approximately 250 feet west of the southwest corner of Section 22, Township 151 North; Range, 44 West, said point also being the point of intersection of the line of Section 21; Township, 151 North ; Range, 44 West; thence north along the center line of Northern Pacific Railroad track to the centerline of Fourth Street South to the centerline of Alley, Block 27, Railroad Addition; thence north along the centerline of the alley a distance of 180 feet; thence east and parallel with Fourth Street to the centerline of Chicago Avenue; thence south along the centerline of Chicago Avenue a distance of 360 feet to the centerline of east and west alley in Block 11; of the alley a distance of 190 feet to the centerline of the north and south alley in Block 1, Railroad Addition; thence south along the centerline of the alley on Blocks 1 and 2, Railroad Addition to the centerline of east and west alley Block 2, Railroad Addition; thence east along the centerline of alley to the centerline of alley in Block 21, Champagne & Dows Addition; thence south along the centerline of alley to the center of Block 24, Champagne and Dow's Addition; thence east to the center of Block 26, Champagne & Dow's Addition; thence north along the centerline of the alley to the centerline of Sixth Street; thence east along the centerline of Sixth Street to the centerline of the main track of the Great Northern Railroad; thence southerly along the centerline of the Great Northern Railroad track to the point of intersection of the railroad track and the centerline of Eighth Street; thence west along the centerline of Eight Street to the north and south one-quarter line of Section 27, Township 151; Range 44, West; thence north to the south line of Block 4, Holmes Addition; thence west to the southwest Blocks 4, 3, 2, & 1 of Holmes Addition to the south line of said Section 22; thence west along the south line of Section 22 and 21 to the point of beginning.

- f. Sewer District Number 6 of said City shall consist of and include the following described territory within said city including all streets, alleys and public grounds within the boundary of said territory and immediately adjoining the lots and blocks included therein, to-wit:



Lots Thirty (30) to Fifty (50) inclusive, of Block Three (3), and Lots E, F, G, and H of Said Block Three (3); and Lots Eleven (11) to Thirty-six (36) inclusive of Block Four (4) of the Original Townsite of Red Lake Falls, Minnesota, and Lots One (1) to Twelve (12) inclusive of Block One (1) in Champagne & Dow's Addition of Red Lake Falls, Minnesota.

- g. Sewer District Number 7 of said City shall consist of and include the following described territory within said City including all streets, alleys and public grounds within the limits of said territory and immediately adjoining the Lots and Blocks therein, to-wit:

All of Blocks Thirty-nine (39), Forty (40), Forty-one (41), Forty-two (42); Lots One (1) and Fourteen (14) of Block Forty-three (43), Lots One (1) to Nine (9) inclusive of Block Forty-four (44); Lots Thirteen to Twenty-four (24) inclusive of Block Fifty-three (53), all of Blocks Fifty-four (54), Fifty-five (55) and Fifty-six (56) in Kretschmar's Addition to Red Lake Falls, Minnesota.

- h. Sewer District Number 8 of said City shall consist of and include the following described territory within said City including all streets, alleys, and public grounds within the limits of said territory and immediately adjoining the Lots and Blocks therein: to-wit:

All of Blocks Twenty-one (21), Twenty-two (22), Twenty-three (23), Lots One (1) through Twelve (12) Block Twenty-four (24), all of Blocks Thirty-two (32), Thirty-three (33), Thirty-four (34), Thirty-five (35), Forty (40), Forty-one (41), Forty-two (42), Lots One (1) and Fourteen (14) of Block Forty-three (43); Lots One (1) through Nine (9) inclusive of Block Forty-four (44); Lots Thirteen (13) through Twenty-one (21) inclusive of Block Forty-four (44), Lots Thirteen through Twenty-four (24) of Block Forty-three (53), all of Blocks Fifty-four (54) Fifty-five (55), Fifty-five (55), Fifty-six (56), all of Eckstein's subdivision Kretschmar's Addition to the City of Red Lake Falls, all of Lots Thirteen (13) through Twenty-four (24) of Block Sixty-four (64), all of Block Sixty-three (63), Sixty-two (62), Seventy-three (73), Seventy-two (72), all that property bounded on the north by Sixth Street extended, beginning at the Northeast corner of Block Sixty-two (62), East along the south side of Sixth Street extended to a point 1140 feet from starting point, thence South to a point where this line intersects the North line of the right-of-way of State Trunk Highway #32, thence Southwesterly along said right-of-way of Trunk Highway #32 to the southeast corner of Block Seventy-three (73), thence north along the easterly boundary of Block Seventy-three (73) and Block Sixty-two (62) to the point of beginning, and in Kretschmar's Addition to the City of Red Lake Falls.

**THE CODE OF ORDINANCES OF THE CITY OF RED LAKE FALLS, MINNESOTA 2008, IS HEREBY AMENDED BY ADDING A PART TO BE THE FOLLOWING SEWER DISTRICT NUMBER 9, WHICH PART READS AS FOLLOWS:**

- i. Sewer District Number 9 of said City shall consist of and include the following described territory within said City including all streets, alleys, and public grounds within the limits of said territory and immediately adjoining the Lots and Blocks therein: to-wit:

All that part of the East Seven Hundred Twenty Feet (E 720') of the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) in Section Twenty-three (23), Township One Hundred Fifty-one (151) North of Range Forty-four (44) West of the Fifth Principal Meridian in Minnesota which lies South by Southeast of the South right of way line of State

Highway No. 32 as said highway is newly re-located across said Government subdivision estimated to contain 19 acres. AND

All that part of the East Seven Hundred Twenty Fee (E 720') of Government Lot Four (4) in Section Twenty-three (23), Township One Hundred Fifty-one (151) North of Range Forty-four (44) West of the Fifth Principal Meridian in Minnesota, which lies South by Southeast of the South right of way line of State Highway No. 32 as said highway is newly re-located across said Government Subdivisions.

AND

Lots Thirteen (13) through Twenty-four (24) of Block Ninety-two (92) of Kretzschmar's Addition to the City of Red Lake Falls, Minnesota, and all of Blocks Seventy-nine (79), Eighty (80), Ninety-three (93), Ninety-four (94), Ninety-nine (99), and One Hundred (100) in Kretzschmar's Addition to the City of Red Lake Falls, according to the official plat thereof on file and of record in the office of the Red Lake County Recorder.

AND

The Northeast Quarter of the Southwest Quarter (NE1/4SW1/4) of Section Twenty-three (23), Township One Hundred Fifty-one (151) North of Range Forty-four (44) West of the Fifth Principal Meridian also described as Miles Addition to the City of Red Lake Falls.

**THE CODE OF ORDINANCES OF THE CITY OF RED LAKE FALLS, MINNESOTA 1987, IS HEREBY AMENDED BY ADDING A PART TO BE NUMBERED 6, WHICH PART READS AS FOLLOWS:**

**PART 6. ORDINANCE ESTABLISHING A SEWER SERVICE CHARGE SYSTEM FOR THE CITY OF RED LAKE FALLS, MINNESOTA**

An Ordinance providing for Sewer Service Charges to recover costs associated with:

1. Operation, maintenance, and replacement to ensure effective functioning of the City's Wastewater Treatment System.
2. Local capital costs incurred in the construction of the City's Wastewater Treatment System.

Section 406.01. **DEFINITIONS**

Unless the context specifically indicates otherwise, the meaning of the terms used in this ordinance shall be as hereafter designated:

Subd. 1. "Administration" – Those fixed costs attributable to administration of the wastewater treatment works (i.e. , billing and associated bookkeeping and accounting costs).

Subd. 2. "Biochemical Oxygen Demand or BOD5" – The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed in milligrams per liter.

Subd. 3. "City" – The area within the corporate boundaries of the City of Red Lake Falls, as presently established or as amended by Ordinance or other legal actions at a future time. When used herein the term City may also refer to the City Council or its authorized representative.

Subd. 4. "Commercial" – Any place of business which discharges sanitary waste as distinct from industrial wastewater.

Subd. 5. “Commercial Wastewaters” – Domestic wastewater emanating from a place of business as distinct from industrial wastewater.

Subd. 6. “Debt Service Charge” – A charge levied on users of wastewater treatment facilities for the cost of repaying money bonded to construct said facilities.

Subd. 7. “Normal Domestic Strength Wastewater” – Wastewater that is primarily produced by residential users, with BOD5 concentrations not greater than 250 mg/1 and suspended solids concentrations not greater than 250 mg/1.

Subd. 8. “Extra Strength Waste” – Wastewater having a BOD and/or TSS greater than domestic waste as defined in Section 410.01, Subd. above and not otherwise classified as an incompatible waste.

Subd. 9. “Governmental User” – Users which are units, agencies or instrumentalities of federal, state, or local governmental discharging Normal Domestic Strength wastewater.

Subd. 10. “Incompatible Waste” – Waste that either singly or by interaction with other wastes interferes with any waste treatment process, constitutes a hazard to humans or animals, created a public nuisance or creates any hazard in the receiving waters of the wastewater treatment works.

Subd. 11. “Industrial users” or Industries” are:

- a) Entitles that discharge into a publicly owned wastewater treatment works, liquid wastes resulting from the processes employed in industrial or manufacturing processes, or from the development of any natural resources. These are identified in the Standard Industrial Manual, 1972, Office of Management and Budget, as amended and supplemental under one of the following divisions:

Division A. Agriculture, Forestry and Fishing  
Division B. Mining  
Manufacturing  
Transportation, Communication, Electric, Gas and  
Sanitary Sewers  
Services

For the purpose of this definition, domestic waste shall be considered to have the following characteristics:

BOD5 less than 250 mg/1  
Suspended Solids less than 250 mg/1

- b) Any non-governmental user of a publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems, or to injure or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates public nuisance, or creates any hazard in or

has an adverse effect on the waters receiving any discharge from the treatment works.

Subd. 12. “Industrial Wastewater” – The liquid processing wastes from an industrial manufacturing process, trade, or business including but not limited to all Standard Industrial Classification Manual Divisions A, B, D, E and I manufacturers as distinct from domestic wastewater.

Subd. 13. “Institutional User” – Users other than commercial, governmental, industrial or residential users, discharging primarily Normal Domestic Strength wastewater (e.g. Nonprofit organizations.)

Subd. 14. “Operation and Maintenance” – Activities required to provide for the dependable

Subd. 15. “Operation and Maintenance Costs” – Expenditures for operation and maintenance, including replacement.

Subd. 16. “Public Wastewater Collection System” – A system of sanitary sewers owned, maintained, operated and controlled by the City.

Subd. 17. “Replacement” – Obtaining and installing of equipment, accessories, or appurtenances which are necessary during the design life or useful life, whichever is longer, of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

Subd. 18. “Replacement Costs” – Expenditures for replacement.

Subd. 19. “Residential User” – A user of the treatment facilities whose premises or building is used primarily as a residence for one or more persons, including dwelling units such as detached and semi-detached housing, apartments, and mobile homes; and which discharges primarily normal domestic strength sanitary wastes.

Subd. 20. “Sanitary Sewer” – A sewer intended to carry only liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm, and surface waters which are not admitted intentionally.

Subd. 21. “Sewer Service Charge” – The aggregate of all charges, including charges for operation, maintenance, replacement, debt service, and other sewer related charges that are billed periodically to users of the City’s wastewater treatment facilities.

Subd. 22. “Sewer Service Fund” – A fund into which income from Sewer Service Charges is deposited along with other income, including taxes intended to retire debt incurred through capital expenditure for wastewater treatment. Expenditures of the Sewer Service Fund will be for operation, maintenance and replacement costs; and to retire debt incurred through capital expenditures for wastewater treatment.

Subd. 23. “Shall” is mandatory; “May” is permissive.

Subd. 24. “Slug” – Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes

more than five times the average 24 hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

Subd. 25. “Standard Industrial Classification Manual” – Office of Management and Budget, 1972.

Subd. 26. “Suspended Solids (SS) or Total Suspended Solids (TSS)” – The total suspended matter that either floats on the surface or is in suspension in water, wastewater or other liquids, and is removable by laboratory filtering as prescribed in “Standard Methods for the Examination of Water and Wastewater”, latest edition, and referred to as nonfilterable residue.

Subd. 27. “Toxic Pollutant” – The concentration of any pollutant or combination of pollutants as defined in standards issued pursuant to Section 307 (a) of the Act, which upon exposure to or assimilation into any organism will cause adverse effects.

Subd. 28. “Users Charge” – A charge levied on users of a treatment works for the user’s proportionate share of the cost of operation and maintenance, including replacement.

Subd. 29. “Users” – Those residential, commercial, governmental, institutional and industrial establishments which are connected to the public sewer collection system.

Subd. 30. “Wastewater” – The spent water of a community, also referred to as sewage. From the standpoint of source it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with any ground water, surface water and storm water that may be present.

Subd. 31. “Wastewater Treatment Works or Treatment Works” – An arrangement of any devices, facilities, structures, equipment, or processes owned or used by the City for the purpose of the transmission, storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage or industrial wastewater, or structures necessary to recycle or reuse water including interceptor sewers, outfall sewers, collection sewers, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

#### Section 406.02. **ESTABLISHMENT OF A SEWER SERVICE CHARGE SYSTEM**

Subd. 1. The City of Red Lake Falls hereby establishes a Sewer Service Charge System whereby all revenue collected from users of the Wastewater treatment facilities will be used to affect all expenditures incurred for annual operation, maintenance, and replacement and for debt service on capital expenditure incurred in constructing the wastewater treatment works.

Subd. 2. Each user shall pay its proportionate share of operation maintenance and replacement costs of the treatment works, based on the user’s proportionate contribution to the total wastewater loading from all users.

Subd. 3. Each user shall pay debt service charges to retire local capital costs as determined by the City Council.

Subd. 4. Sewer Service rates and changes to users of the wastewater treatment facility shall be determined and fixed in a “Sewer Service Charge System” developed according to the provisions of this Ordinance. The Sewer Service Charge System shall be adopted by resolution upon enactment of this ordinance.

Subd. 5. Revenues collected for Sewer Service shall be deposited in a separate fund known as “Utility Fund”. Income from revenues collected will be expended to offset the cost of Operation, Maintenance and equipment replacement for the facility and to retire the debt for capital expenditure.

Subd. 6. Sewer Service Charges and the Utility Fund will be administered in according with the provisions of Part 5 of the City of Red Lake Falls Ordinances.

Section 406.03. **DETERMINATION OF SEWER SERVICE CHARGES**

Subd. 1. Users of the City of Red Lake Falls wastewater treatment works shall be identified as belonging to one of the following classes:

- 1} Residential
- 2} Commercial
- 3} Industrial
- 4} Institutional
- 5} Governmental

The allocation of users to these categories for the purpose of assessing User Charges and Debt Service Charges shall be the responsibility of the City Administrator. Allocation of users to user classes shall be based on the substantive intent of the definitions of these classes contained herein.

Subd. 2. Each user shall pay Operation, Maintenance, and Replacement costs in proportion to the user’s proportionate contribution of wastewater flows and loadings to the treatment plant, with the minimum rate for loading of BOD and TSS being the rate established for concentrations of 250 mg/1 and 250 mg/1 TSS (i.e. Normal Domestic Strength Wastewater).

Those “Industrial Users” Discharging segregated ‘Normal Domestic Strength Wastewater’ only, can be classified as ‘Commercial Users’ for the purpose of rate determination.

Subd. 3. User Charges for Normal Domestic Strength Users

A. **CALCULATING BILLABLE FLOWS AND LOADINGS**

1. Measurement of Wastewater Volume:
2. The charges assessed residential users and those users of other classes discharging “Normal Domestic Strength Wastewater” shall be established proportionately according to billable wastewater volume. Billable wastewater volume shall be calculated as follows:
  - a. Residential Users:

Billable wastewater volume for residential users shall be calculated on the basis of metered water usage. The per monthly billable wastewater volume shall be equal to monthly metered water usage as averaged between the first and last months of the calendar year.

The City may require residential users to install water meters for the purpose of determining billable wastewater volume.

b. Non-Residential Users:

The billable wastewater volume of nonresidential users may be determined in the same manner as for residential users. Except that if the City determines that there are significant variations in the metered water usage of nonresidential users resulting in a proportionate increase in wastewater volume; then billable wastewater volume shall be:

1. Calculated on the basis of monthly metered water usage as recorded throughout the year, or (2) calculated on the basis of wastewater flow meters.

The City may, at its discretion, require nonresidential users to install such additional water meters of wastewater flow meters as may be necessary to determine billable wastewater volume.

2. Determination of Loadings from Metered Water Usage:

The billable amounts of BOD and TSS will be calculated from the volume of metered water usage, as determined above; where the billable quantities will be those attributable to wastewater at a concentration of 250 mg/l BOD and 250 mg/l TSS (i.e. "Normal Domestic Strength Wastewater").

**B. DETERMINATION OF USER CHARGES FOR NORMAL DOMESTIC STRENGTH USERS:**

User Charges for Normal Domestic Strength users shall be determined as follows:

1. Calculation of Unit Costs for Treatment of Normal Domestic Strength Wastewater:

$$Un = \frac{Comr}{Tbwv}$$

Where: Un = Unit cost for operation, Maintenance and Replacement to treat Normal Domestic Strength: in accordance with Articles III

Comr =(Total annual OM & R costs) – charge collected to treat concentrations Greater than Normal Domestic Strength; in accordance with Section 410.03, Subd. 4.

Tbwv = Total annual billable wastewater volume in kgal.

2. Calculation of User Charge for Normal Domestic Strength Wastewater:

$$Uc = UN \times bwv$$

Where: Uc = User Charge  
Un = Unit cost for Operation, Maintenance  
And Replacement to treat Normal  
Domestic Strength, in \$/kgal.  
bwv = Billable wastewater volume of a  
particular user in kgal.

Subd. 4. User Charges for Users Discharging Wastes with Concentrations Greater than Normal Domestic Strength:

A. CALCULATING BILLABLE FLOWS AND LOADINGS

1. Calculation of Billable Flows

The billable amount of flow will be calculated from the volume of metered water usage, or at the discretion of the City, from the measurement of effluent flow at user's point of discharge. Measurements shall be according to a regular program prescribed by the city.

2. Calculation of Billable Loadings

The billable amounts of BOD and TSS will be calculated by the measurement of these wastes according to a program prescribed by the City in keeping with the latest edition of Standard Methods for the Examination of Water and Wastewater and in accordance with Chapter IV of the City Ordinance.

To insure compliance with 410.03 of this Ordinance, the following procedures shall be followed in determining average loadings per billing period for industrial users:

When a particular reading indicates concentration greater than or equal to Normal Domestic Strength, the actual reading shall be entered into the average for billing purposes.

When a particular reading indicates concentrations less than Normal Domestic Strength, Normal Domestic Strength shall be entered into the average for billing purposes.

B. DETERMINATION OF USER CHARGES FOR GREATER THAN NORMAL DOMESTIC STRENGTH USERS

1. Calculation of Unit Costs for Treatment of FLOW, BOD, TSS.

For purposes of determining proportionate surcharges, unit costs for treatment of FLOW, BOD, and TSS shall be determined and fixed annually in the Sewer Service Charge System according to the following procedure:



- a. Determine the Annual OM & R budget.
- b. Allocate total Annual OM & R costs to FLOW, BOD, and TSS proportionately; according to the costs of collection and treatment of FLOW, BOD, and TSS.
- c. Divide the OM & R costs attributable to FLOW, BOD, and TSS respectively, by the total annual billable volume and loadings of FLOW, BOD, and TSS to arrive at unit costs.

For purposes of determining Surcharges the following definitions of unit costs shall apply:

Uf = Unit cost for treatment of FLOW in \$/Kgal.  
 Ubod = Unit cost for treatment of BOD in \$/lb.  
 Utss = Unit cost for treatment of TSS in \$/lb.

Unit costs are developed from actual cost per kgal. Subsequent calculations of unit costs shall be according to the substantive intent of this SSCS.

- 2. Calculation of User Charges for treatment of wastewater with concentrations exceeding that of Normal Domestic Strength Wastewater:

$$Uc = [Un \times bwv] + [Ubod \times K \times bwv (Cbod - Nbod)] + [Utss \times K \times bwv (Ctss - Ntss)]$$

Uc = User Charge  
 Un = Unit cost for the treatment of Normal Domestic Strength Wastewater  
 bwv = Billable wastewater volume of a particular user in kgal.  
 Ubod = Unit cost for treatment of BOD in \$/lb.  
 K = .00834  
 Cbod = Users Concentration of BOD. in mg./1.  
 Nbod = 250 mg./1 (Concentration of BOD in Normal Domestic Strength Wastes)  
 Utss = Unit cost for treatment of TSS in \$/lb.  
 Ctss = Users Concentration of TSS, in mg./1.  
 Ntss = 250 mg./1 (concentration of TSS in Normal Domestic Strength Wastes)

Subd. 6. Determination of Sewer Service Charges.

The Sewer Service Charge for a particular connection shall be determined as follows:

$$SSC = Uc + Cc$$

Where: SSC = Sewer Service Charge.  
 Uc = User Charge.  
 Cc = Connection Charge for Debt Service.

Section 406.04. **UTILITY FUND**

Subd. 1. The City of Red Lake Falls hereby established a “Utility Fund” as an income fund to receive all revenues generated by the Utility Charge System, and all other income dedicated to the operation, maintenance, replacement and construction of the wastewater treatment works, including taxes, special charges, fees and assessments intended to retire construction debt.

The City also establishes the following accounts as income and expenditure accounts within the Utility Service Fund.

- 1) Operation and Maintenance Accounts
- 2) Equipment Replacement Accounts
- 3) Debt Retirement Accounts

Subd. 2. All revenue generated by the Utility Service Fund, all other income pertinent to the treatment system, including taxes and special assessments dedicated to retire construction debt, shall be held by the City Administrator separate and apart from all other funds of the City. Funds received by the Utility Service Fund shall be recorded in the Utility Fund in accordance with State and Federal regulations and the provisions of this ordinance.

Subd. 3. Revenue generated by the Utility Service Fund sufficient to insure adequate replacement throughout the design or useful life, which ever is longer, of the wastewater facility and revenue sufficient for operation and maintenance shall be maintained in the Utility Fund.

Section 406.05. **ADMINISTRATION**

The Utility Service Charge System and Utility Service Fund shall be administered according to the following provisions:

Subd. 1. The City Administrator shall maintain a proper system of accounts suitable for determining the operation and maintenance, equipment replacement and debt retirement costs of the treatment works, and shall furnish the City Council with a report of such costs annually in Red Lake Falls. The City Council shall annually determine whether or not sufficient revenue is being generated for the effective operation, maintenance, replacement and management of the treatment works, and whether sufficient revenue is being generated for debt retirement. The Council will also determine whether the user charges are distributed proportionately to each user in accordance with Section 410.02, Subd. 2 of the Ordinance.

The City shall thereafter, but not later than the end of the year, reassess, and as necessary revise the Utility Service Charge System then in use to insure the proportionality of the user charges and to insure the sufficiency of funds to maintain the capacity and performance to which the facilities were constructed, and to retire the construction debt.

Subd. 2. Bills for Utility Service Charges shall be rendered on a monthly basis succeeding the period for which the service was rendered and shall be due 15 days from the date of rendering. Any bill not paid in full 15 days after the due date will be considered delinquent. At that time the City shall notify the delinquent owner/occupant in writing regarding the delinquent bill and subsequent finance charges and penalties.

A finance charge of 1.5% per month shall be assessed to the outstanding balance at the end of each respective month

A penalty of \$2.00 shall be assessed to each bill with a balance in excess of \$10.00.

Subd. 3. The owner of the premises shall be liable to pay for the service to such premises, and the service is furnished to the premises by the City only upon the condition that the owner of the premises is liable therefore to the City.

Subd. 4. Any additional costs caused by discharges to the treatment works of toxins or other incompatible wastes, including the cost of restoring wastewater treatment services, clean up and restoration of the receiving waters and environs, and sludge disposal, shall be borne by the dischargers of said wastes, at no expense to the City.

Section 406.06. **PENALTIES**

Subd. 1. Each and every sewer service charge levied by and pursuant to this Ordinance is hereby made a lien upon the lot or premises served, and all such charges which are on September 1st of each year past due and delinquent, shall at the discretion of the City Council be certified to the County Auditor as taxes or assessments to real estate. Nothing in this Ordinance shall be held or construed as in any way stopping or interfering with the right of the City to levy as taxes or assessments against any premises affected any delinquent or past due sewer service charges.

Subd. 2. As an alternative to levy a lien, the City may, at its discretion, file suit in a civil action to collect such amounts as are delinquent and due against the occupant, owner, or user of the real estate, and shall collect as well all attorney's fees incurred by the City in filing the civil action. Such attorney's fees shall be fixed by order of the court.

Subd. 3. In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action, the owner or user of the real estate being serviced by the treatment works shall be liable for interest upon all unpaid balances at the rate of 8% per cent or the maximum rate allowable by law.

Section 406.07. **SEVERABILITY AND VALIDITY**

Subd. 1. If any section or subdivision of this Ordinance shall be held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Ordinance, which shall continue in full force and effect.

Subd. 2. The Sewer Service Charge System shall take precedence over any terms or conditions of agreements or contracts which are inconsistent with the requirements of section 204 (b) (1) (A) of the Act and Federal regulation 40 CFR (Code of Federal Regulations) 35.2140 of the Environmental Protection Agency's grant regulations.

Subd. 3. This Ordinance shall be in full force and take effect from and after adoption by the City Council.

Subd. 4. Passed by the City Council of the City of Red Lake Falls, Minnesota on 2/12/1990.

## **CHAPTER V. MUNICIPAL REGULATIONS AND LICENSING**

### **PART 1. GENERAL LICENSING AND PERMIT PROVISIONS**

#### **Section 501.01. LICENSES AND PERMITS**

Subd. 1. General rule. Except as otherwise provided in this code, all licenses and permits granted by the City shall be governed by the provisions of this part.

Subd. 2. Acts prohibited. No person shall conduct any activity or use any property for which a license or permit is required by law or this code without a currently valid license or permit for such activity or use.

Subd. 3. Application. Every application for a license shall be made to the city administrator on a form provided by him. It shall be accompanied by payment to the city administrator of the prescribed fee. If, after investigation, the city administrator is satisfied that all requirements of law and this code have been met, he shall present the application to the Council for action of, if the license or permit does not require Council approval, he shall issue the license or permit.

Subd. 4. Bond. Where a bond is required for any license or permit, the bond shall be a corporate surety bond executed on a form approved by the city attorney and shall be filed with the city administrator before the license or permit is issued. Except where otherwise provided, a bond shall be in the amount of \$1000, conditioned that the licensee or permittee shall comply with the applicable ordinance and laws pertaining to the licensed or permitted activity and that the licensee or permittee will indemnify the city and save it harmless from all loss or damage by reason of inadequate work performed by him or by reason of accident caused by the negligence of the licensee or permittee, his agents or employees.

#### **Section 501.02. FEES**

Subd. 1. Fees established. License fees are in the amounts established in the governing sections of this chapter or as otherwise provided in this code.

Subd. 2. Prorated fees. If the initial license is to run for less than a full year, the applicant shall pay a pro rate fee, with any unexpired fraction of a month being counted as one month.

Subd. 3. Refunds. License fees shall not be refunded in whole or in part unless otherwise specified by this code or by law.

#### **Section 501.03. DURATION OF LICENSE**

Unless otherwise specified, a license shall be valid for a calendar year or the part of the year for which it is issued and shall expire on December 31.

#### **Section 501.04. TRANSFERS**

No license issued under this code may be transferred to any other person. Where a license related to specific premises, the license shall not be changed to another location without approval of the council or other licensing authority.

Section 501.05.       **INSPECTION**

Subd. 1.       Authorized personnel.   Any city official or employee having a duty to perform with reference to a license under this code and any police officer may inspect and examine any licensee, his business, or premises to enforce compliance with applicable provisions of this code. Subject to the provisions of Subdivision 2, he may, at any reasonable time enter any licensed premises or premises for which a license is required in order to enforce compliance with this code.

Subd. 2.       Search warrants.       If the licensee objects to the inspection of his premises, the city official or employee charged with the duty of enforcing the provisions of this code shall procure a valid search warrant before conducting the inspection.

Section 501.06.       **DUTIES OF LICENSEE**

Subd. 1.       Compliance required.   Every licensee and permittee shall have the duties set forth in this section.

Subd. 2.       Inspection.       The licensee and permittee shall permit, at reasonable times, inspections of his business and examination of his books and records by authorized officers or employees.

Subd. 3.       Compliance with law.   The licensee and permittee shall comply with laws, ordinances, and regulations applicable to the licensed business, activity, or property.

Subd. 4.       Display of license.   The licensee and permittee shall display the license or other insignia given him as evidence of the license in a conspicuous place on the premises, vehicle, or device to which the license relates. If the license is not so related, the license shall be carried on the licensee's person whenever he is carrying on the licensed activity.

Subd. 5.       Unlawful disposition.   The licensee shall not lend or give to any other person his license or license insignia.

Section 501.07.       **SUSPENSION OR REVOCATION**

The council may suspend for a period not exceeding 60 days or revoke any license or permit for violation of any provision of law, ordinance, or regulation applicable to the licensed or permitted activity or property. Except where mandatory revocation is provided by law without notice and hearing and except where suspension may be made without a hearing, the holder of the license or permit shall be granted a hearing upon at least 20 days notice before revocation or suspension is ordered. The notice shall state the time and place of the hearing and the nature of the charges against the licensee.

**PART 2.   REFUSE COLLECTION AND DISPOSAL**

Section 502.01.       **DEFINITIONS**

Subd. 1.       Words and phrases.   For the purposes of this chapter, the following words and phrases have the meanings given them in this section.

Subd. 2.       Garbage means organic waste resulting from the preparation of food and decayed and spoiled food from any source.

Subd. 3. Rubbish means inorganic solid waste such as tin cans, glass, paper, ashes, sweepings, etc.

Subd. 4. Refuse includes garbage and rubbish.

**Section 502.02. GENERAL REGULATIONS**

Subd. 1. Unauthorized accumulation. Any unauthorized accumulation of refuse on any premises is a nuisance and prohibited.

Subd. 2. Refuse in streets, etc. No person shall place any refuse in any street, alley, or public place or upon any private property except in proper containers for collection. No person shall throw or deposit refuse in any stream or other body of water.

Subd. 3. Scattering of refuse. No person shall deposit anywhere within the City any refuse in such manner that it may be carried or deposited by the elements upon any public or private premises within the City.

Subd. 4. Burying of refuse; composting. No person shall bury any refuse in the City except in an approved sanitary landfill, but leaves, grass clippings, and easily biodegradable, non poisonous garbage may be composted on the premises where such refuse has been accumulated. Garbage may be composted only in a rodent-proof structure and in an otherwise sanitary manner and after the council (health officer) gives its approval to such composting after it (he) finds that the composting will be done in accordance with these standards.

Subd. 5. Restrictions. There shall be no garbage picked up in containers larger than 32 gallon containers. Christmas trees, branches, lumber, cardboard boxes must be cut to 30 inches and tied in bundles. Lawn grass, garden waste, flowers, and ashes shall be placed in a plastic trash bag and placed in containers that can be adequately handled by one man. No refrigerator boxes will be allowed. If the containers are wet and fall apart, CONTRACTOR is not obligated to pick them up. CONTRACTOR will not pick up any dead animals, tires, auto parts, snowmobile parts or caustic containers.

**Section 502.03. DISPOSAL REQUIRED**

Every person shall, in a sanitary manner, dispose of refuse that may accumulate upon property owned or occupied by him. Garbage shall be collected, or otherwise lawfully disposed of, at least once a week. Each individual home and each individual business shall be required to have garbage collection.

**Section 502.04. CONTAINERS**

Subd. 1. General requirement. Every householder, occupant, or owner of any residence and any restaurant, industrial establishment, or commercial establishment shall provide on the premises one or more containers to receive and contain all refuse which may accumulate between collections. All normal accumulations of refuse shall be deposited in such containers. In lieu of said containers, the City Council may authorize by resolution a system of suitable disposable bags to be used for garbage collection. Leaves, trimmings from shrubs, grass clippings, shavings, excelsior, and other rubbish of similar volume and weight may be stored in closed containers not meeting the requirements of Subdivision 2.

Subd. 2. Container requirements. Each container shall be watertight and impervious to insects. The container shall not exceed 32 gallons in capacity, except that for certain types of businesses, residences, or manufacturing plants having refuse volume exceeding two cubic yards per week. The city council may authorize the use of special bulk or box-type refuse storage containers that are adaptable to the truck used for collection. These special containers may be purchased by the individuals or businesses or rented from the city or contractor furnishing the collection service.

Containers shall be maintained in good and sanitary condition. Any container not conforming to the requirements of this chapter or having ragged or sharp edges or any other defect likely to hamper or injure the person collecting the contents shall be promptly replaced after notice by the city.

Subd. 3. Placement. Where an alley open to traffic is available, each container for premises abutting the alley shall be placed at the rear of the property next to the alley. Where no alley exists, the container shall be placed near the rear door of the building to which it relates. In that case, the container shall be placed at the front property line for collection but it shall not be so placed before 9:00 pm the night before collection and shall be removed by 8:00 pm the day of collection.

Subd. 4. Use of containers. Refuse shall be drained of liquid and household garbage shall be wrapped before being deposited in a container. Highly flammable or explosive material shall not be placed in containers.

Subd. 5. Maintenance of Containers. Renters of containers for garbage will be responsible for the condition including any damages to the container beyond the reasonable wear and tear. Food and other moist materials should be wrapped before being placed in the container.

#### Section 502.05. **(ALTERNATE A) CONTRACT FOR REFUSE COLLECTION**

Subd. 1. Council to let contract. Subject to the provisions of this part, the council shall grant by contract to the lowest bidder in accordance with law the authority to collect and dispose of all refuse originating within the city. The city administrator shall prepare specifications for advertising for bids for such contract and he shall see that when let, the contract is executed in accordance with its terms and this part.

Subd. 2. Terms. The contract shall be made for fixed terms and may have provision to renewals.

Subd. 3. Liability insurance. It shall be a condition of the contract that the applicant file with the city administrator a current policy of public liability insurance covering all vehicles to be used by the applicant in the licensed business. The limits of coverage of such insurance are a minimum of \$100,000 combined single limit.

Subd. 4. Contract collector. No person shall collect refuse within the city except a person holding a contract with the city to do so. No person shall permit refuse to be picked up from his premises except by such contractor.

#### Section 502.05. **(ALTERNATE B) MUNICIPAL COLLECTION**

Subd. 1. City system established. There is hereby established a municipal system for the collection and disposal of refuse accumulated within the city. No person except an authorized city employee shall collect, convey over any street or alley of the city, or dispose of any refuse accumulated in the city except as provided in section 502.02, subdivision 4.

Subd. 2. Responsibility for city system. The City Administrator or designated official shall supervise and control the collection and disposal of refuse. In accordance with regular personnel and purchasing procedures, he shall employ necessary personnel and acquire necessary equipment to provide for the collection and disposal of refuse accumulated within the city. Subject to council approval, he may adopt rules and regulations necessary to supplement the provisions of this ordinance.

**Section 502.06. RATES AND CHARGES**

Subd. 1. The city council shall establish a system of service charges for refuse collection and shall fix and declare the maximum charges, including special charges for extra hauling or collecting from an excessive number of containers, and shall classify refuse collection and disposal according to the type of service required and given based on the type of residence or dwelling, type of business conducted and the number of collections and removals each week, fixing and establishing a service charge for each class. A copy of the fee schedule shall be adopted by City Council majority vote and is in the appendix of this code.

Subd. 2. Costs assessed. The cost of operating the commercial refuse collection system shall be assessed on the size of the container and number of pickups per week.

Individual residences

Subd. 3. Billing. The service charge shall be made to the owner or occupant of each building or housing unit served. If the building is served by city water or sewer, the refuse collection charge shall be billed as a separate entry on the water or sewer bill. If the premises are not so served, the refuse collection charge shall be separately billed by the city administrator.

Subd. 4. Payment. Service charges shall be payable at the same time as bills for water service and subject to the same conditions of payment. Delinquent accounts not paid by the 15th of the month will be assessed a \$2.00 service charge or 1 ½% a month, whichever is greater.

Subd. 5. Fund. All service charges shall be deposited in the utility fund.

**Section 502.07. REFUSE COLLECTION SCHEDULE**

The City Council shall set by resolution the schedule by which the refuse collector shall collect refuse from the property in the city.

**Section 503.08. COLLECTION VEHICLES**

Every refuse collection vehicle shall be lettered on the outside so as to identify the licensee (contractor). Every vehicle used for hauling garbage shall be covered, leak proof, durable, and of easily cleanable construction. Every vehicle used for hauling refuse shall be sufficiently airtight, and so used as to prevent unreasonable quantities of dust, paper, or other collected materials to escape. Every vehicle shall be kept clean to prevent nuisances, pollution, or insect-breeding, and shall be maintained in good repair.

**Section 503.09. LIMITATIONS**

There shall be no garbage picked up in containers larger than 32 gallon containers. Christmas trees, branches, lumber; cardboard boxes must be cut to 30 inches and tied in bundles. Lawn grass, garden waste, flowers, and ashes shall be placed in a plastic trash bag and placed in containers that can be adequately handled by one man. No refrigerator boxes will be allowed. If the containers are wet and fall apart, CONTRACTOR is not obligated to pick them up; CONTRACTOR will not pick up any dead animals, tires, auto parts, snowmobile parts or caustic containers.



## **PART 3. ANIMALS**

### **Section 503.01. ANIMAL NUISANCES**

The owner or custodian of any animal shall prevent the animal from committing in the city any act which constitutes a nuisance. It is a nuisance for any animal to habitually or frequently bark or cry at night, to molest or annoy any person away from property of his owner or custodian, or to damage, defile, or destroy public or private property. Failure of the owner or custodian of an animal to prevent from committing such a nuisance is a violation of this ordinance.

### **THAT PART 3. ANIMALS, SECTION 503.01 ANIMAL NUISANCES OF THE ORDINANCES OF THE CITY OF RED LAKE FALLS IS HEREBY AMENDED TO READ AS FOLLOWS:**

### **Section 503.01. ANIMAL NUISANCES**

The owner or custodian of any animal shall prevent the animal from committing in the city any act which constitutes a nuisance. It is a nuisance for any animal to habitually or frequently bark or cry anytime, to molest or annoy any person away from property of his owner or custodian, or to damage, defile, or destroy public or private property. Failure of the owner or custodian of an animal to prevent from committing such a nuisance is a violation of this ordinance.

### **Section 503.02. CONFINEMENT OF CERTAIN ANIMALS**

Every female animal in heat shall be confined in a building or other secure enclosure in such manner that it cannot come into contact with another except for planned breeding.

### **Section 503.03. QUARANTINE OF CERTAIN ANIMALS**

Any animal which bites a person shall be quarantined for such time as may be directed by the local veterinary service. During quarantine the animal shall be securely confined and kept from contact with any other animal. At the discretion of the local veterinary service the quarantine may be on the premises of the owner; however, if the veterinary service requires other confinement, the owner shall surrender the animal for the quarantine period to an animal shelter or shall, at his own expense, place it in a veterinary hospital.

### **Section 503.04. MUZZLING PROCLAMATION**

Whenever the prevalence of rabies renders such action necessary to protect the public health and safety, the council shall issue a proclamation ordering every person owning or keeping an animal to muzzle it securely so that it cannot bite. No person shall violate such proclamation and any unmuzzled dog unrestrained during the time fixed in the proclamation shall be subject to impoundment as heretofore provided, and the owner of such animal shall be subject to the penalty hereinafter provided.

### **Section 503.05. PROCEEDINGS FOR DESTRUCTION OF CERTAIN ANIMALS**

Upon sworn complaint to the Red Lake County court that any one of the following facts exists:

- a. That any animal at any time has destroyed property or habitually trespasses in a damaging manner on the property of persons other than the owner;
- b. That any animal at any time has attacked or bitten a person outside the owner's or custodian's premises;
- c. That any animal is vicious or shows vicious habits or molests pedestrians or interferes with vehicles on the public streets;
- d. That any animal is a public nuisance as heretofore defined;

The judge shall issue a summons directed to the owner of the animal commanding him to appear before the court to show cause why the animal should not be seized by any police officer, or otherwise disposed of in the manner authorized in this part. Such summons shall be returnable not less than two nor more than six days from the date thereof and shall be served at least two days before the time of the scheduled appearance. Upon such hearing and finding the facts true as complained of, the court may either order the animal killed or order the owner or custodian to remove it from the city, or may order the owner or custodian to keep it confined to a designated place. If the owner or custodian violates such order, any police officer may impound the animal described in such order. The provisions of this section are in addition to and supplemental to other provisions of this part.

Costs of the proceeding specified by this section shall be assessed against the owner or custodian of the animal, if the facts in the complaint are found to be true; or the complainant, if the facts are found to be untrue.

**Section 503.06. IMPOUNDING**

Subd. 1. Police to impound. Any animal found unlicensed or running at large contrary to the provisions of this ordinance may be impounded by the pound master or any police officer, who shall give notice of the impounding to the owner of such animal if known. If the owner is unknown, the officer shall post notice at the pound and at the city hall that if the animal is not claimed within five days of the posting of the notice, it will be disposed of.

Subd. 2. Redemption. Any animal may be redeemed from the pound by the owner within the time stated in the notice by the payment to the city administrator of the license fee for the current year, if unpaid, together with an impounding and boarding fees which shall be set by City Council resolution. A copy of these fees shall be in the appendix of this code.

Subd. 3. Disposition of unclaimed animals. Any animal which is not redeemed within the time specified in Subdivision 2 may be sold for not less than the amount provided in that subdivision to anyone desiring to purchase the dog if it is not requested by a licensed educational or scientific institution under Minnesota Statutes, Section 35.71. All sums received in addition to the fees fixed by Subdivision 2 shall be paid to the owner if he makes a claim within one year of the sale and furnishes satisfactory proof of ownership. Any animal which is not claimed by the owner or sold shall be painlessly killed and disposed of by the pound master.

Subd. 4. Pound master. The City Council shall appoint a pound master who shall maintain the city pound and perform other duties imposed on him by this part.

Subd. 5. The City Council may at its option authorize pound master to board impounded animals in private or public pounds or kennels within 30 miles of the City of Red Lake Falls

**Section 503.07. KENNELS**

No person, firm, or corporation shall maintain in the city a kennel where animals are kept for sale or boarding without securing a license for the operation of the kennel from the city administrator. The license fee shall be established by City Council resolution, a copy of which is in the appendix of this code. This fee shall be in addition to the license fee prescribed in the preceding sections for each animal kept in the kennel.

**Section 503.08. PENALTY**

Any person keeping a dog without a license or allowing a dog under his control to run at large is guilty of a misdemeanor.

Section 503.09.       **LICENSES**

Subd. 1.       License required.       No person shall keep any animal within the city without securing an annual license therefore from the city administrator, who shall keep a record of all licenses issued and shall issue a metal tag for each license.

Subd. 2.       License fees; expiration.       The annual license fee shall adopted by council resolution and a schedule is in the appendix of this code.

Subd. 3.       Rabies vaccination.       Every application for a license shall be accompanied by a certificate from a qualified veterinarian showing that the animal has been vaccinated against rabies during the ninety day period preceding the application for the license, except that when an animal has been previously licensed for a full year, the license may be issued if the animal has been vaccinated within a period of six months prior to the application for a license.

Subd. 4.       Doctors of Veterinarian Medicine who vaccinate animals within the City of Red Lake Falls are required to issue municipal animal licenses to animals whose owners reside within the city limits. The Veterinarian is further required to maintain records of the owners name, address, phone number, breed of animal, description of animal, dates of vaccination, and municipal license number and report this information to the City Administrator quarterly on April 1, July 1, October1, and December 31. The Veterinarian shall charge the prevailing municipal license rate prescribed by this code, and submit these fees quarterly to the City Administrator.

Section 503.10.       **AREAS WHERE KEEPING PROHIBITED**

No horse, cattle, sheep or goat shall be kept in the city except within the agricultural zone (or on a parcel of land exceeding 20 acres).

Section 503.11.       **TREATMENT**

No person shall treat any animal in a cruel or inhumane manner.

**THE CODE OF ORDINANCES OF THE CITY OF RED LAKE FALLS, MINNESOTA 2009, IS HEREBY AMENDED BY ADDING A SECTION TO BE NUMBERED: PART 3. SECTION 503.11, SUBDIVISION 1, 2, 3, 4, AND 5.**

Subd. 1.       “Cruelty” means every act, omission or neglect which causes or permits unnecessary or unjustifiable pain, suffering, or death.

Subd. 2.       All cats, dogs and small domestic animals must be moved indoors or to an enclosure area that provides protection from the cold and heat.

Subd. 3.       It shall be required that the animal is maintained in good health and well being as per proper preventative veterinarian care for that animal. Proper veterinary care includes but is not limited to required annual vaccinations and City of Red Lake Falls annual license.

Subd. 4.       Dogs, cats and small domestic animals must be provided with food of sufficient quantity and quality to allow for normal growth or the maintenance of body weight.

Subd. 5.       Dogs, cats and small domestic animals must be provided with clean, potable water in sufficient quantity, at all times to satisfy the animal’s needs. Snow or ice is not an adequate water source.

Section 503.12.       **ANIMALS AT LARGE**

No person shall permit any horse, mule, donkey, pony, cattle, sheep, goat, swine, rabbit, chicken, goose, duck or turkey of which he is the owner, caretaker, or custodian to be at large within the city; amended

12/02/01 to include dogs and cats. Any such animal is deemed to be at large when it is off the premises owned or rented by the owner or his agent and not under his individual restraint.

**Section 503.13. DISEASED ANIMALS**

Any animal with a contagious disease shall be so confined that it cannot come within 50 feet of any public roadway or any place where animals belonging to or harbored by another person are kept.

**Section 503.14. MANNER OF KEEPING**

No person shall keep any dog, cat or other animal in the city in an unsanitary place or condition or in manner resulting in objectionable odors or in such a way as to constitute a nuisance or disturbance by reason of barking, howling, fighting, or other noise or in such a way as to permit the animal to annoy, injure, or endanger any person or property.

**THE CODE OF ORDINANCES OF THE CITY OF RED LAKE FALLS, MINNESOTA 2009, IS HEREBY AMENDED BY ADDING A SECTION TO BE NUMBERED: PART 3. SECTION 503.14, SUBDIVISION 1 AND 2.**

Subd. 1. Tethering. No animal shall be tethered as a primary means of stationary confinement. Stationary confinement by tethering shall be considered cruel treatment.

- a. It shall be unlawful for any person owning or in possession of any animal to keep that animal chained, tied, fastened or otherwise tethered as a means of confinement and restraint to property for more than 10 continuous hours in a 24 hour period.

Subd. 2. That the animal, if not tethered, shall be within an enclosure that shall be constructed of material, and in a manner to minimize the risk of injury to the animal, and shall encompass sufficient usable space to keep the animal in good condition not smaller than a 100 square foot area and appropriate for the size or number of the animals.

**Section 503.15. CARE OF PREMISES**

Subd. 1. Clean shelter. Every structure and yard in which animals or fowl are kept shall be maintained in a clean and sanitary condition and free of all rodents, vermin, and objectionable odors. The interior walls, ceilings, floors, partitions and appurtenances of any such structure shall be whitewashed or painted as the health officer shall direct. Upon the complaint of any individual or otherwise, the health officer shall inspect such structure or yard and issue any such order as may be reasonably necessary to carry out the provisions of Part 4.

Subd. 2. Manure. Manure shall be removed with sufficient frequency to avoid nuisance from odors or from the breeding of flies, at least once per month from October 1 to May 1 each year and once every two weeks at other times. Unless used for fertilizer, manure shall be removed by hauling beyond the city limits. If used for fertilizer, manure shall be spread upon the ground evenly and turned under at once or as soon as the frost leaves the ground.

**THE CODE OF ORDINANCES OF THE CITY OF RED LAKE FALLS, MINNESOTA 2009, IS HEREBY AMENDED BY ADDING A SECTION TO BE NUMBERED: PART 3. SECTION 503.16**

**Section 503.16. MAXIMUM NUMBER OF ANIMALS PERMITTED**

The number of licensed dogs and cats permitted per occupied dwelling unit shall not exceed three animals exceeding three months of age. Any existing dwelling unit which becomes nonconforming on the effective date of this subchapter shall not have the number of permitted dogs and cats enlarged, but may

continue with the existing dogs and cats until the expiration of the lives of those excess dogs and cats. An owner proposing to exceed three animals at their residence shall apply for a kennel license.

**THE CODE OF ORDINANCES OF THE CITY OF RED LAKE FALLS, MINNESOTA 2009, IS HEREBY AMENDED BY ADDING A SECTION TO BE NUMBERED: PART 3. SECTION 503.17**

**Section 503.17. REMOVAL OF ANIMAL WASTE**

The owner of any animal shall be responsible for the removal of any excreta deposited by his/her animal on public walks, recreation areas, public streets, or private property other than the premises of the owner of the animal.

**PART 4. CIGARETTE SALES**

**Section 504.01. LICENSE REQUIRED**

No person shall directly or indirectly or by means of any device keep for retail sale, sell at retail, or otherwise dispose of any cigarette, cigarette paper, or cigarette wrapper at any place in the City of Red Lake Falls unless a license therefore has been obtained from the Council on application to the City Administrator.

**Section 504.02. LICENSE FEE**

The fee for every license shall be set by the annual fee chart. Every license shall expire on December 31 of the year for which it is issued.

**Section 504.03. RESTRICTIONS**

No license shall be issued except to a person of good moral character. No license shall be issued for the sale of cigarettes at a movable place of business, nor shall any one license be issued for the sale of cigarettes at more than one place of business. No person shall sell or give away, or permit any vending machine to be used to sell, any cigarette, cigarette paper or cigarette wrapper to any person below the age of 18 years. No person shall keep for sale, sell, or dispose of any cigarette containing opium, morphine, gismo, weed, Bella Donna, strychnia, cocaine, marijuana, or other deleterious or poisonous drug except nicotine.

**Section 504.04. PENALTY**

Any person who violates any provisions of this part is guilty of a misdemeanor.

**PART 5. BINGO GAMES, GAMBLING DEVICES AND RAFFLES**

**Section 505.01. STATUTE ADOPTED**

The provisions of Minnesota Statutes, Section 349.11 through 349.23 relating to the licensing of certain kinds of gambling are adopted and made a part of this ordinance as if set out in full. In addition, the regulations imposed by this ordinance apply to the conduct of gambling so licensed.

**Section 505.02. REPORTING REQUIREMENTS**

Each organization licensed under this ordinance must report monthly its membership and to the City Administrator its gross receipts, expenses, and profits from gambling devices or raffles, and the distribution of its profits. The licensee shall preserve these records for two years.

Section 505.03. **PENALTY**

Any person who violates any provision of this part is guilty of a gross misdemeanor.

**PART 6. ELECTRICAL DISTRIBUTION AGREEMENT**

Section 506.01. **GRANTING TO OTTER TAIL POWER COMPANY PERMISSION TO ERECT, CONSTRUCT, INSTALL AND MAINTAIN AN ELECTRIC LIGHT AND POWER SYSTEM AND TRANSMISSION LINES**

Subd. 1. There is hereby granted to Otter Tail Power Company, a Minnesota Corporation, its successors and assigns, hereinafter called the Grantee, for a period of (20) years from and after the passage and approval of this ordinance and during all of said time subject to the conditions and requirements hereinafter set forth, permission to construct, install and maintain an electric light and power system and transmission lines and to operate and maintain the same within and through the City and to transmit electricity to and from other towns or cities for the purpose of light, power and heat and to erect, construct, install and maintain conduits, poles, wires, pipes and other necessary fixtures and attachments upon and under the streets, alleys, bridges and public grounds of said City for the purpose of furnishing and selling electricity for light, heat and power and such other purposes for which electricity may be used by the inhabitants of said City, said permission and franchise to become operative and continue under the conditions hereinafter set forth.

Subd. 2. Said Grantee shall use poles, wires, cross arms, equipment and devices to conform with the standards of construction adopted by National Electrical Safety Code of the United States, Department of Commerce, and all apparatus connected therewith shall be located so as not to construct the avenues, streets, and alleys of said City or to endanger persons or property or to hinder or obstruct the use of said avenues, streets, alleys for public places by the inhabitants of said City, or public in general, or to interfere with any street, sidewalk, curb, gutter or park improvements that the City may deem proper to make along the lines of said avenues, streets and public places.

Subd. 3. All conduits, poles, wires and pipes installed by virtue of this Ordinance shall be installed in such places and in such manner as not unnecessarily to encroach upon streets, alleys, bridges, or public grounds and places of said City and so not to unnecessarily obstruct the use thereof for the ordinary purpose of travel thereon, and the installation thereof shall be subject to the reasonable supervision and direction of the City Council of the said City. Whenever practicable, all poles shall be set in alleys, and poles now in position upon or along the streets, whenever practicable, shall be removed, and the locations of all of said poles shall be designated by the Mayor of the said City. All poles where set in alleys shall be set at or near the boundary line thereof, and where set in streets shall be located at such distances, as shall be directed by the City, from the property line of the abutting owner, and shall be placed so as not to interfere with the construction or placing of any water pipes, sewers, or drains or the flow of water there from which have been or may be placed by authority of said City. In the event that said Grantee shall make any unnecessary obstructions of said streets, alleys, public grounds or places not designated by the City Council, the City any cause the removal of such obstructions and charge and collect from such Grantee the actual cost of such removals.

Subd. 4. During the construction, maintenance or enlargement of any part of said electric light and power system, said Grantee shall not unnecessarily impede or block travel in said streets and highways in said City, and shall leave all streets, highways, alleys, sidewalks, curbs, lanes and public places and all grounds disturbed by said construction in good condition upon completion of said work.

The City reserves the right for itself and its agents to make and adopt, and the rights and privileges hereby granted shall at all times be and remain subject to, such reasonable regulations of a police nature as it may deem necessary for the best interests of the City, but the City will not by any such regulations or by acts of its own or agents do anything to prevent or interfere with the Grantee carrying on its business in accordance with the franchise hereby granted.

Subd. 5. Whenever the said Grantee in erecting, constructing and maintaining said lines or poles, shall take up any of the pavements, sidewalks, crossings or curbs on any of the avenues, streets and alleys, or public places in said City of shall make any excavations thereon; such excavations shall be refilled and the sidewalk, crossing or curb replaced under the direction of the said City and any excavation so made shall be properly lighted at night during the construction, and in case of the failure to do so on the part of the said Grantee, then the said Grantee agrees to pay said City for the reasonable cost or value of said work. Said Grantee shall be liable for all loss damage caused by the negligence of Grantee, which may result to persons or property within the said City, caused by it, or its agents, servants, or employees in erecting, operating and maintaining the said electric system within said City, and shall at all times save the City harmless from any and all damages to persons or property in erecting, operating or maintaining said electric system.

Subd. 6. There is granted to said Grantee, its successors and assigns, during the term hereof, permission and authority to trim all trees in alleys, streets and public grounds of said City so as to remove all parts of said trees interfering with the proper erection, maintenance and operation of poles, cables, wires, masts or other fixtures, or appliances installed or to be installed pursuant to authority hereby granted.

Said Grantee shall have full right and authority to assign to any person, persons, firm or corporation all the rights that are given it by this Ordinance, provided, that the assignee of such rights by accepting such assignment shall become subject to the terms and conditions of this Ordinance.

Subd. 7. The Grantee shall use due diligence and care in furnishing electric service as herein provided but shall not be liable for any loss or damage which may arise from failure of the service, either partial or total, but this shall not be construed to exempt said Grantee from liability for negligence.

Subd. 8. The Grantee shall have the right to require any person to whom electric service is furnished to make a deposit to insure the payment of bills for service to be rendered. The Company shall issue a receipt for such deposit and shall return same whenever the customer shall discontinue the use of electric service, provided all bills are then paid. The Grantee may apply all or any portion of the deposit to any unpaid bills and shall thereupon mail to the customer a receipt for such amount.

Subd. 9. It is further expressly and specifically provided that all permits, licenses and franchises heretofore granted by the City, giving or purporting to give permission to any person, persons or corporation to construct, install or maintain an electrical line or system in, upon or through the streets, alleys or public grounds of the City for the purpose of furnishing light, heat and power to the City or its inhabitants, be, and the same hereby are in all respects revoked, cancelled and annulled.

Subd. 10. This Ordinance shall take effect and be in full force from and after its passage by the City Council and its publication as required by statute. The said Grantee shall specify its acceptance of this franchise in writing, to be filed with the City Administrator and in no event shall this Ordinance be binding on said Grantee until the filing of such acceptance.

Section 506.02        **REGULATING THE GRANTING OF A FRANCHISE AND OPERATION OF A COMMUNITY ANTENNA SYSTEM**

Section 506.02.01    **DEFINITIONS**

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

1. CITY is the City of Red Lake Falls;
2. COMPANY is such Company as might be granted a franchise under the terms of this Ordinance;
3. COUNCIL is the City Council of the City of Red Lake Falls;
4. PERSON is any firm, person, partnership, association, corporation, company or organization of any kind;
5. COMMUNITY TELEVISION SYSTEM shall be a system whereby television reception is furnished for the subscribers in the City of Red Lake Falls by a system of towers, cable and other equipment for the improvement of television viewing within the City.

Section 506.02.02.    **GRANT OF AUTHORITY**

1. The City Council is hereby authorized to grant a non-exclusive-franchise to a Company for a Community Television Service in the City.
2. That such authority shall be granted upon an application by such company desiring to establish a Community Television Service.
3. Upon such application, the Council shall investigate the feasibility and the background and status of the Company and may schedule public hearings if in the judgment of the Council, the public interest would be served.
4. The Council, upon full investigation, would grant the franchise to the Company applying therefore and shall include the right and privilege to construction, erect, operate and maintain, in, upon, along, across, above, over and under the streets, alleys, public ways and public places now laid out or dedicated and all extensions thereof, and additions thereto, in the City, poles, wires, cables, underground conduits, manholes and other television conductors and fixtures necessary for the maintenance and operation in the City of a Community Television System for the interception, sale and distribution of television and other signals.
  - a. This grant shall be a non-exclusive grant and the right to use and occupy said streets, alleys, public ways and places for the purposes herein set forth shall not be exclusive, and the City reserves the right to grant a similar use of said streets, alleys, public ways and places, to any person at any time during the period of this Franchise, and places, to any person at any time during the period of this Franchise, provided, nevertheless that if within one year the Company has not made available a system as described in Article V of this Ordinance, this franchise shall terminate and the City may grant its franchise to any other person.



- b. Any modification of the provisions of Section 76.31 of the Rules and Regulations of the Federal Communications Commission relating to Cable Television Service shall be incorporated into the franchise granted hereunder within one year of the adoption of such modification or at the time of franchise renewal, whichever occurs first.

**Section 506.02.03. COMPLIANCE WITH APPLICABLE LAWS AND ORDINANCES**

The Company shall, at all times during the life of this Franchise, be subject to all lawful exercise of the police power by the City shall hereafter by ordinance provide.

**Section 506.02.04. CONSTRUCTION STANDARDS**

1. All construction of the Company, including installation, shall conform to the National Electric Safety Code, the statutes of the State of Minnesota and the Ordinances of the City. The Company shall provide the City with a map designating the location of cable television facilities and said map shall be available for public examination.
2. All transmission and distribution structures, lines and equipment erected by the Company within the City shall be located as to cause minimum interference with the proper use of streets, alleys and other public ways and places, and to cause minimum interference with the right or reasonable convenience of property owners who adjoin any of the said streets, alleys or other public ways and places. Locations are subject to approval by City Engineer.
3. In case of any disturbance of pavement, sidewalk, driveway, or any other surface, Company shall, at its own cost and expense and in a manner approved by the City Engineer or Designated Official replace and restore all paving, sidewalk, driveway or surface or any street or alley disturbed, in as good condition as before said work was commenced, and shall maintain the restoration in an approved condition for a period of five (5) years.
4. In the event that at any time during the period of this Franchise the City shall lawfully elect to alter, or change the grade of any street, alley or other public way, the Company upon reasonable notice by the City, shall remove, relay, and relocate its poles, wires, cables, underground conduits, manholes and telephone or other fixtures at its own expense in locations to be approved by the City Engineer or Designated Officials.
5. The Company shall not place poles or other fixtures where the same will interfere with any gas, electric or telephone fixtures, water hydrant or main, and all such poles or other fixtures placed in any street shall be placed at the outer edge of the sidewalk and inside the curb line, and those placed in alleys shall be placed close to the line of the lot abutting on said alley, and then in such a manner as not to interfere with the usual travel on said streets, alleys and public ways. Locations are to be approved by the City Engineer or Designated Official.
6. The Company shall, in the request of any person holding a building moving permit issued by the City, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal, raising or lowering of wires shall be paid by the person requesting the same, and the Company shall have the authority to require such payment in advance. The Company shall be given not less than forty-eighth (48) hours advance notice to arrange for such temporary wired changes.
7. The Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the City so as to prevent the branches of such trees from coming in contact with the wires and cables of the Company, all trimming to be done with the approval, and under the supervision and direction of the Public Works Director and at the expense of the Company.

**Section 506.02.05. SERVICE AND MAINTENANCE STANDARDS**

The Company shall maintain and operate its system and render efficient service in accordance with the rules and regulations as are, or may be set forth by the Council, or by the proper Federal and/or State regulatory body.

1. The Company shall maintain a local business office and a maintenance service which will be promptly available to subscribers upon telephone request. The Company shall employ at least one qualified technician to provide said maintenance service within the City.
2. Whenever it is necessary to shut off or interrupt service for the purpose of making repairs, adjustments to installations, the Company shall do so at such time as will cause the least amount of inconvenience to its customers, and unless such interruption is unforeseen and immediately necessary, it shall give reasonable notice thereof to its customers.
3. The Company shall, upon the request of any subscriber, promptly remove all wires and equipment from the premises of such subscriber at no expense to such subscriber.
4. The Company shall at all times operate the cable system so as not to interfere with existing reception and shall prevent radiation from Company's cables to the antennas in the City. In the event Company's operation should interfere with existing reception or radiation should exist from the Company's cables to the antennas in the City, and the same is not corrected within a reasonable time after the Company shall have been notified of such fault, then, and in that event, council of the City may terminate this Franchise without regard to the term of this Franchise.
5. The broadcasting within a sixty (60) mile radius of any athletic contest or other programs or event originating from the City of Red Lake Falls is prohibited unless the Council grants Company permission.
6. Installation and maintenance of equipment shall be such that standard color signals shall be transmitted to any subscriber receiver.

**Section 506.02.06. CUSTOMER RATES**

1. The schedule of rates shall be on file at the office of the City Administrator at all times and open to inspection by the public.

**Section 506.02.07. FRANCHISE FEES**

The Company shall pay the City such amount as a franchise fee which has been set by the resolution of the City Council at the time of granting of the franchise and any subsequent resolution thereafter. Said payment may be made on or before December 31st of each year during the term of this Franchise. The City may change the fees by resolution, but shall do so at least 3 months before going into effect and shall give the Company 2 weeks written notice of intention of taking such action at a council meeting.

**Section 506.02.08. TERM OF FRANCHISE**

1. The franchise and rights granted under this Ordinance shall take effect and be in force from and after the granting of such franchise by resolution, as required under Article II and shall continue in force and effect for a term of 5 years from the effective date of the granting of such franchise.

2. The granting of any franchise shall be null and void unless the Company shall within 30 days after such granting of the franchise, file with the City its written acceptance of all the terms and conditions of this Ordinance and resolution.
3. The franchise granted hereunder may be revoked by the City in the event the Company fails to apply for a Certificate of Compliance from the Federal Communications Commission within sixty (60) days after the granting of such franchise.

**Section 506.02.09 INDEMNITY AND INSURANCE**

The Company shall indemnify and save the City harmless from any and all liability, damage or expense from accident or damage, either to itself or to persons or property of others, which may occur by reason of the Company's activities in the cable television business. For this purpose and prior to commencing construction of any kind, the Company shall have in full force and effect and thereafter so maintain the same at all times, and file evidence thereof with the City, a good and sufficient policy of insurance with liability limits requiring in the resolution granting said franchise, for property damage, personal injury to each person and for each accident. Such resolution shall set out the limits for each accident and each person. Said policy shall protect the City from and against any and all claims, actions, suits, liability, expense or damage of any kind or description which may accrue to or be suffered by the City of by anyone by reason of the construction, maintenance or operation of Company's facilities.

**Section 506.02.10. RECORDS AND REPORTS**

1. Access to Company Records: The City shall have access at all reasonable hours to all of the Company plans, and engineering plats. Copies of such rules, regulation, terms and conditions adopted by the Company for the conduct of its business shall be filed with the City Administrator in the local office of the Company.

**Section 506.02.11. PREFERENTIAL OR DISCRIMANTORY PRACTICES PROHIBITED**

The Company shall not, as to rates, charges, service facilities, rules, regulations, or in any other respect, make or grant any preferences or advantages to any person, nor subject any person to any prejudice or disadvantage, providing that noting in such Franchise shall be deemed to prohibit the establishment of a graduated scale of charges and classification would be entitled.

**Section 506.02.12. EXTENSION POLICY**

1. The Company is to have completed construction of energized truck lines throughout the franchise area within 1 year of the date of the granting of a Certificate of Compliance.
2. Subsequent extensions proposed by the Company shall be submitted to and approved by the City as follows:

The Company shall file with City Council its plan setting forth the stages by which it intends its service into any newly annexed areas of the City. This extension plan shall be filed with the Council as soon as it has been formulated by the Company. No installation of facilities shall commerce until Council has approved the extension plan. Upon the approval by the Council of the extension plan, the Company shall complete the extensions set forth therein within six (6) months of such approval. If Council does not approve said extension plan, negotiations between the Company and City Council in conjunction with public proceedings, shall be carried on until an acceptable extension policy can be determined and approved.

**Section 506.02.13. EXTENSION BY ANNEXATION**

Upon the annexation of any territory to the City, the portion of any said system that may be located or operated within such territory and upon the streets, alleys, or public ground thereof, shall thereafter be subject to all the terms of this Ordinance and the resolution granting this franchise, as though it were an extension thereunder.

**Section 506.02.14. APPROVAL OF TRANSFER**

The Company shall not sell or transfer its plant or system to another, nor transfer any rights under this Franchise to another without Council approval. Further, no sale or transfer shall be effective until the vendee, assignee, or lessee has filed in the office of the City Administrator an instrument, duly executed, reciting the fact of such sale, assignment or lease, accepting the terms of the Franchise, and agreeing to perform all the conditions thereof.

**Section 506.02.15. CITY RIGHTS IN FRANCHISE**

1. The right is reserved to the City at all times to adopt, in addition to the provisions herein contained and existing applicable ordinances, such additional regulations as it shall find necessary in the exercise of the police power, provided that such regulations by ordinance, shall be reasonable, and not in conflict with the rights herein granted under this Ordinance, and shall not be in conflict with the laws of the United States and the State of Minnesota.
2. The City shall have the right, during the life of this Franchise, free of charge, where aerial construction exists, of maintaining upon the poles of the Company within the City limits wire and pole fixtures necessary for a police and fire alarm system, such wires and fixtures to be constructed and maintained to the satisfaction of the Company and in accordance with its specification.
  - a. The City in its use and maintenance of such wires and fixtures, shall at all times comply with the rules and regulations of the Company so that there may be a minimum danger of contact or conflict between the wires and fixtures of the Company and the wires and fixtures used by the City.
  - b. The City shall be solely responsible for all damages to persons or property arising out of the construction or maintenance of said wires and fixtures authorized by this Section and shall save the Company harmless from all claims and demands whatsoever arising out of the attachment, maintenance, change or removal of said wires and fixtures to the poles of the Company. In case of rearrangement of the Company plant or removal of poles or fixtures the City shall save the Company harmless from any damages to persons or property arising out of the removal or construction of its wires and other fixtures.
3. The City shall reserve the general right to see that the system of the Company is constructed and maintained in a safe condition. If the City at any time finds that an unsafe condition does exist, it may order the Company to make necessary repairs forthwith, and if the Company shall fail to forthwith make the necessary repairs, the City may make them or have them made, and collect all cost and expense thereof from the Company.
4. The Company shall provide a free cable to the Designated City Buildings.
5. The Company shall have the authority to promulgate such rules, regulations, terms and conditions governing the conduct of its business as shall be reasonable necessary to enable the Company to exercise its rights and perform its obligations under this Franchise, and to assure an uninterrupted service to each and all of its customers. Provided, however, that such rules, regulations, terms and conditions shall not be in conflict with the provisions hereof or of laws

of the State of Minnesota, and, if required by Law, shall be subject to approval by the proper Federal and/or State regulatory body.

**Section 506.02.16 SEPARABILITY**

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**PART 7. USE OF THE CITY OF RED LAKE FALLS AIRPORT**

**Section 507.01. COMMERCIAL OPERATORS**

Subd. 1. Commercial sprayers. Each commercial air sprayer shall apply for a license to use the facilities of the City of Red Lake Falls Airport. Each application shall be accompanied by a damage deposit which shall be set by council resolution, and a copy shall be in the appendix of this code. The damage deposit must be in the form of a money order or certified check payable to the City of Red Lake Falls. The City of Red Lake Falls shall place the funds received as damage deposits in an escrow account.

Subd. 2. Licenses required. At the time a commercial air sprayer provided the damage deposit to the City of Red Lake Falls, the commercial air sprayer shall be prepared to present to the City or its agent evidence of any licenses required by law. These licenses shall include:

- a. Department of Agriculture License;
- b. Part 137- Agricultural Commercial Operator's Certificate;
- c. State of Minnesota, Department of Transportation License;
- d. Valid Commercial Pilot's License;
- e. Proof of Liability Insurance.

Subd. 3. Refund of deposit. The sum paid as a damage deposit under 507.01, shall be refundable to the applicant providing the deposit at the time of the applicant's departure from the City of Red Lake Falls Municipal Airport, provided that the applicant has cleaned up any damage caused by the applicant and has successfully restored the area used by the applicant to its original condition. In the event that the applicant does not maintain the area rented for the applicant's use, the City of Red Lake Falls shall hire the necessary personnel, including employees, to restore the area to its original condition and the charge for the cleanup shall be deducted from the deposit before it is refunded. In the event the cleanup charge is greater than the damage deposit, the applicant shall be liable to the City of Red Lake Falls for any additional sums.

**Section 507.02. TIE DOWN FEES**

Subd. 1. Commercial operators. After the applicant has obtained the proper approval of the City of Red Lake Falls, a commercial operator shall pay a tie down fee which shall be set by council resolution in the appendix of this code. This fee must be paid prior to departure. However, no tie down charge shall be made to any commercial operators who use the City of Red Lake Falls Airport for less than 48 continuous hours. If the commercial operator uses the airport's services for more than 48 continuous hours, at the end of the time of usage, the tie down fee shall be assessed retroactively to the first day of use.

Subd. 2. Private users. Each private user of the City of Red Lake Falls Airport shall pay a tie down fee which shall be set by council resolution and a copy of this shall be in the appendix of this code.

Section 507.03. **PENALTY**

Any person who violates any provision of this ordinance shall be guilty of a misdemeanor. Notwithstanding the foregoing penalty, the City of Red Lake Falls may apply to the District Court for Red Lake County, Minnesota, for injunctive relief against any individual violating this ordinance in addition to the misdemeanor penalty.

## **PART 8. OUTSIDE STORAGE OF WOOD**

Section 508.01. **DEFINITION**

“Wood” shall include any wood or lumber, whether bought cut or pre-cut construction grade or finish, which is stored or kept on property in the city and which is intended to be used as firewood.

Section 508.02. **PERMITS**

Subd. 1. No wood shall be stored or kept in the City unless the person wishing to store or keep the wood first obtains a permit from the City to do so.

Subd. 2. Application. Each application shall be made on forms provided by the City and available from the City Administrator. The application shall contain the name of the applicant and/or owner of the property, the location of the property on which the wood is to be kept or stored, the manner of storage, the location of the storage on the property, and such further information as the city may from time to time require.

Subd. 3. Permit expiration. A permit for the storage of wood must be obtained on an annual basis. A permit shall expire September 1st of the year following the year in which the permit is issued. There shall be no charge for the permit.

Section 508.03. **STORAGE CONDITIONS**

Wood shall be stored or kept in neat and secure stacks. Wood shall not be in any area of the property in which a building could not be situated under the zoning laws of this city.

Section 508.04. **INSPECTION**

After the issuance of a permit to keep or store wood, the city may enter upon the property described in the application for the permit to inspect the wood.

Section 508.05. **EXEMPTION**

This ordinance shall not apply to wood stored in a covered structure that is impervious to the elements.

Section 508.06. **PENALTY**

Any person who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor.

## **PART 9. OUTDOOR RADIO & TELEVISION ANTENNAS**

Section 509.01. **APPLICATION**

Subd. 1. Prohibition. No outdoor radio or television antenna shall be constructed, erected, enlarged, or altered within the City of Red Lake Falls which does not conform to the requirements of this ordinance.

Subd. 2. Permits. A written application for a permit to construct, erect, enlarge, or alter any outdoor radio and/or television antenna shall be made to the city administrator, and when the city administrator deems necessary, the permit may be required to be accompanied by the proposed plans of construction for the antenna.

## Section 509.02. **CONSTRUCTION REQUIREMENT**

Subd. 1. Lightning arrester. A lightning arrester shall be installed in each conductor of a lead-in from an outdoor antenna. The lightning arrester shall be grounded to an approved ground no lighter than #6. The lightning arrester shall not be located near any combustible material or in a hazardous location. All supporting poles or masts shall be permanently grounded in the same manner, except that poles or masts which are themselves used as antennas need not be so grounded.

Subd. 2. Supports. Outdoor antenna and counter poise and lead-in conductors shall be securely supported. They shall not be attached to poles or similar structures carrying electric light or power wires. Insulators supporting the antenna or counterpoise conductors shall have sufficient mechanical strength to safely support the conductors. Lead-in conductors shall be securely attached to the antenna.

Subd. 3. Lead-in conductors. Lead-in conductors attached to buildings shall be installed so that they cannot swing closer than two feet to the conductors of circuits of 250 volts or less, or closer than ten feet to conductors of circuits of more than 250 volts. The clearance between lead in conductors and any conductor forming part of a lightning rod system shall not be less than six feet. Lead in shall be supported at intervals not less than fifteen feet apart.

Subd. 4. Chimney mounts. Chimney mounts on single flue chimneys with less than three square feet of cross sectional area must be made with straps completely around the chimney. Antenna may be mounted with anchors on chimney of a size greater than three square feet of cross sectional area provided that such chimney is in good condition. Anchors are to be set in holes frilled in the brick and the anchor shall not be set in the mortar joint between the brick.

Subd. 5. Pipe mast guys. All pipes masts requiring guys shall be guyed by not less than three and preferably four guys evenly spaced. Guy wires shall be of non-corrosive, stranded cable or wire, and shall be of 300 lb. test strength. All guys shall be made mechanically secure to the roof, parapet, or other masonry. They shall be attached to the mast with guy rings and contain turnbuckles installed at the base end. The guys shall not be installed at an angle of less than 30 degrees to the vertical of the mast. The guys shall not be tightened in such a manner as to cause the mast to buckle.

Subd. 6. Pipe mast heights. Pipe masts over eight feet in height exclusive of the beam elements shall be guyed as set forth in 509.02. Subd.5.

Pipe masts over eight feet in height but not greater than twenty feet in height exclusive of beam elements shall be guyed to a minimum of two positions. The lower position is to be not less than five feet or more than eight feet from the base. The higher position is to be set not less than two feet from the top. These masts are to be guyed as set forth in 509.02, Subd.5.

Pipe masts of over twenty feet in height, exclusive of antenna elements, shall be guyed in several positions. The lowest position shall be guyed not less than five feet or more than eight feet from the base. Subsequent guys shall be installed at intervals of eight to ten feet above the first set of guys. The guys shall be installed as set forth in 509.02, Subd.5.

Subd. 7. Wood poles. Wood poles that are 40 feet in height must be set at least six feet in the ground, and poles 40 to 50 feet in height must be set not less than seven feet or more than eight feet in the ground.

Subd. 8. Power lines. If possible, all masts and towers shall be installed that the mast and antenna cannot fall on power lines carrying 250 volts or more in the event of the failure of the masts or guys. Where the installation could fall on a power line, the installation shall not be made until approval has been obtained from the Ottertail Power Company.

Subd. 9. Installations. All installations shall be made in a neat, safe, and workmanlike manner.

Section 509.03. **INSPECTION**

Upon completion of the proposed construction, the Fire Chief shall inspect and examine the work to ascertain whether the work conforms to the provisions of this ordinance. The fee for this inspection shall be a charge set by the fire department and is to be prepaid and filed with the application for the permit.

Section 509.04. **PENALTY**

Any person who violates any provision of this part is guilty of a misdemeanor.

## **PART 10. JUNKED VEHICLES AND APPLIANCES**

Section 510.01. **COMMERCIAL AREA**

A lawful business conducted for the sale of junked cars, refrigerators, other household appliances or parts therefrom, which is an exception under 801.04., Subd.'s 26 & 27, shall be located in a commercial area only. No junk business shall be permitted in any residential area.

Section 510.02. **FENCING**

Each lawful business conducted for the sale of junk cars, refrigerators, other household appliances or parts therefrom, shall be suitably fenced or housed so that the junked cars, refrigerators, other household appliances or parts therefrom are concealed from the view of the non-patronizing citizenry.

Section 510.03. **PERMIT**

Each business described in 512.01 shall obtain an annual fee for such permit shall be set by Council resolution and a schedule shall be in the appendix of this code.

Section 510.04. **FURTHER REGULATIONS**

The City Council shall have the power to pass such other regulations for each business as it deems to be reasonably necessary.

Section 510.05. **PENALTY**

Any person who violates any provision of this part is guilty of a misdemeanor.

## **PART 11. CITY PARK REGULATIONS**

Section 511.01. **DEFINITIONS**

Words and phrases used in this ordinance shall have the following meanings, unless otherwise specified.

City. The word "city" refers to the City of Red Lake Falls, Minnesota.

Park. The word "park" refers to a park, reservation, playground, beach, recreation center, or any other area in the city, owned or used by the City, and devoted to active or passive recreation.

Person. The word "person" refers to any person, firm, partnership, association, corporation, company, or organization of any kind.



**Vehicle.** The word “vehicle” refers to any wheeled conveyance whether motor powered, animal drawn, or self-propelled, and shall include snowmobiles. The word vehicle shall also include any trailer in tow of any size, kind, or description. Exception from the word vehicle is made for baby carriages and vehicles in the service of the City.

**Firearm or Weapon.** The words “firearm or weapon” refer to any kind of gun from which shot or a projectile is discharged by means of any explosive, gas or compressed air, including revolvers, pistols, long guns, BB guns and CO2 guns. Also included are bow and arrows, compound bows, cross bows, sling shots, or other devices similarly designed or for a similar purpose.

**Loud and Boisterous.** The words “loud and boisterous” refer to any noise or noises which may be heard beyond the immediate area where words are spoken and may cause a disturbance to the area beyond such confinement, or the playing of radios, tape recorders, or other instruments which can be heard beyond the immediate areas.

**Immediate Area.** The words “immediate area” refers to the area in which normal conversation can be heard.

## Section 511.02. **CONDUCT REGULATION**

**Subd. 1. Park Property.** No person in a park shall willfully mark, deface, disfigure, injure, tamper with, displace or remove any building, table, fireplace, signs, railings, fences, trees, shrubs, flowers, or any other structure, equipment, facilities, or park property of any nature.

**Subd. 2. Structures.** No person in a park shall erect or construct any structure of any kind in any park, except under written permission of the City Council.

**Subd. 3. Animals.** No person in a park shall molest in any manner wild animal, bird or reptile, or the nest, den or lair of the same, except under written permission of the City Council.

**Subd. 4. Pollution.** No person in park shall pollute any water or land area of any park by placing or causing to be placed trash, refuse or garbage of any nature in or on land or water of any park, but shall dispose of trash, refuse or garbage by depositing it in receptacles provided for that purpose.

**Subd. 5. Traffic.** No person in a park shall fail to comply with all applicable provisions of the State Motor Vehicle traffic laws, or fail to comply with all traffic signs in the park. No person in a park shall drive or park any vehicle in any park except on clearly designated roads or parking areas, or ride a bicycle, motorcycle, motorized car, snowmobile or horse in any park, except on roads or trails or areas clearly marked for such use.

**Subd. 6. Animals.** No person in a park shall fail to keep dogs or other domestic animals under control so they will not interfere with the use of parks by other persons.

**Subd. 7. Commercial activity.** No person in a park shall engage in any commercial or advertising activity or place any advertising material in any park, except with the written permission of the City Council.

**Subd. 8. Liquor.** No person in a park shall consume intoxicating or no intoxicating liquor after 10:00 P.M. or before 7:00 A.M. in any park.

Subd. 9. Firearms or weapons. No person in a park shall use firearms or weapons in any park unless in a designated area at a designated time.

Subd. 10. Fires. No person in a park shall start a fire in any park, except a small fire for culinary purposes in a designated area. No person shall fail to fully extinguish such a fire made for culinary purposes.

Subd. 11. Offensive conduct. No person in a park shall willfully perform any offensive, noisy or disagreeable act, engage in loud or boisterous conduct, or operate a vehicle in any manner which will interfere with the use or enjoyment of the park by other persons. No person shall play music through any portable electronic device, whether contained within a motor vehicle or otherwise, in such a manner as to reasonably arouse alarm, anger or resentment in others within the park area.

Subd. 12. No person in a park shall occupy any area of any park after 10:30 p.m., closing hour, and before 7:00 a.m., opening hours, or at times otherwise designated and posted by the City Council. This subdivision shall not apply to those persons present under a valid camping permit for the date in question. Violation of this subdivision, in addition to other penalties, shall be deemed to be a trespass as defined by Minnesota Statute 609.605 (5) and any amendments thereto.

Subd. 13. Camping Fees. Any fees for camping in any park shall be set by council resolution, and a copy of this shall be in the appendix of this code.

**Section 511.03. SEPARATE OFFENSE**

Each violation of any park of this ordinance shall be deemed to be a separate offense.

**Section 511.04. VARIANCE**

The City Council may issue a special permit, not to exceed more than one week, waiving all or portions of this ordinance as the council deems necessary to be in the interest of the public welfare. A “special permit” shall mean written authorization from not less than three active City Council members. It shall include the public place where the permit pertains, the time for which the permit is issued, the person or organization to which the permit has been issued, and any other conditions or restrictions deemed necessary by the council.

**Section 511.05. ENFORCEMENT**

The Red Lake County Sheriff’s Department shall, in connection with their other duties, diligently enforce the provisions of this ordinance. The Sheriff’s Department shall have the authority to eject from the park any person acting in violation of this ordinance. The Sheriff’s Department shall also have the authority to seize and confiscate any property, thing or device in any park used in violation of this ordinance.

**Section 511.06. PENALTY**

Any person violating the provisions of this ordinance shall be guilty of a misdemeanor.

**THE CODE OF ORDINANCES OF THE CITY OF RED LAKE FALLS, MINNESOTA, IS HEREBY AMENDED BY ADDING A SECTION TO BE NUMBER 511.07, WHICH SECTION READS AS FOLLOWS:**

AN ORDINANCE REGULATING THE OPERATION OF BICYCLES, SKATEBOARDS, ROLLER SKATERS AND RECREATIONAL VEHICLES IN THE STREETS, ALLEYS, PATHWAYS AND UPON THE SIDEWALKS OF THE CITY OF RED LAKE FALLS, PRESCRIBING PENALTIES FOR

VIOLATIONS THEREOF, AND REPEALING INCONSISTENT ORDINANCES AND PARTS OF ORDINANCES.

Section 511.07. **DEFINITIONS**

Subd. 1. For the purpose of this ordinance, the following terms shall have the meanings given:

- Bicycle: Any device propelled by human power, upon which any person may ride having two (2), three (3), or four (4) tandem wheels and any device generally recognized as a bicycle equipped with front or rear tires.
- Golf cart: A motorized cart specifically designed to carry golfers and equipped with such devices as to properly secure their equipment.
- Jogger: Any person afoot and traveling at a rate of speed such that both feet are at intervals not in contact with the ground.
- Pathway: That portion of a park or parkway improved, designated or ordinarily used for travel by foot and/or wheeled device. That part of a trail or pathway as designated as such by the City not used for motor vehicles except snowmobiles.
- Recreational Vehicle: Any device that is powered by a motor and that consists of two (2), three (3), or four (4) wheels and is intended for the purpose of recreating. Any device designed to carry one or more persons and which can reach varied speeds at any given time. Any wheeled device generally recognized as a recreational vehicle.
- Roller Skater: Any person riding or propelling oneself by human power or gravity on wheeled devices that are worn on a person's feet or stood upon by a person. Such devices specifically include, but are not limited to, roller skates, in-line skates, roller skis, and skateboards.
- Walker: Any person afoot and traveling at a rate of speed such that one foot is always in contact with the ground.

Subd.2. Laws of Operation: The following Laws of operation shall be observed at all times.

1. Recreational vehicles, with the exception of golf carts, are strictly prohibited within City limits, unless authorized by official emergency services personnel for the use in bonafide emergency situations.
2. Golf carts are strictly prohibited from being operated on any pathway and sidewalk within the City limits.
3. Golf carts are permitted on the roadways and carts should display a slow moving vehicle sign on the back. Operation of Golf carts is limited to persons 16 years of age and older. Persons

operating or riding upon such cart shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle by state law and traffic ordinances of the City except as to those regulations which by their nature have no application. Golf Carts are to be operated only to get from place of residence to the Golf Course.

4. Every person riding a bicycle, skating device, or Golf cart upon a public roadway shall ride as near to the right side of the roadway as practical, exercising due care when passing a standing vehicle or when a vehicle is proceeding in the same or opposite direction.
5. Motorized or battery powered vehicles used specifically for the purpose of transporting the elderly or disable persons are permitted to be on the trail.
6. Persons riding a bicycle upon a public roadway shall not ride more than two abreast.
7. No person shall operate a skating device or bicycle habitually or as to annoy or loiter in front of any business establishment during the hours of operation, except for the exclusive purpose of transacting business.
8. Whenever a person is operating a skating device or bicycle upon a sidewalk or pathway, such person shall yield right of way to any walker or jogger and shall give audible sign before overtaking any such pedestrian.
9. No bicycle shall be used to carry more persons at a time than the number for which it is designed and equipped.
10. Whenever a useable pathway has been provided adjacent to a roadway bicycles, skaters, joggers and walkers shall use such path by staying to the right of the path as to allow for the easy flow of traffic on the path.
11. It is unlawful for any person riding upon any bicycle, roller skates, skateboard, sled, coaster, or toy vehicle to attach same or him/herself to any vehicle upon a roadway.
12. Any person using a pathway or sidewalk while accompanied by a domestic animal shall at all times maintain control over the animal and keep the animal on a leash. Any person accompanied by a domestic animal shall remove any defecation left by their animal on any pathway, sidewalk, or public roadway before proceeding. Any person with on animal shall at all times yield the right of way to other person(s) and shall not interfere or allow the animal to interfere with other person(s) activities. No walker or jogger may be accompanied by more than two (2) animals. No biker or roller skater may be accompanied by more than one (1) animal.
13. Horseback riding is strictly prohibited on or along any paved pathways and sidewalks within the city limits unless the riding takes place in an area designated for that purpose.
14. No person shall deposit, dump, or leave any refuse, debris, or litter on any pathway, sidewalk, or roadway within the city.
15. No person shall mutilate, deface, kill, damage, disturb or by any means injure any property or natural property along any pathway, sidewalk, roadway, or in any open spaces within the city.

16. No person shall use the pathways, sidewalks, or roadways carelessly, recklessly, or heedlessly in disregard of the rights or the safety of others.
17. The speed of bicycles, joggers and skaters shall be so restricted as may be necessary in order to avoid colliding with another and to maintain oneself in the general flow of movement at that time and location.

Subd. 3. Parents Responsibility.

It is unlawful for the parents of any minor child or the guardian of any ward to authorize or knowingly permit his/her child or ward to violate any provision of this Ordinance.

Subd. 4. Penalty.

Any person violating or convicted of violating any provision of this Ordinance shall be guilty of a misdemeanor, which has a fine of up to one thousand dollars (\$1,000) and/or imprisonment for not more than ninety (90) days, or both, plus costs of prosecution in any case or as permitted by State law. Persons violating any provision of this ordinance may have their bicycles, skateboards, or other violating device impounded for a period not to exceed seven (7) days, at the discretion of the arresting officer.

Passed by the Red Lake Falls Council this 9<sup>th</sup> day of September, 1996.

## **PART 12. TRANSIENT MERCHANTS, HAWKERS, PEDDLERS AND SOLICITORS**

### **Section 512.01. DEFINITIONS**

Words and phrases used in this ordinance shall have the following meanings, unless otherwise specified.

**Transient Merchant.** The words “transient merchant” mean any person selling any merchandise, either as principal or agent from a building or lot which he or she occupies as a tenant at will, or under a lease for a shorter term than six months, a truck, or any person engaged in selling ice cream, ice cream products, popcorn or soft drinks in booths or stands or temporary buildings.

**Hawker or Peddler.** The words “hawker or peddler” mean any person selling any goods or products from a vehicle or park, going about from place to place carrying the goods or products for the purpose of sale or delivery. If the goods or products are edible, the person is a hawker. If the goods or products are non-edible, the person is a peddler.

**Solicitor.** The word “solicitor” means any person selling goods by sample or by taking orders for future delivery and accepting a deposit or advance payment, provided that any person taking orders to be filed by goods delivered to the purchaser from another state in the original package shall not be included.

### **Section 512.02. LICENSE REQUIRED**

No transient merchant, hawker, peddler or solicitor shall sell or offer for sale any merchandise or attempt to do any business in the City without having first obtained a license to do so.

Section 512.03.       **APPLICATIONS**

Every application shall be made to the City Administrator on forms supplied by the City. Each application shall state the applicant's name, address, telephone number, the names of all persons associated with the applicant in his business, the name of the business, the length of time for which a license is desired, a general description of the thing or things to be sold, the place of residence of the applicant for the most recent five years, the address and telephone number of the premises on or from which the business is to be conducted, and other business operated on or from the same premises, the type of license applied for, and such other information as may be required by this code or by the City Council. Blank applications shall be issued by the City Administrator. Every application shall bear the written approval of the Red Lake County Sheriff after an investigation of the moral character of the applicant. No person shall knowingly make a false statement in any license application.

Section 512.04.       **CODE COMPLIANCE**

Where applicable, shall be issued for any premises unless the business for which the license is sought is in compliance with the applicable zoning, building, and health ordinances, laws and regulations.

Section 512.05.       **PRIOR CONVICTIONS**

No person shall be denied a license because of a prior conviction unless that conviction has been determined by the City Council to be related to the business for which a license is sought, as provided by Minnesota Statutes, chapter 364. The listing in this chapter of offenses deemed to be related to a particular business shall not preclude a finding by the City Council that other offenses are also related to that business. No person shall be denied a license because of an arrest or arrests not followed by conviction or admission of guilt.

Section 512.06.       **FEES**

License fees shall be established for a Transient Merchant, Hawker, Peddler or Solicitor and set by council resolution, and a copy of this shall be in the appendix of this code.

Section 512.07.       **PRACTICES PROHIBITED**

No person licensed under this section shall call attention to his business or to his merchandise by crying out, by blowing a horn, by ringing a bell, or by any loud or unusual noise.

Section 512.08.       **VARIANCE**

The City Council may issue a special permit, not to exceed more than one year, waiving all or portions of this ordinance as the City Council deems necessary to be in the interest of the public welfare. It shall include the public place where the permit pertains, the time for which the permit is issued, the person or organization, to which the permit has been issued, and any other conditions or restrictions deemed necessary by the City Council.

Section 512.09.       **PENALTY**

Any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor. Notwithstanding the foregoing penalty, the City may apply to the District Court for Red Lake County, Minnesota, for injunctive relief against any individual violating this ordinance in addition to the penalties for violation thereof.

## **PART 13. CIRCUSES, CARNIVALS, AND SHOWS**

### **Section 513.01. DEFINITIONS**

Words and phrases used in this ordinance shall have the following meanings, unless otherwise specified.

**Carnivals.** The word “carnival” means any amusement activities, rides, merry-go-rounds, booths for the conduct of games of skill, food dispensing facilities, and sideshows.

**Public Exhibition.** The words “public exhibition” means and includes circuses, menageries, sideshows, and other similar itinerant amusement enterprises which are open to the public and for which an admission fee is charged.

### **Section 513.02. LICENSE REQUIRED**

No person, firm, or corporation shall conduct or operate a circus, carnival, show, or public exhibition without having first obtained a license from the City Administrator.

- 1) The operator and sponsor of the circus, carnival, show, or public exhibition has made an application for a license at least 48 hours before the giving of such carnival or public exhibition, and the application shall state the nature of the entertainment to be given and the time and place thereof;
- 2) The operator and sponsor of the circus, carnival or public exhibition have each assumed full responsibility for maintaining order and for keeping the site clean and free of trash, papers, and other refuse, and have placed trash containers in adequate number and in convenient locations for the use of the public.
- 3) All rides have been inspected for mechanical, structural, electrical, and other hazards by the appropriate officers and employees of the City, and adequate safeguards have been placed to protect both operators and the general public from inadvertently coming into contact with moving parts, belts, motor gears, electrical switches, and other possible or potential hazards and have a certificate of current safety inspection.
- 4) The applicant has placed on file with the City Administrator a certificate or certificates of insurance indicating that there is in effect public liability insurance covering any damage arising out of the use and operation of any and all devices and facilities operated in connection with the circus, carnival, show, or public exhibition. Such insurance shall be in the minimum amount of \$100,000 combined single limit or equivalent.

### **Section 513.02 INSPECTIONS**

It shall be the duty of the Red Lake County Sheriff’s Department and the Fire Chief to see that proper inspections and patrols are made of the premises used for the activities licensed herein.

### **Section 513.03 EXEMPTION**

No license shall be required for any entertainment given by amateurs or unpaid performers, or which is given for the benefit of any school, church, or benevolent institution or for any charitable purpose.

### **Section 513.04. PENALTY**

Any person violating the provisions of this ordinance shall be guilty of a misdemeanor.

## **CHAPTER VI. LIQUOR AND BEER**

### **PART 1. INTOXICATING LIQUOR LICENSING**

#### **Section 601.01. PROVISIONS OF STATE LAW ADOPTED**

The provisions of Minnesota Statutes, Chapter 340A, relating to the definition of terms, licensing, consumption, sales, conditions of bonds of licenses, hours of sale, and consumption of intoxicating liquor are adopted and made a part of this ordinance as if set out in full.

#### **Section 601.02. LICENSE REQUIRED**

Subd. 1. General requirement. No person, except a wholesaler or manufacturer to the extent authorized under state license, shall directly or indirectly deal in, sell, or keep for sale in the city any intoxicating liquor without a license to do so as provided in this ordinance. Liquor licenses shall be of (four) kinds: “on-sale”, (“on-sale” wine,) “off-sale”, and club licenses.

Subd. 2. On-sale licenses. “On-sale” licenses shall be issued only to hotels, clubs, restaurants, and exclusive liquor stores and shall permit “on-sale” of liquor only.

Subd. 3. On-sale wine licenses. “On-sale” wine licenses shall be issued only to restaurants meeting the qualifications of Minnesota Statutes Section 340A.101, Subdivision 25 and shall permit only the sale of wine not exceeding 14 percent alcohol by volume, for consumption on the licensed premises only in, conjunction with the sale of food.

Subd. 4. Off-sale licenses. “Off-sale” licenses shall be issued only to drug stores and exclusive liquor stores and shall permit “off-sales” of liquor only. “Off-sale” licenses shall be issued to no more than two liquor store businesses. This limitation shall not apply to licensed drug stores.

Subd. 5. Special club licenses. Special club licenses shall be issued only to incorporated clubs which have been in existence for 15 years or more or to congressionally chartered veterans organizations which have been in existence for 10 years.

Subd. 6. Special license for Sunday sales. A special license authorizing sales on Sunday in conjunction with the servicing of food may be issued to any hotel, restaurant, or club which has facilities for serving at least 30 guests at one time, and which has an on-sale license.

A special Sunday license is not needed for sales by wine licenses.

#### **Section 601.03. APPLICATION FOR LICENSE**

Subd. 1. Form. Every application for a license to sell liquor shall state the name of the applicant, his age, representation as to his character, with such reference as the council may require his citizenship, the type of license applied for, the business in connection with which the proposed license will operate and its location, whether the applicant is owner and operator of the business, how long he has been in that business at that place, and such other information as the council may require from time to time. In addition to containing such information, the application shall be in the form prescribed by the commissioner of public safety and shall be verified and filed with the city administrator. No person shall make a false statement in an application.



Subd. 2. Bond. Each application for a license shall be accompanied by a surety bond or, in lieu thereof, cash or United States Government bonds of equivalent market value as provided in Minnesota Statutes, Section 340A.409. Such surety bond or other security shall be in the sum of \$3000.00.

Subd. 3. Liability insurance. Prior to the issuance of a liquor license, the applicant shall file with the city administrator a liability insurance policy in the amount of the minimum amount prescribed by state law shall comply with the provisions of Minnesota Statutes, Section 340A.409 relating to liability insurance policies. If a liability insurance policy is made subject to all the conditions of a bond under that statute, the policy may be accepted by the council in lieu of the bond required under subdivision 2.

Subd. 4. Approval of security. The security offered under Subdivisions 2 and 3 shall be approved by the city council and in the case of applicants for (“on-sale” wine licenses and) “off-sale licenses, by the state commissioner of public safety. Surety bonds and liability insurance policies shall be approved as to form by the city attorney. Operation of a licensed business without having on file with the city at all times effective security as required in Subdivisions 2 and 3 is a cause for revocation of the license.

**Section 601.04. LICENSE FEES**

Subd. 1. Fees. The annual fee for a liquor license shall be set by city council and a copy will be in the appendix of this code.

Subd. 2. Payment. Each application for a license shall be accompanied by a receipt from the city administrator for payment in full of the license fee and the fixed investigation fee required under Section 601.05, Subdivision 1, if any. All fees shall be paid into the general fund. If an application for a license is rejected, the treasurer shall refund the amount paid as the license fee.

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

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

**Section 601.05. GRANTING OF LICENSES**

Subd. 1. Preliminary investigation. On an initial application for an “on-sale” license, the applicant shall pay with his application an investigation fee of \$100 and the city shall conduct a preliminary background and financial investigation of the applicant. The application in such case shall be made on a form prescribed by the state bureau of criminal apprehension and contain such additional information as the council may require. If the council deems it in the public interest to have an investigation made on a particular application for renewal of an “on-sale” license, it shall be determine. If the council determines that a comprehensive background and investigation of the applicant is necessary, it may conduct the investigation itself or contract with the bureau of criminal investigation for the investigation. No license shall be issued, transferred, or renewed if the results show to the satisfaction of the council that issuance would not be in the public interest. If an investigation outside the state is

required, the applicant shall be charged the actual cost not to exceed \$10,000. The fee, after deducting any initial investigation fee already paid, shall be payable by the applicant whether or not the license is granted.

Subd. 2. Hearing and issuance. The city council shall investigate all facts set out in the application and not investigated in the preliminary background and financial investigation conducted pursuant to Subdivision 1. Opportunity shall be given to any person to be heard for or against the granting of the license. After the investigation and hearing, the council shall, in its discretion, grant or refuse the application. No (“on-sale” wine license or) “off-sale” license shall become effective until it, together with the commissioner of public safety.

Subd. 3. Person and premises licensed; transfer. Each license shall be issued only to the applicant and for the premises described in the application. No license may be transferred to another person or place without city council approval. Any transfer to stock of a corporate licensee is deemed a transfer of the license and a transfer of stock without prior council approval is a ground for revocation of the license.

Section 601.06. **PERSONS ELIGIBLE FOR LICENSE**

No license shall be granted to any person made ineligible for such a license by state law.

Section 601.07. **PLACES INELIGIBLE FOR LICENSE**

Subd. 1. General prohibition. No license shall be issued for any place or any business ineligible for such a license under state law.

Subd. 2. Time in business. No license shall be issued to any business, except an exclusive liquor store, until it has been in operation continuously for three months.

Subd. 3. Amend to read as follows. No license shall be granted for operation on any premises on which taxes, assessments, or other financial claims of the city remain delinquent and unpaid.

Subd. 4. Distance from school or church. No license shall be granted within 100 feet of any school or within 100 feet of any church. In applying this restriction the distance shall be measured between the main front entrances of the two buildings following the route of ordinary pedestrian travel.

Section 601.08. **CONDITIONS OF LICENSE**

Subd. 1. In general. Every license is subject to the conditions in the following subdivisions and all other provisions of this ordinance and of any other applicable ordinance, state law or regulation.

Subd. 2. Licensee’s responsibility. Every licensee is responsible for the conduct of his place of business and the conditions of sobriety and order in it. The act of any employee on the licensed premises authorized to sell intoxicating liquor there is deemed the act of the licensee as well, and the licensee shall be liable to all penalties provided by this ordinance and the law equally with the employee.

Subd. 3. Inspections. Every licensee shall allow any peace officer, health officer, or properly designated officer or employee of the city to enter, inspect, and search the premises of the licensee during business hours without a warrant

Subd. 4. Display during prohibited hours. No “on-sale” establishment shall display liquor to the public during hours when the sale of liquor is prohibited.

Subd. 5. Federal stamps. No licensee shall possess a federal wholesale liquor dealer’s special tax stamp or a federal gambling stamp.

Section 601.09. **RESTRICTIONS ON PURCHASE AND CONSUMPTION**

Subd. 1. Liquor in unlicensed places. No person shall mix or prepare liquor for consumption in any public place or place of business unless it has a license to sell liquor “on-sale” or a permit from the commissioner of public safety under Minnesota Statutes, section 340A.414 and no person shall consume liquor in any such place.

Subd. 2. Consumption in public places. No person shall consume liquor on a public highway, public park, or other public places unless otherwise permitted.

Section 601.10. **SUSPENSION AND REVOCATION**

The council may either suspend for not to exceed 60 days or revoke any liquor license upon a finding that the license has failed to comply with any applicable statute, regulation, or ordinance relating to intoxicating liquor. No suspension or revocation shall take effect until the licensee has been afforded an opportunity in accordance with M.S.A. 14.57 to 14.70.

**THE CODE OF ORDINANCES OF THE CITY OF RED LAKE FALLS, MINNESOTA 1987, IS HEREBY AMENDED BY ADDING A SECTION TO BE NUMBERED 601.11, WHICH SECTION READS AS FOLLOWS:**

**AN ORDINANCE AUTHORIZING AND REGULATING THE ON-SALE OF INTOXICATING LIQUOR ON SUNDAYS IN THE CITY OF RED LAKE FALLS, PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF, AND REPEALING INCONSISTENT ORDINANCES AND PARTS OF ORDINANCES.**

Section 601.11 **SUNDAY LIQUOR SALES (ON-SALE LICENSE)**

Subd. 1. AUTHORITY. The electorate of the City of Red Lake Falls heretofore authorizes the on-sale of intoxicating liquor on Sundays pursuant to a special question voted on and passed at the Nov. 5, 1996 general election ballot.

Subd. 2. SUNDAY ON-SALE LIQUOR LICENSE. On-Sale Licenses of the sale of intoxicating liquor on Sunday shall be issued only to a Restaurant, Club, Bowling Center, or Hotel which has an On-Sale Liquor License and facilities for serving not less than 30 people at one time and which meet the requirements of Minnesota Statutes Chapter 340A. These establishments may serve intoxicating liquor for consumption on the premises in conjunction with the sale of food between the hours of 12:00 noon on Sundays and 1:00 a.m. on Mondays, provided that the licensee is in conformance with the Minnesota Clean Air Act. All sales of liquor by such establishment shall be in accordance with M.S.A. 340A.504.

Subd. 3. FEES, DATES OF SALE, AND NUMBER OF LICENSES. The City Council reserves the right at its regular Council meeting, during the calendar year to delineate the number of Sundays upon which sales of intoxicating liquor may be set for the succeeding year, and further to set the fee for the license which is to be placed in the list of fees. The City Council also reserves the right to delineate the number of On-Sale Sunday liquor licenses to issue.

Subd. 4. PENALTY. Any person violating or convicted of violating any provision of this Ordinance shall be guilty of a misdemeanor, which has a fine of up to one thousand dollars (1,000.00) or as permitted by State law and or imprisonment for not more than ninety (90) days, or both, plus costs of prosecution in any case.

Passed by the Red Lake Falls Council this 23<sup>rd</sup> day of December, 1996.

## **PART 2. MUNICIPAL LIQUOR DISPENSARY**

### **Section 602.01. PROVISIONS OF STATE LAW ADOPTED**

The provisions of Minnesota Statutes, Chapter 340A with reference to the definition of terms, conditions of operation, restrictions on consumption, provisions the retail sale, distribution, and consumption of intoxicating liquor in or by a municipal liquor dispensary are adopted and made a part of this ordinance as if set out in full.

### **Section 602.03. LOCATION AND OPERATION**

Subd. 1. Location. The dispensary shall be located at such suitable place in the city as the council determines, but no premises upon which taxes, assessments, or other public charges are delinquent shall be leased for dispensary purposes.

Subd. 2. Manager. The dispensary shall be in the immediate charge of a liquor store manager selected by the council and paid such compensation as is fixed by the council. He shall furnish a surety bond to the municipality, conditioned upon the faithful discharge of his duties, in such sum as the council specifies. The bond premium shall be paid by the city. The manager shall operate the dispensary under the council's direction and shall perform such duties in connection with the dispensary as may be imposed upon him by the council. He shall be compliance with this ordinance and with the laws relating to the sale of liquor and beer.

Subd. 3. Other employees. The council shall also appoint such additional employees as may be required for the dispensary and shall fix their compensation. All employees, including the manager, shall hold their positions at the pleasure of the council. No minor shall be employed in the dispensary. In the discretion of the council such employees may be required to furnish surety bonds conditioned for the faithful discharge of their duties, in such sums as the council may specify. The premium on such bonds shall be paid by the city.

### **Section 602.04. DISPENSARY FUND CREATED**

Subd. 1. Fund established. A municipal liquor dispensary fund is hereby created in which all revenues received from the operation of the dispensary shall be deposited and from which all ordinary operating expenses shall be paid. Any amounts it may be necessary to borrow from the general

fund of the city for initial costs of rent, fixtures and stock or for operating expenses shall be reimbursed to that fund out of the first available moneys coming into the dispensary fund thereof. Surpluses accumulating in the dispensary fund may be transferred to the general fund or to any other appropriate fund of the city by resolution of the council and expanded for any municipal purpose.

Subd. 2. Receipts and disbursements. The handling of municipal liquor receipts and disbursements shall comply with the procedure prescribed by law for the receipts and disbursements of the city funds generally.

Subd. 3. Audit. The council shall provide as soon as possible following the close of each fiscal year for an audit of the accounts of the municipal liquor dispensary for that fiscal year by the state auditor or a qualified public accountant.

Subd. 4. Prohibited business. No business other than the sale of liquor shall be carried on in the dispensary except the retail sale of cigars, cigarettes, all forms of tobacco, food, soft drinks, and beer, both "on-sale".

Section 602.05. **ENFORCEMENT**

It shall be the duty of all police officers of the city to enforce the provisions of this ordinance, to search premises and seize evidence of law violation and preserve the same as evidence against any person alleged to be violating this ordinance; and to prepare the necessary procedures and papers therefore.

### **PART 3. NON-INTOXICATING MALT LIQUOR LICENSING**

Section 603.01. **DEFINITION OF TERMS**

Subd. 1. Non-intoxicating malt liquor. As used in this ordinance "non-intoxicating malt liquor" means any malt beverage with an alcoholic content of more than one-half of one percent by volume and not more than three and two-tenths percent by weight.

Subd. 2. Tavern. "Tavern" means an establishment for the sale of non-intoxicating malt liquor, cigars, and cigarettes, all forms of tobacco, beverages and soft drinks at retail.

Section 603.02. **LICENSE REQUIRED**

Subd. 1. Licenses. No person, except wholesalers and manufacturers to the extent authorized by law, shall deal in or dispose of by gift, sale or otherwise, or keep or offer for sale, any non-intoxicating malt liquor within the city without first having received a license as hereinafter provided. License shall be of three kinds: (1) Regular "on-sale"; (2) Temporary "on-sale"; (3) "Off-sale."

Subd. 2. Regular on-sale. Regular "on-sale" licenses shall be granted only to bona fide clubs, taverns, exclusive "on-sale" liquor stores, restaurants and hotels, where food is prepared and served for consumption on the premises. "On-sale" licenses shall permit the sale of non-intoxicating malt liquor for consumption on the premises only.

Subd. 3. Temporary on-sale. Temporary "on-sale" licenses shall be granted only to bona fide clubs and charitable, religious, and nonprofit organizations for the sale of non-intoxicating malt liquor for consumption on the premises only.

Subd. 4. Off-sale license shall permit the sale of non-intoxicating malt liquor at retail, in the original package for consumption off the premises only.

**Section 603.03. LICENSE APPLICATIONS**

Every application for a license to sell non-intoxicating malt liquor shall be made to the city city administrator on a form supplied by the city and containing such information as the city administrator or the city council may require. It shall be unlawful to make any false statement in an application.

**Section 603.04. LICENSE FEES**

Subd. 1. Payment required. Each application for a license shall be accompanied by a receipt from the city treasurer for payment in full of the required fee for the license. All fees shall be paid into fund of the city. Upon rejection of any application for a license, the treasurer shall refund the amount paid.

Subd. 2. Expiration; pro rata fees. Every license except a temporary license shall expire on the last day of December each year. Each license except a temporary license shall be issued for a period of one year, except that if a portion of the license year has elapsed when the license is granted, the license shall be issued for the remainder of the year for a pro rata fee. In computing such fee, any unexpired fraction of a month shall be counted as one month. A temporary license shall be issued for a specific period in which a special event to which the sale is incident is being held and such period shall be stated on the license.

Subd. 3. Fees. The annual fee for a regular “on-sale” license, “off-sale” license, and a temporary “on-sale” license shall be set by council resolution and a copy shall be in the appendix of this code.

Subd. 4. Refunds. No part of the fee paid for any license issued under this ordinance shall be refunded except in the following instances upon application to the council within 60 days from the happening of the event. There shall be refunded a pro rata portion of the fee for the unexpired of the license, computed on a monthly basis, when operation of the licensed business ceases not less than one month before expiration of the license because of:

1. Destruction or damage of the licensed premises by fire or other catastrophe;
2. The licensee’s illness;
3. The licensee’s death;
4. A change in the legal status of the municipality making it unlawful for the licensed business to continue.

**Section 603.05. GRANTING LICENSE**

Subd. 1. Investigation and hearing. The city council shall investigate all facts set out in the application. Opportunity shall be given to any person to be heard for or against the granting of the license. After such investigation and hearing, the council shall grant or refuse the application in its discretion.

Subd. 2. Transfers. Each license shall be issued to the applicant only and shall not be transferable to another holder. Each license shall be issued only for the premises described in the application. No license may be transferred to another place without the approval of the council.

Section 603.06. **PERSONS INELIGIBLE FOR LICENSE**

No license shall be granted to or held by any person who:

1. Is under 19 years of age;
2. Has, within five years prior to the application for such license been convicted of a felony, or of violating any law of this state or local ordinance relating to the manufacture, sale, distribution, or possession for sale or distribution of intoxicating liquors or non-intoxicating malt liquor and cannot show competent evidence under Minnesota Statutes, Section 364.03, of sufficient rehabilitation and present fitness to perform the duties of a non-intoxicating malt liquor licensee;
3. Is a manufacturer of non-intoxicating malt liquor or is interested in the control of any place where non-intoxicating malt liquor is manufactured;
4. Is not of good moral character;
5. Is or during the period of this license becomes the holder of a federal retail liquor dealer's special tax stamp for the sale of intoxicating liquor at any place unless there has also been issued to him a local license to sell intoxicating liquor at such place; or
6. Is not the proprietor of the establishment for which the license is issued.

Section 603.07. **PLACES INELIGIBLE FOR LICENSE**

Subd. 1. Conviction or revocation. No license shall be granted for sale on any premises where a licensee has been convicted of the violation of this ordinance, or of the state non-intoxicating malt liquor or liquor law, or where any license hereunder has been revoked for cause until one year has elapsed after such conviction or revocation.

Subd. 2. Distance from schools and churches. No license shall be granted for any place within 100 feet of any public school or within 100 feet of any church. In applying this restriction, the distance shall be measured between the main front entrances of the two buildings following the route of ordinary pedestrian travel.

Section 603.08. **CONDITIONS OF LICENSE**

Subd. 1. General conditions. Every license shall be granted subject to the conditions in the following subdivisions and all other provisions of this ordinance of any other applicable ordinance of the city or state law.

Subd. 2. Sales to under age or intoxicated persons. No non-intoxicating malt liquor shall be sold or served to any intoxicated person or to any person under 21 years of age.

Subd. 3. Consumption by under age persons. No person under 19 years of age shall be permitted to consume non-intoxicating malt liquor on the licensed premises unless accompanied by his parent or legal guardian.

Subd. 4. Employment of under age persons. No person under 18 years of age shall be employed on the premises of a tavern.

Subd. 5. Gambling. No gambling or any gambling device shall be permitted on any licensed premises unless permitted by law.

Subd. 6. Interest of manufacturers or wholesalers. No manufacturer or wholesaler of non-intoxicating malt liquor shall have any ownership of or interest in an establishment licensed to sell at retail contrary to the provisions of Minnesota Statutes, Section 340A.301. No retail license and manufacturer or wholesaler of non-intoxicating malt liquor shall be parties to any exclusive purchase contract. No retail licensee shall receive any benefits contrary to law from a manufacturer or wholesaler of non-intoxicating malt liquor and no such manufacturer or wholesaler shall confer any benefits contrary to law upon a retail licensee.

Subd. 7. Liquor dealers' stamp. No licensee shall sell non-intoxicating malt liquor while holding or exhibiting in the licensed premises a federal retail liquor dealer's special tax stamp unless he is licensed under the laws of Minnesota to sell intoxicating liquors.

Subd. 8. Sales of intoxicating liquor. No licensee who is not also licensed to sell intoxicating liquor and who does not hold a consumption or display permit shall sell or permit the consumption and display of intoxicating liquors on the licensed premises or serve any liquids for the purpose of mixing with intoxicating liquor. The presence of intoxicating liquors on the premises of such a licensee shall be prima facie evidence of possession of intoxicating liquors for the purpose of sale; the servicing of any liquid for the purpose of mixing with intoxicating liquors shall be prima facie evidence that intoxicating liquor is being permitted to be consumed or displayed contrary to this ordinance.

Subd. 9. Searches and seizures. Any peace officer may enter, inspect and search the premises for a licensee during business hours without a search and seizure warrant and may seize all intoxicating liquor found on the licensed premises in violation of subdivision 8.

Subd. 10. Licensee responsibility. Every licensee shall be responsible for the conduct of his place of business and shall maintain conditions of sobriety and order.

Subd. 11. Banquet rooms. A regular "on-sale" license shall entitle the holder to serve non-intoxicating malt liquor in a separate room of the licensed premises for banquet or dinners at which are present not fewer than 30 persons.

Section 603.09. **CLOSING HOURS**

No sale of non-intoxicating malt liquor shall be made on any Sunday between the hours of 1:00 A.M. and 12:00 noon, nor between the hours of 1:00 A.M. and 8:00 A.M. on any other day.

Section 603.10. **CLUBS**

No club shall sell non-intoxicating malt liquor except to members and to guests in the company of members.

Section 603.11. **RESTRICTIONS ON PURCHASE AND CONSUMPTION**

Subd. 1. Age misrepresentation. No minor shall misrepresent his age for the purpose of obtaining non-intoxicating malt liquor



Subd. 2. Inducing purchase. No person shall induce a minor to purchase or procure non-intoxicating malt liquor.

Subd. 3. Procurement. No person other than the parent or legal guardian shall procure non-intoxicating malt liquor for any minor.

Subd. 4. Possession. No minor shall have non-intoxicating malt liquor in his possession with the intent to consume it at a place other than the household of his parent or guardian.

Subd. 5. Consumption. No minor shall consume non-intoxicating malt liquor unless in the company of his parent or guardian.

Subd. 6. Consumption prohibited—where. No non-intoxicating malt liquor shall be consumed in any theater, recreation hall or center, dance hall, ball park, or other place of public gathering used for the purpose of entertainment, amusement or playing of games.

Subd. 7. Liquor consumption and display. No person shall consume or display any intoxicating liquor on the premises of a licensee who is not also licensed to sell intoxicating liquors or who does not hold a consumption and display permit.

Section 603.12. **REVOCACTION**

The violation of any provision or condition of this ordinance by a non-intoxicating malt liquor licensee or his agent is ground for revocation or suspension of the license. The license of any person who holds a federal retail liquor dealer's special tax stamp without a license to sell intoxicating liquors at such place shall be revoked without notice and without hearing. In all other cases, a license granted under this ordinance this ordinance may be revoked or suspended by the council in accordance with section 501.07 of this code.

## **CHAPTER VII TRAFFIC AND MOTOR VEHICLES**

### **PART 1. MOTOR VEHICLES**

Section 701.01. **DEFINITIONS**

Any terms in this ordinance and defined in Minnesota Statutes, Section 169.01 has the meaning given it by that section.

Section 701.02. **TURNING**

Subd. 1. Restriction on turns. The council by resolution may, whenever necessary to preserve a free flow of traffic or to prevent accidents, designate any intersection as one where the turning of vehicles to the left or to the right, or both, is to be restricted at all times or during specified hours. The city council shall require any intersection so designated to be marked by appropriate signs. No intersection on a truck highway shall be so designated until the consent of the commissioner of Transportation to such designation is first obtained. No person shall turn a vehicle at any such intersection contrary to the directions on such signs.

Subd. 2. U-turns. No person driving a motor vehicle shall make a u-turn at a place other than an intersection. Any u-turn shall be made by clearly stopping at each quadrant, getting a clear view of the traffic repeating the procedure until a full u-turn is made.

Section 701.03. **THROUGH STREETS: ONE-WAY STREETS**

The council by resolution may designate any street or portion of street as a through highway or a one-way roadway where necessary to preserve the free flow of traffic or to prevent accidents. The council shall require that appropriate signs be posted at the entrance to such street. No truck highway shall be so designated unless the consent of the Commissioner of Transportation to such designation is first secured.

Section 701.04. **SEASONAL WEIGHT RESTRICTIONS**

The city council may prohibit the operation of vehicles upon any street under their jurisdiction or impose weight restrictions on vehicles to be operated on such street whenever the street, by reason of deterioration, rain, snow, or climatic conditions, will be seriously damaged or destroyed unless the use of vehicles on the street is prohibited or the permissible weights thereof reduced. He shall erect and maintain signs plainly indicating the prohibition at each end of that portion of the street affected. No person shall operate a vehicle on a posted street in violation of the prohibition or restriction.

Section 701.05. **PARKING REGULATIONS**

Subd. 1. Angle and Parallel Parking. Angle parking shall be required on the following streets: the North Side of Second Street between Champagne and Main Avenues; on the West side of Broadway Avenue between Fifth and Sixth Street. On any such street every vehicle parked shall be parked with the front of the vehicle facing the curb or the edge of the traveled portion of the street at an angle of approximately 45 degrees and facing between the painted or other markings on the curb or street indicating the parking space. On all other streets, cars shall be parked parallel to the curb or edge of the roadway in accordance with the law.

Subd. 2. No parking, stopped or standing zones. The city council may, by resolution, designate certain streets or portions of streets as no parking or no stopping or standing zones and may limit the hours in which the restrictions apply. The city council shall require each zone so designated to be marked by appropriate signs. Except when necessary to avoid conflict with other traffic or in compliance with the directions of a police or a traffic control device, no person shall stop or park a vehicle in an established no stopping or standing zone when stopping or standing is prohibited. No vehicle shall be parked in a no-parking zone during hours when parking is prohibited except that a vehicle may be parked temporarily in such zone for the purpose of forming a funeral procession and a truck may be parked temporarily between the hours of 6 a.m. and 6 p.m. of any business day for the purpose of loading or unloading where access to the premises is not otherwise available.

Subd. 3. Time limit parking zones. The city council may, by resolution, designate certain area where the right to park is limited during hours specified. The city council shall require each zone so designated to be marked by appropriate signs. During the hours specified on the sign, no person shall park a vehicle in any limited parking zone for a longer period than is so specified.

Subd. 4. General time limit. No vehicle shall be parked for more than 30 minutes between 2:00 and 6:00 o'clock a.m., and no vehicle shall in any case be parked upon any street in any one place for a longer continuous period than 48 hours.

Subd. 5. Impoundment. Any police officer may remove a vehicle from a street to a garage or other place of safety when the vehicle is left unattended and constitutes an obstruction to traffic or hinders snow removal or street improvements or maintenance operations. Such vehicle shall not be released until the fees for violation of this ordinance.

Subd. 6. Prima facie violation. The presence of any motor vehicle on any street when standing or parking in violation of this ordinance is prima facie evidence that the registered owner of the vehicle committed or authorized the commission of the violation.

Section 701.06. **TRUCK ZONES, LOADING ZONES, ETC.**

Subd. 1. Establishment. The city council may by resolution establish spaces in streets as loading zones or truck zones. The hours of 6 a.m. to 6 p.m. of any day except Sundays, New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving Day, and Christmas Day or such other time as the city council may specify in the resolution establishing the zones shall be the loading zone or truck zone hours. The city council shall require be the loading zone to be marked by appropriate signs.

Subd. 2. Truck zone prohibitions. During truck zone hours, no person shall stop, stand, or park any vehicle except a truck in a truck zone. No person shall stop, stand or park a truck in a truck zone during truck zone hours except to receive or discharge passengers or freight and then only for a period no longer than is necessary for the purpose.

Subd. 3. Loading zone prohibitions. During loading zone hours, no person shall stop, stand or park any vehicle in a loading zone except to receive or discharge passengers or freight and then only for a period no longer than is necessary for the purpose. No person shall occupy a loading zone with a vehicle other than a truck for more than five minutes during such hours.

Subd. 4. Property owner initiative. Any person desiring the establishment of a loading zone abutting premises occupied by him shall make written application therefore to the city council. If the council grants the request, the proper city officer shall bill the applicant for the estimated cost of placing signs and of painting the curb. When the amount is paid to the city administrator, the city administrator or his agent shall install the necessary signs and paint the curb.

Subd. 5. Semi trailer parking. No person shall allow a semi trailer to stand unattached from a tractor unit for any length of time on any street in the city except on Third Street, West of Polk Avenue and East of Polk or in an emergency in order to change tractors.

Subd. 6. No truck parking zones. The council may by resolution establish "No Truck Parking" zones in the business district and the city staff shall mark by appropriate signs any zones so established. Such zones shall be established in the business district where heavy traffic by trucks or other traffic congestion makes parking by trucks a hazard to the safety of vehicles or pedestrians. No person shall park a truck of more than one ton capacity between 6 o'clock a.m. and 6 o'clock p.m. on any week day upon any street in any such zone, but parking of such vehicle for a period of not more than 30 minutes shall be permitted in such zone for the purpose of having access to abutting property when such access cannot conveniently be secured otherwise.

Section 701.07. **BUS STOPS AND TAXI STANDS**

Subd. 1. Designation. The city council by resolution may designate spaces on streets in the city where vehicles engaged in carrying passengers for hire shall stand or park. The Red Lake County Sheriff's Department shall mark by appropriate sign any bus stop or taxi stand so established.

Subd. 2. Parking restrictions. Except for the purpose of loading or unloading passengers, no driver of any vehicle other than a bus shall stand or park at a bus stop and no driver of any vehicle other than a taxicab shall stand or park in a taxi stand.

Subd. 3. Bus and taxi parking. No driver of any bus shall stand or park the bus upon any street except at a bus stop. Except for the purpose of loading or unloading passengers or for a reasonable time while on personal errands, no driver of any taxicab shall stand or park upon any street except at a taxi stand.

Section 701.08. **WINTER PARKING**

No person shall stop, stand, or park any vehicle or permit it to stand on any street in any of the following places at any of the following times between November 1st and April 30th; both dates inclusive.

1. On Main Street between the hours of 2 a.m. to 6 a.m. on any day;
2. On the North and West sides of the streets and avenues on odd numbered days from 6:00 p.m. to 8:00 a.m. the next day.
3. On the South and East sides of all streets and avenues on even numbered days from 6:00 p.m. to 8:00 a.m. the next day.
4. In any alley of the City between the hours of 6:00 p.m. to 8:00 a.m. the next day.
5. On any other street as determined by the City Council and indicated by appropriately posted signs.

Section 701.09. **ESTABLISHMENT OF SAFETY ZONES, LANES OR TRAFFIC, ETC.**

To assist in the direction and control of traffic, to improve safe driving conditions at any intersection or dangerous location, and to warn pedestrians or drivers of motor vehicles of dangerous conditions of hazards, the Red Lake County Sheriff may establish safety zones, lanes of traffic, and stop intersections, and he may order installation by the city staff of stop signs, yield signs, warning signs, established pavement markings, or other devices. No regulation may be established on a truck highway unless the consent of the Commissioner of Transportation is first secured.

Section 701.10. **REMOVING KEYS**

No person shall leave a motor vehicle, except a truck which is engaged in loading or unloading, unattended on any street, used car lot, or unattended parking lot without first stopping the engine, looking the ignition, and removing all ignition keys from the vehicle.

Section 701.11. **EXHIBITION DRIVING PROHIBITED**

No person shall turn, accelerate, decelerate or otherwise operate a motor vehicle within the City in a manner which causes unnecessary engine noise or backfire, squealing tires, skidding, sliding, swaying, throwing of sand or gravel, or in a manner simulating a race. Unreasonable squealing by the tires sounds emitted by tires or the throwing of sand or gravel by the tires is prima facie evidence of a violation of the section.

Section 701.12. **POLICE DUTIES**

The police department shall enforce the provisions of this ordinance and the state traffic laws. Police officers are authorized to direct all traffic within the city, either in person or by means of visible or audible signal, in conformity with this ordinance and the state traffic laws. During a fire or other emergency or to expedite traffic or safeguard pedestrians, officers of the police department may direct traffic as conditions require notwithstanding the provisions of this ordinance and the state traffic laws. Officers of the fire department may direct or assist the police in directing traffic at the scene of a fire or in the immediate vicinity.

Section 701.13. **PENALTY**

Any person convicted of violating any provision of this ordinance is guilty of a petty misdemeanor.

Section 701.14. **TRAIL ORDINANCE**

Subd. 1. Definitions. Any terms used in this ordinance and defined in Minnesota Statutes, Section 169.01 has the meaning given it by that section.

Subd. 2. Property. Property affected by this Ordinance shall be deemed to be the property located within the city limits of the city of Red Lake Falls, Minnesota, more properly described as being the Burlington Northern Railroad bed and bridge beginning where Minnesota Trunk Highway 32 is located on the south boundary of Red Lake Falls to the railroad bridge crossing the Red Lake River on the northeastern corner of Red Lake Falls. This property is described in a deed dated July 28, 1989 and recorded in the office of the Red Lake County Recorder October 3, 1989 in book 136 of records, page 19.

Subd. 3. Prohibited Acts. It shall be unlawful for any person to drive or operate any motor vehicle on the above described real estate with the exception of a snowmobile.

Subd. 4. Penalty. Any person convicted of violating any provision of this ordinance is guilty of a misdemeanor.

**PART 2. SNOWMOBILES**

Section 702.01. **DEFINITIONS**

Any term used in this ordinance and defined in Minnesota Statutes, Section 84.81 has the meaning given it by that section.

Section 702.02. **OPERATION**

Subd. 1. License required. Any person operating a snowmobile within the City of Red Lake Falls shall have a valid driver's license or snowmobile safety permit authorizing him to drive a motor vehicle.

Subd. 2. Emergency. No person shall operate a snowmobile upon any public street or alley within the business district of the City of Red Lake Falls except in an emergency during the period of time when, and at locations where snow upon the roadway renders travel by automobile impractical.

Subd. 3. Travel Restrictions. All travel by snowmobile within the City of Red Lake Falls, not within the business district, shall be confined to public alleys, public parks, certain designated streets, or public property when accessible, except in an emergency during the period of time when, and at locations where, snow upon the roadway of public streets renders travel by automobile impractical.

Subd. 4. Crossing Public Streets. A snowmobile may make a crossing of a public street provided that the crossing is made at an angle of approximately 90 degrees to the direction of the public street and at a place where no obstruction prevents the quick and safe crossing; and the snowmobile is brought to a complete stop before crossing the curb of main traveled way of the street; and the operator of the snowmobile yields the right of way to all oncoming traffic which constitutes an immediate hazard.

**Section 702.03. UNSAFE OPERATION**

It shall be unlawful for any person to drive or operate a snowmobile in an unsafe or harassing manner, such as operating the snowmobile at a rate of speed greater than 20 miles per hour or at a speed which is unreasonable or improper under the surrounding circumstances; driving or operating a snowmobile in a negligent, careless, or reckless manner so as to endanger the person or property of another or to cause injury or damage thereto; to drive or operate a snowmobile while under the influence of intoxicating liquor, narcotics, or habit forming drugs; to drive or operate a snowmobile which equipment is in violation of the requirements of Minnesota Statutes, Section 84.61 to 84.89.

**Section 702.04. CEMETERIES**

No person shall drive or operate a snowmobile on a public or private cemetery.

**Section 702.05 DESIGNATION OF CERTAIN STREETS**

The City Council may designate certain streets upon which it shall be lawful to operate snowmobiles at times other than those allowed by Section 702.02, Subd.2 and Subd.3. Such designation shall be made by resolution.

**Section 702.06. APPLICABLE STATUTE**

All provisions of Minnesota Statutes, chapter 169 shall apply to the operation of snowmobiles upon streets and alleys except for those which by their nature have no application or are inconsistent with the provisions of this ordinance.

**Section 702.07. PENALTY**

Any person convicted of violating any provision of this ordinance is guilty of a petty misdemeanor.

## **CHAPTER VIII. NUISANCES AND OFFENSES**

### **PART 1. NUISANCES**

**Section 801.01. PUBLIC NUISANCE DEFINED**

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

- 1) 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
- 2) Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or
- 3) Is guilty of any other act or omission declared by law or this ordinance to be a public nuisance and for which no sentence is specifically provided.

**Section 801.02. PUBLIC NUISANCES AFFECTING HEALTH**

The following are hereby declared to be nuisances affecting health:

- 1) Exposed accumulation of decayed or unwholesome food or vegetable matter;
- 2) All diseased animals running at large;
- 3) All ponds or pools or stagnant water;
- 4) Carcasses of animals not buried or destroyed within 24 hours after death;
- 5) Accumulations of manure, refuse, or other debris;
- 6) Privy vaults and garbage cans which are not rodent free or fly tight or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors;
- 7) The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances;
- 8) All noxious weeds and other rank growths of vegetation upon public or private property;
- 9) Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities;
- 10) All public exposure of person having a contagious disease;
- 11) Any offensive trade or business as defined by statute not licensed by the city board of health as defined by law.
- 12) The use, sale, or furnishings for human consumption to any person, party, or corporation any milk or manufactured products of any milk from a cow or cows which have not been inspected and tested for tuberculosis by a licensed veterinarian under the laws of the State of Minnesota and found to be free of tuberculosis within one year prior to the use or sale of such milk or manufactured products of milk.
- 13) The distribution of samples of medicines or drugs unless such samples are placed in the hands of an adult.

Section 801.03.        **PUBLIC NUISANCES AFFECTING MORALS AND DECENCY**

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

- 1) All gambling devices, slot machines, and punch boards; except as authorized in M.S.A. Chapter V, PART 7.
- 2) Betting, bookmaking, and all apparatus used in such occupations;
- 3) All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling house, houses of ill fame, and bawdy houses;
- 4) All places where intoxicating liquor is manufactured or disposed of in violation of law, persons are permitted to resort for the purpose of drinking intoxicating liquor, or where intoxicating liquor is kept for sale or other disposition in violation of law, and all liquor and other property used for maintaining such a place;
- 5) Any vehicle used for the transportation of intoxicating liquor, or for promiscuous sexual intercourse, or any other immoral or illegal purpose.
- 6) Domestic animals in the act of copulation exposed to public view.

Section 801.04.        **PUBLIC NUISANCES AFFECTING PEACE AND SECURITY**

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

- 1) All snow and ice not removed from public sidewalks within 24 hours for the commercial district of Red Lake Falls, and within 36 hours for the residential district of Red Lake Falls after the snow or other precipitation causing the condition has ceased to fall;
- 2) All trees, hedges, billboards or other obstructions which prevent persons from having a clear view of all traffic approaching intersection;
- 3) All wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger of pedestrians or vehicles;
- 4) All unnecessary noises and annoying vibrations;
- 5) Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks, or grounds except under such conditions as are permitted by this code or other applicable law;
- 6) Radio aerials or television antennae erected or maintained in a dangerous manner;
- 7) Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free uses of the streets or sidewalks;



- 8) All hanging signs, warnings, and other similar structures over streets and sidewalks, or so situated so as to endanger public safety, or not constructed and maintained as provided by ordinance;
- 9) The following of rain water, ice, or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk;
- 10) Any barbed wire fence less than six feet above the ground and within three feet of a public sidewalk or way;
- 11) All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;
- 12) Wastewater cast upon or permitted to flow upon streets or other public property;
- 13) Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies, or other material, in a manner conducive to the harboring of rats, mice, snakes, or vermin, or to fire, health or safety hazards from such accumulation or from the rank growth or vegetation among the items so accumulated;
- 14) Any well, hole or similar excavation which is left uncovered or in such other condition as to constitute a hazard to any child coming on the premises where it is located;
- 15) Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials;
- 16) The placing or throwing on any street, sidewalk or other public property of any glass, tacks, nails, bottles, or other substance which may injure any person or animal or damage any pneumatic tire when passing over such substance;
- 17) The depositing of garbage or refuse on a public right-of-way or on adjacent private property;
- 18) The drinking of intoxicating liquor or non-intoxicating malt liquor as defined in Minnesota Statutes, Chapter 340, in or on the streets of the city of Red Lake Falls, alleys within the city of Red Lake Falls, public parking lots, berms of streets, sidewalks and boulevards, but does not include public parks.
- 19) The possession and/or consumption of intoxicating liquor or non-intoxicating liquor as defined in Minnesota Statutes, Chapter 340, on any property owned, leased, or operated by the city including but not limited to city parks, city hall, and all municipal parking lots, while the property is being used, leased or operated by School District No. 630 for a sanctioned school activity or event which is organized and/or conducted by School District No. 340, including, but not limited to, athletic events, musical productions, and dramatical productions. This prohibition extends from one (1) hour before any activity or event is scheduled to occur, to one (1) hour after the activity or event has ceased.
- 20) All wires which are strung less than fifteen feet above the surface of the ground.

- 21) All buildings, walls, and other structures which have been damaged by fire, decay, or otherwise, to an extent exceeding one-half their original value and which are so situated as to endanger the safety of the public.
- 22) All buildings and all alterations to buildings made or erected within the fire limits as established by ordinance in violation of the ordinance concerning manner and materials of construction.
- 23) For any owner, occupant, or agent of any lot or parcel of land in the city of Red Lake Falls to allow any weeds or grass growing upon any such lot or parcel of land to grow to a greater height than six inches or to allow such weeds or grass to go to seed.
- 24) To cause or permit any bus, motor truck, truck, tractor, or commercial vehicle to be parked or stand longer than twenty-four hours continuously on, in front of, or beside any property in any residential district, except for the purpose of loading and unloading or in designated truck parking area.
- 25) To leave any partially dismantled, non-operating, wrecked or junked vehicle on any street or highway within the city of Red Lake Falls.
- 26) To allow any partially dismantled, non-operating, wrecked, junked, or discarded vehicle to remain on any property within the City of Red Lake Falls for longer than 96 hours. However, this ordinance shall not apply with regard to a vehicle in any enclosed building, or to a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of the business enterprise, or to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city.
- 27) To allow any abandoned refrigerators or other household appliances to remain on property within the city of Red Lake Falls for longer than 96 hours. This ordinance shall not apply to refrigerators, household appliances, or household furniture kept in any enclosed building or kept on the premises of a business enterprise operated in a lawful place and manner, necessary to the operation of such business enterprise, or kept in a depository maintained in a lawful place and manner by the city.
- 28) To place, keep, or allow to remain any hay straw, shavings, sawdust, or other combustible material in a stack or pile on property within the city without having the same securely enclosed in a building to protect it from fire, or without having the hay straw, shavings, sawdust, or other combustible material a distance of more than seventy-five feet from any building or structure, unless permit to keep such substances is obtained from the city administrator.
- 29) To bank any house or building within the city of Red Lake Falls with manure, straw, hay, sawdust, or other flammable materials without thoroughly covering and concealing the banking with ground or other covering to protect it from fire.
- 30) To set or make any fire within two hundred feet of any building, lumber pile, wood yard or haystack on the property within the city of Red Lake Falls.

- 31) To place, keep or maintain upon, under, or in any street, alley, sidewalk, or public place in the city of Red Lake Fall, any tank or other receptacle for the storage, keeping, containing, conveyance, or sale of any gasoline, kerosene, oil, or like material placed or maintained in such a manner as to interfere with the travel or use of any sidewalk or street.
- 32) All other conditions or things which are likely to cause injury to the person or property of anyone.

**THAT SECTION 801.04. OF THE CODE OF ORDINANCES, CITY OF RED LAKE FALLS, MINNESOTA 1995 IS HEREBY AMENDED TO READ AS FOLLOW:**

**Section 801.04 PUBLIC NUISANCES AFFECTING PEACE AND SECURITY**

- 30) Burning of leaves within 25 feet of any building, lumber pile, wood yard, or haystack is prohibited.

**Section 801.05. DUTIES OF CITY OFFICERS**

The city administrator, street superintendent, police department, or other designated official shall enforce the provisions relating to nuisances affecting public safety. The police department shall enforce provisions relating to nuisances affecting public safety. Such officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

**Section 801.06. ABATEMENT**

Whenever the officer charged with enforcement determines that a public nuisance is being maintained or exists on premises in the city, the officer 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 or registered 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 the nuisance is to be abated. If the notice is not complied with within the time specified, the enforcing officer shall report that fact forthwith to the council. Thereafter the council may, after notice to the owner or occupant and an opportunity to be heard, 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 ten 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

**Section 801.07. RECOVERY COST**

Subd. 1. Personal liability. The owner of premises on which a nuisance has been abated by the city shall be personally liable for the cost to the city of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the city administrator or other official designated by the council shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the city administrator.

Subd. 2. Assessment. If the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property

or outside the traveled portion of streets, or unsound or insect-infected trees, any unpaid charges by the city for the cost of elimination of the nuisance may be collected as a special assessment pursuant to Chapter III, PART 2 of this code.

## **PART 2. TREE DISEASES AND PLANTING**

### **Section 802.01. DECLARATION OF POLICY**

The city council of Red Lake Falls determines that the health of the elm and oak trees within the municipal limits is threatened by fatal diseases known as Dutch elm and oak wilt diseases, and other trees may be threatened by other epidemic diseases of shade trees. It further determines that the loss of elm, oak and other trees growing upon public and private property would substantially depreciate the value of property within the city and impair the safety, good order, general welfare and convenience of control and prevent the spread of those diseases and this ordinance is enacted for that purpose.

### **Section 802.02. FORESTER**

Subd. 1. Position created. (Alternate A) The position of forester is hereby created within the street department of the city. (Alternate B) The powers and duties of the city forester as set forth in this ordinance are hereby conferred upon the street commissioner (street commissioner, engineer, park superintendent, etc.).

Subd. 2. Duties of forester. It is the duty of the forester to coordinate, under the direction and control of the council, all activities of the municipality relating to the control and prevention of Dutch elm disease and oak wilt disease and other epidemic diseases of shade trees. He shall recommend to the council the details of a program for the control of such disease; and perform the duties incident to such a program adopted by the council.

### **Section 802.03. EPIDEMIC DISEASE PROGRAM**

It is the intention of the council of Red Lake Falls to conduct a program of plant pest control pursuant to all the powers of this city including the authority granted by Minnesota Statutes, Section 18.022.

This program is concentrated on, but not limited to, the control and elimination of Dutch elm disease fungus, elm bark beetles and the oak wilt fungus and is undertaken at the recommendation of the Commissioner of Agriculture. The forester shall act as coordinator between the Commissioner of Agriculture and the council in the conduct of this program.

### **Section 802.04. NUISANCES DECLARED**

Subd. 1. Trees constituting nuisances. The following are public nuisances whenever they may be found within the city of Red Lake Falls:

1. Any living or standing elm tree or part thereof infected to any degree with the Dutch elm disease fungus *Ceratocystis Ulmi* (Buisman, Moreau) or which harbors any of the elm bark beetles *Scolytus Multistriatus* (Eichh.) or *Hylungopinus Rufipes* (Marsh).
2. Any dead elm tree or part thereof, including legs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle insecticide.

3. Any living or standing oak tree or part thereof infected to any degree with the oak wilt fungus *Ceratocystis Fagacearum*.
4. Any dead oak tree or part thereof which in the opinion of the forester constitutes a hazard, including but not limited to logs, branches, stumps, roots firewood or other oak material, which has not been stripped of its bark and burned or sprayed with an effective fungicide.
5. Any other shade trees with an epidemic disease.

Subd. 2. Abatement. It is unlawful for any person to permit any public nuisance as defined in Subdivision 1 to remain on any premises owned or controlled by him within the city. Such nuisances may be abated in the manner prescribed by this part.

Section 802.05. **INSPECTION AND INVESTIGATION**

Subd. 1. Annual inspection. As often as practicable, the forester shall inspect all public and private premises within the city which might harbor any plant pest as defined in Minnesota Statutes, Section 18.46, Subdivision 13 to determine whether any condition described in Section 802.04 of this ordinance exists thereon. He shall investigate all reported incidents of infestation by Dutch elm fungus, elm bark beetles, oak wilt fungus, or any other epidemic disease of shade trees.

Subd. 2. Entry on private premises. The forester or his duly authorized agents may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned him under this ordinance.

Subd. 3. Diagnosis. The forester shall, upon finding conditions indicating Dutch elm, oak wilt, or other infestation, immediately send appropriate specimens or samples to the Commissioner of Agriculture for analysis, or take such other steps for diagnosis as may be recommended by the Commissioner. Except as provided in Section 802.07, no action to remove infected trees or wood shall be taken until positive diagnosis of the disease has been made.

Section 802.06. **ABATEMENT OF DUTCH ELM DISEASE NUISANCE**

In abating a nuisance defined in Section 802.04, the forester shall cause the infected tree or wood to be sprayed, removed, burned, or otherwise effectively treated so as to destroy and prevent as fully as possible the spread of epidemic diseases including Dutch elm disease and oak wilt disease. He shall also take such steps as are necessary to prevent root graft transmission of the disease. Such abatement procedures shall be carried out in accordance with current technical and expert opinions and plans as may be designated by the Commissioner of Agriculture.

Section 802.07. **PROCEDURE FOR REMOVAL OF INFECTED TREES AND WOOD**

Subd. 1. Action by forester. Whenever the forester finds with reasonable certainty that the infestation defined in Section 802.04 exists in any tree or wood in any public or private in the city he shall proceed as follows:

- 1) If the forester finds that the danger of infestation of other elm, oak or other trees is not imminent because of the dormancy of the infected trees, he shall make a written report of his finding to the council which shall proceed by (a) abating the nuisance as a

public improvement under Minnesota Statutes, Ch. 429 or (b) abating the nuisance as provided in Subdivision 2 of this section.

- 2) If the forester finds that danger of infestation of other elm, oak, or other trees is imminent, he shall notify the abutting property owner by certified mail that the nuisance will be abated within a specified time, not less than five days from the date of mailing of such notice. The forester shall immediately report such action to the council, and after the expiration of the time limit in the notice he may abate the nuisance.

Subd. 2. Action by the council. Upon receipt of the forester's report required by Subd. 1, paragraph (2), the council shall by resolution order the nuisance abated. Before action is taken on such resolution, the council shall publish notice of its intention to meet to consider taking action to abate the nuisance. This notice shall be mailed to affected property owners and published once no less than one week prior to such meeting. The notice shall state the time and place of the meeting, the streets affected, action proposed, the estimated cost of the abatement, and the proposed basis of assessment, if any, of costs. As such hearing or adjournment thereof, the council shall hear property owners with reference to the scope and desirability of the proposed project. The council shall thereafter adopt a resolution confirming the original resolution with such modifications as it considers desirable and provide for the doing of the work by day labor or by contract.

Subd. 3. Record. The forester shall keep a record of the costs of abatements done under this section and shall report monthly to the city administrator (or other appropriate officer) all work done for which assessments are to be made stating and certifying the description of the land, lots, parcels involved, and the amount chargeable to each.

Subd. 4. Assessment. On or before September 1 of each year the city administrator shall list the total unpaid charges for each abatement against each separate lot or parcel to which they attributable under this ordinance. The council may then spread the charges or any portion thereof against the property involved a special assessment under Minnesota Statutes, Section 429.101 and other pertinent statutes for certification to the county auditor and collection the following year along with current taxes.

#### Section 802.08. **SPRAYING ELM TREES**

Subd. 1. When to spray. Whenever the forester determines that any elm tree or elm wood within the city is infected with Dutch elm fungus, he may spray or treat all nearby high value elm trees with an effective elm bark beetle destroying or fungicide or both, Activities authorized by this section shall be conducted in accordance with technical and expert opinions and plans of the Commissioner of Agriculture and under the supervision of the Commissioner and his agents whenever possible.

Subd. 2. Notice. The notice provisions of Section 802.07 apply to spraying and treatment operations conducted under this section.

#### Section 802.09. **TRANSPORTING ELM WOOD PROHIBITED**

It is unlawful for any person transport within the city any bark-bearing elm or oak wood without having obtained a permit from the forester. The forester shall grant such permits only when the purpose of this ordinance will be served thereby.

Section 802.10. **INTERFERENCE PROHIBITED**

It is unlawful for any person to prevent, delay or interfere with the forester or his agents while they are engaged in the performance of duties imposed by this ordinance.

Section 802.11. **PLANTING OF TREES ON BOULEVARDS**

No planting of trees on the boulevards in the city of Red Lake Falls shall be made unless approved by the Park Board of the City of Red Lake Falls.

Section 802.12. **APPROVED TREES**

No trees may be planted within the right-of-way of public streets except for the following:

SPECIFIC NAME	COMMON NAME
Acer Rubrum	Red Maple
Acer Saccharum	Sugar or Hard Maple
Celtis Occidentalis	Common Hackberry
Fraxinum Americana	White Ash
Fraxinum Nigra	Black Ash
Fraxinum Pennsylvanica	Red Ash
Fraxinum Pennsylvanica Subintegerrima	Green Ash
Fraxinum Quadrangulata	Blue Ash
Ginkgo Biloba (Male Tree Only)	Ginkgo (Maiden Hair Tree)
Ginkgo Triacanthos Inermis "Moraine"	Moraine Honeylocust
Obstrya Virginiana	(Ironwood)
Plantanus Occidentalis	Sycamore (American Plane Tree)
Tilia American	Basswood
Tilia Cordata	Littleleaf Linden
Pinus Strombus	White Pine
Pinus Resinosa	Red Pine (or Norway of Hard Pine)
Picea Glauca	White Spruce
Picea Mariana	Blue Spruce
Acer Saccharum Marshall	Rock Maple
Acer Saccharum Linneaus	Silver Maple
Betula Papyrifera March	Paper Birch
Betula Lutea Michx	Yellow Birch
Malus Floribunda	Flowering Crab

Section 802.13. **PROHIBITED TREES**

Subd. 1. Trees Prohibited. None of the following trees listed may be planted on street boulevards:

GENUS	SPECIES	COMMON NAME
Ulmus	All Species	All Elms
Ginkgo	Biloba	Ginkgo (Maidenhair) Tree-(Female only)
Quercus	Red Species	All Red or Black Oaks (sharp, pointed left lobes)
Acar	Negundo	Box Elder (Ash-leaved Maple)
Populus	Deitiodes	Eastern Cottonwood

Barberis Volgasis L  
Ribes

All Species

Common Barberry  
Gooseberries and Currents

Subd. 2. Removal and replacement. The City Administrator or forester may order that prohibited trees be cut down and replaced by approved trees, if, in their judgment they feel that the prohibited trees are becoming a hazard or are affecting the health or any other trees.

Section 802.14. **PLANTING**

Subd. 1. Tree Spacing. Trees planted at street corners shall be located at least 20 feet from the intersection street right-of-way lines. The distances between the trees shall not be less than 30 feet for shade tree species. Spacing as great as 65 feet may be used due to the arrangement of lots and drives, width of street, setback of building lines, opportunity for alternating of planting sites on opposite sides of the Street, location of water lines and sewers, and the species to be planted.

Subd. 2. Placing. Trees may be planted between the sidewalk and the curb when this planting strip is more than 8 feet in width. Any planting of trees along the alleys shall be located not less than 4 feet from public alleys. Spacing and specific location shall be determined by the Park Board.

Subd. 3. Time. Planting will be permitted only when the soil, temperature, weather conditions, and the state of dormancy of the trees are favorable—from April 1 to May 30 or from October 1 to November 20 or during such time when otherwise permitted by the Park Board.

Subd. 4. Holes. Planting holes shall be at least 6 inches deeper and 12 inches wider than the root spread of the tree to be planted.

Subd. 5. Soil. A good porous loam topsoil shall be used for backfill around the tree roots. When soil at this site does not meet this description, the Park Board may require this soil to be removed and a better quality soil brought in. Alternatively, the Park Board may require the addition of such fertilizers and organic materials as will provide suitable soil conditions for establishment and growth of the tree.

Subd. 6. Planting. Each tree shall be planted plumb, 1 inch to 2 inches lower than the level at which it grew prior to moving. The soil shall be settled around the roots with water, and after completion of back filling, the soil must cover the main root area to a depth of at least 3 inches. Fall planted trees shall be mulched with well rotted manure, leaves or peat. Staking, buying or wrapping shall be required if so directed by the Park Board. At the time of planting, no tree shall be smaller in size than the diameter of one and one-half (1 ½) inches, measured at a point six (6) inches above the ground. On all principal streets or business streets, the trees shall be located as provided by regulations pertaining thereto. All trees shall be planted so that they are at least 30 feet apart when measured along the street.

Subd. 7. Ownership. All trees planted on street boulevards become the property of the city of Red Lake Falls.

Subd. 8. Maintenance. The planted trees shall be cared for and trimmed by the abutting property owners. Maintenance and trimming of trees may be done by the City and the cost assessed to the adjacent property owners. It is unlawful for any person to willfully cut, break, injure, remove or destroy any tree located, standing or growing, or which may hereafter be planted or placed upon any public property in the city of Red Lake Falls.



## **PART 3. OFFENSES**

### **Section 803.01. USE OF WEAPONS**

Subd. 1. Restrictions. No person except a police officer in the performance of duty shall, within the city, discharge any gun, pistol, or firearm of any description or carry any such weapon unless it is dismantled or broken apart or carried in a case in such a manner that it cannot be discharged. This subdivision does not prevent the carrying of a handgun within the city under a permit subject to the restrictions imposed by law.

Subd. 2. Air rifles, sling shots. No person shall use or discharge any air rifle or sling shot within the city.

Subd. 3. Offense by parents, guardians. It is unlawful for any parent or guardian of any person under the age of 18 years knowingly to permit such person to violate any provision of this section.

### **Section 803.02. CURFEW**

Subd. 1. Loitering of minors prohibited. It shall be unlawful for any minor under the age of 16 years to loiter, idle, wander, stroll, play or be in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds or unsupervised places, public buildings, places of amusement and entertainment, or vacant lots between the hours of 11:00 p.m. on Saturday night and 5:00 a.m. of the following day, and between the hours of 10:00 p.m. on all other nights and 5:00 a.m. the following day, official city time.

Subd. 2. Parent responsibility. It shall be unlawful for the parent, guardian, or other adult person having the care and custody of a minor under the age of 16 years to knowingly such minor to loiter, idle, wander, stroll, play, or be in or upon the public streets, highways, roads, alleys, parks, playgrounds or unsupervised places, public buildings, places of amusement and entertainment, or vacant lots between the hours of 11:00 p.m. on Saturday night and 5:00 a.m. of the following day, and between the hours of 10:00 p.m. on all other nights and 5:00 a.m. the following day, official city time.

Subd. 3. Exemptions. The provisions of 803.02, Subd.'s 1 and 2, do not apply to a minor accompanied by his or her parents, guardian, or other adult person having the custody of the minor, or where the minor is upon an emergency errands, or legitimate business directed by his or her parents, guardian, or other adult person having the care and custody of the minor.

Subd. 4. Separate offense. Each violation of 803.02, Subd.'s 1 and 2, shall constitute a separate offense

Subd. 5. Penalty. Any person violating the provisions of this ordinance shall be guilty of a misdemeanor.

**THE CODE OF ORDINANCES OF THE CITY OF RED LAKE FALLS, MINNESOTA 1987  
HEREBY AMENDED BY ADDING A SECTION TO BE NUMBERED 803.03., WHICH  
SECTION READS AS FOLLOWS:**

Section 803.03. **BURNING OF LEAVES**

The City Council of the City of Red Lake Falls, Minnesota ordains as follows:

Subd. 1. This section shall pertain only to the burning of leaves. It is unlawful for any person to burn rubbish, trash, or other material as prohibited under City of Red Lake Falls Ordinance 803.04.

Subd. 2. The burning of leaves will only be permitted under the following conditions:

- A. Such burning of leaves will only be permitted between September 15<sup>th</sup> and December 1<sup>st</sup>.
- B. A responsible person shall be in constant attendance until the fire is completely extinguished.
- C. Burning will only be allowed between the hours of 8:00 A.M. and 9:00 P.M. All fires must be extinguished by 9:00 o'clock P.M.
- D. A fire shall not be less than five feet from any property line.
- E. Burning of leaves within 25 feet of any building, lumber pile, wood yard, or hay stack is prohibited.
- F. The burning of leaves is prohibited on City streets, alleys, sidewalks, boulevards, riverbanks, or any public property by private citizens.
- G. No open burning of leaves shall take place during an air pollution alert warning or emergency declared by the Minnesota Environmental Protection Agency.
- H. The City Council of the City of Red Lake Falls may temporarily discontinue burning between September 15 and December 1 due to unsafe conditions (i.e., excessive dryness, etc.)

Subd. 3. Penalty. Any person violating the provisions of this ordinance shall be guilty of a misdemeanor.

**THE CODE OF ORDINANCES OF THE CITY OF RED LAKE FALLS, MINNESOTA 1987, IS HEREBY AMENDED BY ADDING A SECTION TO BE NUMBERED 803.04., WHICH SECTION READS AS FOLLOWS:**

Section 803.04. **OPEN BURNING PROHIBITION**

The City Council of the City of Red Lake Falls, Minnesota ordain as follows:

Subd. 1. Continual. Open burning prohibitions specified in this section are in effect at all times of the year.

Subd. 2. Prohibited materials. No person shall conduct, cause, or permit open burning of oils, rubber, plastics, chemically treated materials, or other materials which produce excessive or noxious smoke including, but not limited to, tires, railroad ties, chemically treated lumber, composite shingles, tar paper, insulation, composition board, sheetrock, wiring, paint, or paint filters.

Subd. 3. Hazardous wastes. No person shall conduct, cause, or permit open burning of hazardous waste as defined in Minnesota State Statute Section 116.06, subdivision 11, and applicable commissioner's rules.

Subd. 4. Industrial solid waste. No person shall conduct, cause, or permit open burning of burnable material generated from an industrial or manufacturing process or from a service or commercial structure.

Subd. 5. Demolition debris. No person shall conduct, cause, or permit open burning of burnable building material generated from demolition of commercial or institutional structures. A farm building is not a commercial structure.

Subd. 6. Salvage operations. No person shall conduct, cause, or permit salvage operations by open burning.

Subd. 7. Motor vehicle. No person shall conduct, cause, or permit the processing of motor vehicles by open burning.

Subd. 8. Garbage. No person shall conduct, cause, or permit open burning of discarded material resulting from the handling, processing, storage, preparation, servicing, or consumption of food, unless specifically allowed under section 17.135. of the Minnesota State Statute.

Subd. 9. Burning ban. No person shall conduct, cause, or permit open burning during a burning ban put into effect by a local authority, county, or a state department or agency.

Subd. 10. Smoldering fires. Fires must not be allowed to smolder with no flame present, except when conducted for the purpose of managing forest prairies, or wildlife habitats.

Subd. 11. Penalty. Any person violating the provisions of this ordinance shall be guilty of a misdemeanor.

## **CHAPTER IX. BUILDING AND LAND USE REGULATION**

### **PART 1. BUILDING CODE**

#### **Section 901.01. BUILDING CODE**

The Minnesota State Building Code, one copy of which is on file in the office of the city administrator, is hereby adopted as the building code of the City of Red Lake Falls and incorporated in this city code as completely as if set out in full. By this ordinance the city undertakes to provide for enforcement of the state building code in the city.

#### **Section 901.02. ADDITIONAL PROVISIONS**

The following appendices and supplementary material to the Minnesota State Building Code are also adopted as a part of the building code of the city of Red Lake Falls:

Appendix A - Standards.

Appendix D - Organization and Enforcement

Appendix E - Permits and Inspections  
Flood Proofing Regulations, Section 201.2. through 208.2

Section 901.03.        **DEPARTMENT AND ADMINISTRATIVE AUTHORITY**

The City Administrator's Office is the Building Department and the City Administrator is the Administrative Authority wherever those terms are used in the Minnesota State Building Code and the Appendices adopted by reference in this ordinance.

Section 901.04.        **FEES**

Subd. 1.        Fee schedule. The fee for a building permit is set forth in the following schedule in the appendix of this code and according to the value of the construction work as defined in Appendix E of the Minnesota State Building Code.

Subd. 2.        Surcharge. In addition to the fee required by Subdivision 1, the applicant shall pay a state surcharge in the amount fixed by law. The amount required by law shall be remitted quarterly (monthly) to the Minnesota Department of Administration.

**AMENDMENT TO CITY OF RED LAKE FALLS ORDINANCE CHAPTER IX. BUILDING AND LAND USE REGULATION, PART 1. BUILDING CODE, SECTION 901.04 FEES IS HEREBY AMENDED TO READ AS FOLLOWS:**

Section 901.04.        **PERMITS AND FEES**

The issuance of permits and the collection of fees shall be authorized in Minnesota Statute 16B.61 subdivision 1 and as provided for in the 2006 Uniform Building Code and Minnesota Rules 1305.0011 and any amendments thereto.

Permit fees shall be assessed for work governed by this code in accordance with the fee schedule for a building permit in the appendix of this code and according to the value of the construction work as defined in Appendix E of the Minnesota State Building Code. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota Statute 16B.70.

The fees established and set forth in this chapter shall be collected by the City Administrator before the issuance of any permits for which fees are required under the provisions of this chapter. The City Administrator shall not issue any such permit for which the payment of a fee is required by said provisions until such fee shall have been paid to said City Administrator, excepting, however, such permits may be issued for work to be done for the United States without the payment of any fee. Every person, at the time of applying to the City Administrator for any permit for which a fee is required to be paid under the provisions of this chapter, except in the case of street permits, shall make a statement in writing, upon blanks and forms to be furnished by the City Administrator for that purpose, which shall contain information as to the location, nature, extent and cost of the proposed structure, work, installation or other purpose, as well as all other information which the City Administrator shall have the right to require under this Code and said statement shall contain a declaration that the facts and representations herein made are true and correct, which statement shall be subscribed to by the person or person, or officer or agent of the corporation applying for said permit. Upon such statement being filed as above required and upon the payment to the City Administrator by the applicant for said permit of the required fees for said permit, said City Administrator shall issue said permit.

There shall be no refund of any permit fee or plan checking fee collected by the City Administrator in accordance with this chapter when the amount of the fee so collected is equal to or less than the minimum fee established in the appendix to this code. However, claims for full refund of permit fees only, based on City Administrator's error, may be granted.

1. All claims for refunds of permit fees in accordance with this section shall be made to the City Administrator within one hundred eighty (180) calendar days of the payment of said fees.
2. For permits which are cancelled after issuance, where no authorized work has begun, a refund of fifty (50) percent of the permit fees claimed in excess of the minimum fee established may be granted less a processing fee as established by the schedule; in no case shall such fees retained by the City Administrator exceed a maximum retained fee as specified in the City Administrator's fee schedule if no work has been started. If any work authorized by a permit has been started, the City Administrator may retain a percent of the fee for such permit over and above the maximum retained fee set out herein commensurate with the percentage of the work completed.
3. The City Administrator shall cause to be placed in the City Administrator's office notices of such size and readability that persons making application for permits and paying the fees therefore shall be notified of the refund policies of the department.
4. Refunds due under the foregoing provisions shall be made upon written request of the permit application. The City Administrator shall refund such monies by issuing a check to the applicant for the refund amount due, upon receipt of a check request approved by the City Administrator. Said request shall contain the name and address of the permit applicant, the permit number and the amount of the refund due under this section.

Section 901.05. **VIOLETIONS AND PENALTIES**

Subd. 1. Scope. It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City except as an agricultural building as defined in Minnesota Statutes Section 16.84, Subd. 6, or cause the same to be done contrary to or in violation of any provision of this Ordinance or the codes adopted by references in this Ordinance.

Subd. 2. Each violation a separate offense. Any person, firm or corporation violating this ordinance or any code adopted by reference in this ordinance shall be deemed guilty of a separate offense for each day or portion thereof during which any such violation is committed, continued or permitted, and upon conviction of any violation, such person, firm or corporation shall be punishable by a fine of not more than \$1,000.00 or by imprisonment for not more than 90 days, or by both.

Subd. 3. Correction of any violation. It shall also be unlawful to construct or maintain any building in violation of any other Ordinance of the City of Red Lake Falls, which regulates the building and the placement of buildings on the lots, or which regulates zoning. If, after the City Council has warned such person or persons of such violation and ordered its correction, it may, in its discretion take such action as is necessary to correct the violation and charge the cost of correction to the owner of such building and if this charge is not paid by October 10th, then such amount may be placed on the tax rolls and collected with the real estate taxes.

## **PART 2. FIRE PREVENTION CODE**

### **Section 902.01. FIRE PREVENTION CODE**

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that code known as the Fire Prevention Code (1970 Edition), abbreviated edition, recommended by the National Board of Fire Underwriters, of which code not less than three (3) copies are on file in the office of City Administrator of the City of Red Lake Falls, and the same are hereby adopted and incorporated as fully as if set out at length herein.

### **Section 902.02. ORDINANCE TO CONFORM TO REVISIONS**

Upon revision and amendment of the Fire Prevention Code, abbreviated edition, this part of the Code of the City of Red Lake Falls shall conform to any new amendments and revisions immediately upon the filling of three (3) copies of such code in the office of the City Administrator of the City of Red Lake Falls and the passage of a resolution by the City Council stating that such copies are on file.

### **Section 902.03. ENFORCEMENT**

Subd. 1. The Building Inspector or Fire Marshall designated by the Council shall enforce the provisions of this part of the code of the City or Red Lake Falls. All property shall be inspected and if found to be in violation of this part be corrected.

Subd. 2. Notice and assessment. Written notice stating the corrections to be made shall be served upon the person owning the property and if such person fails or refuses to comply with such notice, the Building Inspector, Fire Marshall, or any duly appointed inspector may remove the hazard and assess the cost thereof to the person owning the property upon which the hazard was located.

Subd. 3. Penalty. Any person who does not comply with the provisions of this ordinance, after afforded proper notice, shall be guilty and shall be punished by a fine not to exceed \$1,000.00 or by imprisonment for a period not exceeding 90 days.

## **PART 3. ELECTRIC CODE**

### **Section 903.01. ELECTRICAL CODE**

The National Electrical Code, 1970, an American Standard NFPA No. ASSC2 1970, three copies of which are on file in the office of the City Administrator, is hereby adopted as the Electrical Code of the City of Red Lake Falls for the purpose of regulating construction, remodeling, or altering of electrical service systems in any building or structure within the City of Red Lake Falls. Every provision in said Code is hereby adopted and made part of the Code of the City of Red Lake Falls as if fully set forth herein.

### **Section 903.02. PART 3 TO CONFORM TO REVISIONS**

Upon amendment and revision of the National Electrical Code this part of the code of the City of Red Lake Falls shall conform to any new amendments and revisions immediately upon the filing of three copies of such code in the office of the City Administrator of the City of Red Lake Falls and the passage of a resolution by the City Council stating that such copies are on file.

Section 903.03.       **ENFORCEMENT AND PENALTY**

Subd. 1.       Enforcement.   The City Engineer or Building Inspector designated by the Council shall enforce the provisions of sections 901.01. and 901.02. All electrical work hereafter installed shall be inspected and if found to be in violation of this part of the Code of the City of Red Lake Falls shall be corrected.

Subd. 2.       Notice and assessment.   Written notice stating corrections to be made after inspection shall be served upon the person doing the installation work and if such person fails or refuses to comply with such notice, the City Engineer, Building Inspector, any duly appointed inspector, may remove the work and assess the cost thereof to the person installing the same.

Subd. 3.       Penalty.   Any person who refuses or fails to comply with a correction order or is otherwise guilty of a violation of the National Electrical Code, upon conviction thereof, shall be punished by a fine not exceeding \$1,000.00 or by imprisonment for a period not exceeding 90 days.

**PART 4.   PLUMBING CODE**

Section 904.01.       **PLUMBING CODE**

The Minnesota State Plumbing Code, as last amended, three copies of which are on file in the office of the City Administrator, is hereby adopted as the plumbing code of the City of Red Lake Falls for the purpose of regulating the installation of plumbing and plumbing fixtures in all buildings within the City. Every provision contained in such code is hereby adopted and made a part of this section as if fully set forth herein.

Section 904.02       **PART 4 TO CONFORM TO REVISIONS**

Upon revision and amendment of the Minnesota State Plumbing Code, this part if the Code of the City of Red Lake Falls shall conform to any new amendments and revisions immediately upon the filing of three copies of such code in the office of the City Administrator of Red Lake Falls and the passage of a resolution by the City Council stating that such copies are on file.

Section 904.03.       **ENFORCEMENT AND PENALTY**

Subd. 1.       Enforcement.   The City Engineer or Building Inspector designated by the Council shall enforce the provisions of this part of the Code of the City of Red Lake Falls. All plumbing work hereafter installed shall be inspected and if found to be in violation of the Plumbing Code shall be corrected.

Subd. 2.       Notice and assessment.   Written notice stating the corrections to be made shall be served upon the person doing the installation work, and if such person fails or refuses to comply with such notice, the City Administrator, Building Inspector, or other duly appointed official may remove the work and assess the cost thereof to the person installing the same.

Subd. 3.       Penalty.   Any person who covers a plumbing installation before it is inspected, or refuses or fails to comply with a correction thereof, shall be punished by a fine not exceeding \$1,000.00 or by imprisonment not exceeding 90 days.

## **PART 5. COMPREHENSIVE ZONING REGULATIONS**

### **Section 905.01. DEFINITIONS AND REGULATIONS**

For the purpose of this part of the Code of the City of Red Lake Falls certain terms and words are hereby defined as follows:

Accessory Structure - A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Attorney - The attorney of the City of Red Lake Falls, or his authorized representative.

Board of Adjustment - The Board of Adjustment as authorized by the City Council.

Cluster Subdivision - A change from the conventional pattern of subdivision development which groups housing units into relatively right units while providing a unified network of open space.

Conditional Use - A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would not be injurious to the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in listed zoning districts upon appeal, if conditional use permits are granted by the Board of Adjustment, Conditional uses, when granted, shall be considered as permitted uses and not as variances.

Dwelling, Single-Family - A detached residence designed for or occupied by one family only.

Dwelling, Two-Family - A residence designed for or occupied by two families only, with separate housekeeping and cooking facilities for each.

Dwelling, Multiple Family - A residence designed for or occupied by three or more families, with separate housekeeping and cooking facilities for each.

Family - One or more persons occupying a single housekeeping unit and using common cooking facilities.

Home Occupations - A use of nonresidential nature conducted entirely within the dwelling or accessory building and carried on only by inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes. No article may be said or offered for sale except as may be produced on the premises by members of the immediate family residing therein. Only one unlighted sign not exceeding one (1) square foot in area may be displayed.

- a) Home occupation shall be limited to catering service, dressmaking, carpenter and cabinet making shop, home bakery, furniture repairing upholstery shop, real estate office, individual doctor's consultation office and other restricted business, service or profession which, in the opinion of the Board of Adjustment are of the same general character as the uses enumerated and designed so as not to change the character of the immediate neighborhood.



- b) The following shall not be deemed to be home occupations: animal hospital, automobile repair garage, clinic, kennel, among others.

**Junk or Salvage Yard** - Any place where two or more motor vehicles not containing current license plates are stored in the open; and including the commercial salvaging and scavenging of any other goods, articles or merchandise not contained entirely within enclosed buildings.

**Lot** - For zoning purposes, as covered by this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street provided that in no case of subdivision shall any lot or parcel be created which does not meet the requirements of this ordinance.

**Lot Frontage** - The front of a lot shall be construed to be the portion nearest the street or a body of water if the lot has water frontage. For the purpose of determining yard requirements on corner lots and through lots (through lots are lots running from street to street), all portions of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under Yards in this article.

**Lot Width** - Shall be the distance between the side lot lines measured on the building front yard setback line.

**Lot of Record** - A lot which is part of a subdivision recorded in the office of the City Administrator, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

**May** - The word “may” shall indicate permissive.

**Mobile Home** – A single-family dwelling unit suitable for year-round occupancy placed on a foundation so as to be substantially affixed to the site and connected to a water supply, waste disposal system and electrical supply similar to immobile housing. Individual mobile homes residing in a mobile park at the time of the passage of this zoning ordinance or mobile homes seeking to establish in a mobile home park in the future, shall not be required to obtain a zoning or conditional use permit.

**Mobile Home Park**- A parcel of land which has been planned and improved for the placement of two or more mobile homes and licensed by the State of Minnesota. A conditional use permit shall be required for the establishment of a mobile home park.

**Occupied** - The word “occupied” shall include the words intended, designed, or arranged to be used or occupied.

**Parking Space, Off-Street** - An off-street parking space shall comprise not less than 180 square feet of parking stall plus necessary maneuvering space. Space for maneuvering incidental to parking or exiting shall not encroach upon any public way. Every off-street parking space shall be assessable from a public way.

**Planning Commission** - The Planning Commission of the City of Red Lake Falls.

Shall – The word “shall” is to be construed as mandatory.

Sign - Any device to inform or attract the attention of persons not on the premises on which the sign is located provided, however, that the following shall not be included in the application of the regulations herein.

- Signs not exceeding four square feet in area and bearing only property numbers, post box numbers, names of occupants or premises or other identifications of premises not having commercial connotations.

- Flags and insignia of any government except when displayed in connection with commercial promotion;

- Legal notices; identification, information, or directional signs erected or required by governmental bodies.

- Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;

- Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

- A temporary sign indicating real estate for rent or for sale related to the premises only on which it is located.

- Political posters in accordance with applicable state laws or posters for other short term promotions which shall follow the same laws as political posters, provided that they are removed within ten (10 days) following the election for which they were intended.

Signs, Number and Surface Area - For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to a form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where this is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

Surface Area - The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

Sign, On-site - An outdoor advertising device relating in its subject matter to the premises on which it is located, or to products, accommodations services, or activities on the premises.

Sign, Off-site- An outdoor advertising device other than an on-site sign.

Structure - Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, and poster panels.

Used - The word “used” shall have the same meaning as the word “occupied” as defined herein.

Variance - A variance is an appeal for the relief from certain requirements of the zoning ordinance as deemed necessary by the Board of Adjustment when the strict interpretation of the ordinance would create undue hardship because of irregular lot size, topographic or other characteristics of the land. No variance shall have the effect of allowing in any district uses prohibited in that district.

Yard - A required open space unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided, however, that fences, signs, utility poles, lawn lights, antennae and related minor equipment and trees or shrubs may be permitted in any yard provided that they do not create a traffic safety hazard.

Yard, Front - A yard extending between side lot lines across the front of a lot at the side nearest the street or a body of water. In any required front yard, no fence, or wall shall be permitted which materially impedes vision across such yard above the height of 30 inches, and no hedge or other vegetation on corner lots shall be permitted which materially impedes vision across the yard.

Yard, Side - A yard extending from the rear line of the required front yard to the rear lot line.

Yard, Rear - A yard extending across the rear of the lot between inner side yard lines.

Satellite Dish Antenna – An outside parabolic antenna used or useful for the reception of communication signals transmitted by satellite.

## Section 905.02. **ZONING DISTRICTS AND GENERAL PROVISIONS**

Subd. 1. Zoning districts. The City of Red Lake Falls is hereby divided into zoning districts as shown on the official Zoning District Map dated Dec. 16, 1969 and any amendments thereto, and filed in the office of the City Administrator. The map and all explanatory matter thereon are hereby made a part of this ordinance. Appendix “A”. Any area added to the city through annexation shall be divided into zoning districts at the time of annexation.

Subd. 2. Compliance. No building or structure or part thereof shall hereafter be erected, constructed, reconstructed, move, conformity with all of the regulations herein specified in the zoning schedule, Article IX, for the district in which it is located.

Subd. 3. General provisions. In each zone district each structure hereafter erected or altered shall be provided with the yards and setbacks specified, shall be on a lot of the area and width specified and shall not exceed the percent of maximum total building coverage of its lot as specified in the zoning schedule, Article IX. No open space, lot off-street parking or loading space required for a building or structure shall be included as part of a lot, open space, off-street parking or loading space for another building structure unless the joint space meets all requirements of all buildings or structures for which it serves.

Subd. 4. Satellite dish antenna. No satellite dish antenna or portion thereof shall be constructed: (a) in any front yard or within that portion of any side yard which is forward on the front line extended of any existing building upon the lot or parcel involved; (b) within the side yard or rear yard setback requirements for accessory structures; (c) Upon the roof of any residential dwelling for 4 or fewer

families, private garage, or other structure accessory to such residential dwelling; or (d) to exceed the height of 35 feet or the top of the principal structure on the lot upon which it is located, whichever is less. Wiring between the satellite dish antenna and a receiver shall be placed at least eight (8) inches beneath the surface of the ground. Satellite dish antennas shall be bonded to a grounding rod and shall be designed to withstand a wind force as required by Building Code. Satellite dish antennas which are mounted on the roof of a building or structure must be approved by registered engineer or architect.

Subd. 5. No residential dwelling shall be constructed that is less than twenty (20) feet wide, or less than twenty (20) or a total square footage of less than 800 square feet. Any building less than dimensions specified shall require a variance.

**THAT SECTION 905.02 ZONING DISTRICTS AND GENERAL PROVISIONS SUBDIVISION 1 OF THE CODE OF ORDINANCES, CITY OF RED LAKE FALLS, MINNESOTA 1995 IS HEREBY AMENDED TO ADD THE FOLLOWING SECTIONS WHICH ARE INCORPORATED AS ADDITIONS TO SUBDIVISION 1.**

Subdivision 1a. A Multi-Family Residential (R-2) Zoning District shall be defined as two or more family units per structure.

Subdivision 1b. A Multi-Family Residential (R-2) Zoning District is hereby incorporated within the zoning definitions in the official Zoning District map dated December 16, 1969 and filed in the office of the City Administrator of the City of Red Lake Falls, a Multi-Family Residential (R-2) classification together with basic provisions, minimum requirements, and maximum limitations shall also be added to and become a part of Article IX – Zoning District Schedule on file in the Office of the City Administrator of the City of Red Lake Falls.

Subdivision 1c. Lot size requirements in the Multi-Family Residential (R-2) District are established as follows:

1. Minimum lot area: Multi-family: three thousand (3,000) square feet per family but less than six thousand (6,000) square feet.
2. Minimum lot width: Multi-family dwelling uses – seventy five (75) feet.
3. Minimum lot depth: one hundred (100) feet.
4. Maximum structure height: seventy five (75).
5. Yard requirements:
  - a. Front yard; thirty (30) feet.
  - b. Minimum side yard: twenty (20) feet.
  - c. There shall be an additional side yard setback of one foot for each two (2) feet of height over forty (40) feet.
  - d. Minimum rear yard: twenty-five (25) feet.
6. Maximum lot coverage: forty (40) percent.

**Section 905.03. EXISTING NON-CONFORMITIES**

Any use of a structure and/or premises existing at the time of enactment or subsequent amendment of this ordinance, but not in conformity with its provisions, may be continued provided that:

- a) The use is not changed to another non-conforming use or re-established if discontinued for a 90 day period.
- b) No existing structure devoted to a non-conforming use shall be enlarged or extended, constructed, moved, or structurally altered except in changing the use of the structure to a use consistent with the provisions of this part of the Code of the City of Red Lake Falls.

**Section 905.03.01. NON-CONFORMING STRUCTURES**

Any structure existing at the date of adoption or amendment of this ordinance which does not comply with the provisions of this ordinance by reason of restrictions on area, lot coverage, yards, or other characteristic of the structure of lot may be continued provided that such structures may:

- a) Not be enlarged or altered in a way which increases its non-conformity.
- b) Not be rebuilt, except in conformity with the provisions of this ordinance, after damage to an extent of more than fifty (50) per cent of its replacement value at the time of damage.
- c) Not be moved in any way unless it shall thereafter be conform to the provisions of this ordinance.
- d) Have normal repairs and maintenance necessary to keep the structure in sound condition.

**Section 905.04. GROUP HOUSING PROJECT**

In the case of a housing project consisting of a group of five or more dwelling units to be constructed on a plot of ground of at least three (3) acres not subdivision into the customary streets and lots which will not be so subdivided or where the existing or contemplated street and lot layout make it impractical to apply the requirements of this ordinance to the individual buildings in such housing projects, the application of such requirements to such housing project shall be made by the Board of Adjustment in a manner that will be in harmony with the character of the neighborhood, will insure a density of land use no higher and a standard of open space at least as high as required by this ordinance in the district in which the proposed project is to be located.

**Section 905.05. OFF-STREET LOADING AND PARKING**

Space for off the street loading of vehicles shall be provided for every building used or designed for commercial purposes in an amount considered adequate by the zoning officer for the proposed use.

**Section 905.05.01. OFF-STREET AUTOMOBILE STORAGE**

Off-street automobile storage or standing space shall be provided on every lot on which any new structures are hereafter established; such space shall be provided with vehicular access to a street or alley and shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

- a) Dwelling: One parking space for each unit.
- b) Tourist Accommodations: One parking space for each room unit.

- c) Theater, stadium, auditorium, church, or other places of public assembly: One parking space for each 10 seats, based on maximum seating capacity.
- d) Store and other retail business establishments: One parking space for each 100 square feet of total retail floor area.
- e) Office Building: One parking space for each 200 square feet of office floor area.
- f) Industrial, manufacturing, or wholesale establishments: One parking space for each 5 workers, based on peak employment and adequate space for loading and unloading all vehicles used incidental to the operation of the industrial or manufacturing establishment.

None of these regulations, however, shall apply to the present C-1 areas indicated on the atlas and described as follows: Blocks two and three (2 and 3), seven and eight (7 and 8), nine and ten (9 and 10), Champagne and Dow's Additions, and that part of block three (3) of original town site within the boundaries of C-1, and the east half (E ½) of block fifty-one (51) west half (W ½) of block fifty-two (52) of Kretschmar's Addition.

Where such space cannot be reasonably provided on the same lot with the principal use, the Board of Adjustment may permit such space to be located on another off-street property provided such space is within five hundred (500) feet of the permitted use measured along lines of public access.

**Section 905.05.02. OFF-STREET PARKING AREAS FOR MORE THAN FIVE VEHICLES**

Off-street parking areas, whether public or private, for more than five (5) vehicles shall be effectively screened by a fenced, wall or plant material if visible from a residential or public zoning district.

**Section 905.06. REMOVAL OF NONCONFORMING SIGNS AND NONCONFORMING LAND USE**

All nonconforming signs of all types not exempted by the definition thereof and all nonconforming open land uses (not under a roof) such as open storage yards, junk yards accumulations of debris, stockyards, etc. Shall be removed and made to conform to the adoption of this ordinance within a period of two years after the adoption of this ordinance and the mailing of a notice instructing such removal by the Zoning Officer.

**Section 905.07. OUTDOOR ADVERTISING**

Subd. 1. Outdoor advertising. Only official identification, directional or traffic control signs shall be allowed within the public right-of-way.

Subd. 2. On-site. On-site at industrial, commercial or service establishments shall be limited to three (3) display units per twenty-five (25) linear feet of total road frontage. Total area of all units combined shall not exceed fifty (50) square feet for each goods or services for sale or produced on the property.

Subd. 3. Off-site conditional uses. Off-site advertising signs shall be permitted uses in C-1, C-2, and M zone districts as conditional uses. Off-site advertising signs shall also be permitted at tourist service areas and visitor information centers designed for the purpose of informing the motoring public of services available within the nearby area.

Subd. 4. Off-site advertising structures. Off-site advertising structures shall not be erected which exceed 350 square feet in advertising area. The maximum size limitation stated- herein shall apply to each facing of an off-site advertising sign. Two outdoor facing (end to end).

Subd. 5. Changes. The change in advertising message maintenance and repair, or the use of extensions, cut-outs or embellishments upon an existing advertising structure shall not be considered an enlargement, extension structure, or structural alteration provided that thereby the advertising structure is not caused is not caused to exceed any size limitation imposed by this ordinance.

Subd. 6. Placement. Off-site advertising signs shall not obscure safe sight distances or conflict with official signs or safety devices.

Subd. 7. Lighting. Off-site advertising signs shall not be erected which contain, include or are illuminated by any flashing light or lights, except those giving public service information, such as time and temperature. Lighted signs shall be shielded so as to prevent beams or rags of light from being directed at any portion of the traveled way of any street or highway and shall not be of such intensity or brilliance as to cause glare or impair the vision of the operator of any motor vehicle or obscure any official traffic sign, device or signal.

**Section 905.08. LIST OF PERMISSIBLE AND CONDITIONAL USES**

On the following table, an open circle (O) means that the use is permitted in that district only if a conditional use permit is granted by the Board of Adjustment. An “X” means that the use is permitted in the zone district subject to the general provisions of the zoning ordinance. For uses not included on this list, application shall be made to the Board of Adjustment for interpretation.

	<b>R</b>	<b>C-1</b>	<b>C-2</b>	<b>M</b>	<b>P</b>	<b>O</b>
Acoustical material, mfg., storage				X		
Acoustical material, sales		X	X	X		
Advertising display mfg.				X		
Agriculture farmland	O			X		X
Agricultural implements service & sales		O	X	X		O
Animal hospital, veterinarian		O	O			
Antique sales		X	X			
Apartment	O	O	O			
Armory			O	X	X	O
Asphalt and asphalt products processing storage				O		
Association (club and lodges, private)		X	X			
Athletic fields					X	X
Auditorium, assembly hall		O			X	O
Automobile and truck sales, parts, repairs		O	X	X		
Automobile and truck salvage and scrap yard				O		
Bake sales	O	X	X			
Baked goods, mfg., sales (small scale)		X	X			
Baked goods, mfg., sales (large scale)		O	O	X		
Bank Trust Co., Bonding Co.			X	X		
Bar, Tavern, Saloon		X	X			
Barber		X	X			

	<b>R</b>	<b>C-1</b>	<b>C-2</b>	<b>M</b>	<b>P</b>	<b>O</b>
Beauty Shop		X	X			
Beverages			O	X		
Bicycle		O	X	X		
Billiard parlor		X	X			
Boat marina, sales, storage		X	X	X		
Body shop, automotive			O	X		
Bottled gas, storage and distribution				O		
Bowling alley		X	X			
Broadcasting station, transmitting equip-tower	O		O	X	O	X
Broadcasting studio		X	X	X	O	X
Building materials, storage, sales		O	O	X		
Café, restaurant, supper club		X	X			
Carpentry and cabinet shop		O	O	X		
Carpet & rug sales, storage, cleaning	X	O	X			
Cement & concrete project, mfg., sales, storage				O		
Cemetery					X	X
Cesspool-septic tank, builders, service, sales				X		
Child care center, play school	O				O	
Church, synagogue	O	X	X			
Clay products, mfg., storage				O		
Clinic, hospital	O	O	O		X	
Clothing store, general, specially		X	X			
Coal and coal storage yards				O		
Coin machines, rental, service		X	X	X		
Cold storage, locker plant		O	O	X		
Community Center	O	O	O		X	
Contractor (general) equip. & storage yard				X		X
Credit Union loan company		X	X			
Dairy products, mfg., sales, distribution		O	O	X		O
Dance hall		O	O		O	
Department store		X	X			
Disposal plant, sewage				O	O	X
Dog pound				O		O
Drive-in restaurant		O	X			
Driving range, miniature golf, go-karting			O			O
Dry cleaning & laundry, pick up only		X	X	X		
Dry cleaning & laundry, self-service		X	X			
Dump, ash, garbage, offal, etc.				O		O
Dwelling, single family	X					O
Dwelling, two family	X					O
Dwelling, multiple family	O	O	O			
Egg processing, distribution				X		X
Electrical appliances, equip., sales		X	X	X		



	<b>R</b>	<b>C-1</b>	<b>C-2</b>	<b>M</b>	<b>P</b>	<b>O</b>
Electric light & power company yards				X		O
Explosive, storage, distribution				O		
Farm implement dealer, distribution, repair, sales		O	X	X		
Feed-fertilizer (natural, processed) sales, storage				X		
Filling stations, gasoline		O	X	X		
Fire station	O	X	X	X	X	O
Fish or meat, wholesale, curing, storage			O	X		
Florist, greenhouse, nursery			X	O		X
Florist, sales		X	X	O		O
Food products, sales		X	X	X		
Food products, warehouses			O	X		
Freight depot, office, wholesale			O	X		
Fuel storage, distribution				O		O
Funeral parlor, mortuary	O	X	X			
Furniture store		X	X			
Furs, mfg., assembly				O		
Furs, sales		X	X	O		
Frozen food lockers			O	X		
Garage, equipment, sales		O	X	X		
Garment, clothing mfg., sales				X		
Gas, appliances, sales		X	X			
Gasoline, or filling station		O	X	X		
Gift shops		X	X			
Gravel pit					O	X
Grocery store, retail	O	X	X			
Grocery store, wholesale, warehousing			O	X		
Halls, assembly		O	O		X	
Hard wares, sales, repair		X	X	X		
Home, old age, children, nursing	O					
Hospitals	O	O	O		X	
Hotel		X	X			
Housing, public project	O					
Ice, mfg., sales			O	X		
Ice skating rink	O				X	X
Insulation materials, storage				X		
Iron or woodworking			O	X		
Jail		X			X	
Jeweler, sales, mfg.		X	X			
Junk or salvage yard				O		
Key and lock shop		X	X			

	<b>R</b>	<b>C-1</b>	<b>C-2</b>	<b>M</b>	<b>P</b>	<b>O</b>
Kennel			O	O		
Laboratories		X	X	X		
Laundries, self service	O	X	X			
Library	O	X	X		X	
Lighting and power plants					X	O
Liquor, off-sale storage		X	X			
Lockers, food storage		O	O	X		
Lodging house	O		X			
Lumber yard, storage, sales			O	X		
Machine shop			O	X		
Meat and fish sales		X	X	X		
Meat packers				O		
Metal fabrication, processing	O	O	X			
Mobile home mfg. and sales	O		O	X		
Mobile home & mobile home parks	O				X	
Monuments, sales, display		X	X			
Motel		X	X			
Motion picture theater, non drive-in		X	X			
Museum	O	X	X		X	
Nursing Home	O					
Paper and wood products mfg., storage				X		
Parish house	X					
Park, Playground	X	X	X	X	X	X
Parking lot	O	X	X	X	X	X
Paving materials, storage					O	
Pharmacy		X	X			
Plumbing fixtures and supplies, sales shops		X	O	X		
Police station		X			X	
Post Office		X			X	
Poultry, products processing				O		O
Printing service, lithograph, photo engraving		X	O	X		
Professional office, doctors, lawyers, etc.	O	X	X			
Public housing	X				X	
Public or private school	O	X	X		X	
Public building	O	X	X		X	
Public campground					X	X
Public utilities and storage area	O	O	O	X	X	O
Railroad, service and repair				X		
Rendering plant						
Restaurants, cafes		X	X			
Retail store, general, specialty		X	X			

	<b>R</b>	<b>C-1</b>	<b>C-2</b>	<b>M</b>	<b>P</b>	<b>O</b>
Roadside park or wayside	X	X	X	X	X	X
Roadside sales stand	O		X			O
Rooming house	O	O	O			
Salvage yards, storage, sales				O		
Satellite Dish Antennas						
Sauna, steam bath, commercial		X	X			
Schools, commercial		X	X			
Schools, public or parochial	X				X	
Signs, off-site		O	O	O		
Signs, on-site		X	X	X		
Silo, mfg., sales						
Skating rink, ice	O				X	X
Sporting goods, sales		X	X			
Sporting goods, mfg.			O	X		
Storage warehouse				X		
Storage yard, bulk material, equipment				X		O
Trailer (travel)	O	X	X			
Taxidermist	O	X	X	X		
Theaters, in-door		X	X			
Theaters, outdoor drive-in			O			O
Tire repairing, equipment, and supplies		O	O	X		
Tourist court, rooms	O	X	X			
Trailers, sales	O	X	X	X		
Trailer (mobile home) park	O				X	
Utility structure, substation		O	O	X		
Warehouse, all types		O	O	X		
Water tank, reservoir	O	O	O	X	X	O
Welding shop, service equipment, storage		O	O	X		
Wood, storage, sales				X		

**Section 905.09. CONDITIONAL USES**

Exceptions to the basic provisions of the Zoning District Schedule shall be permitted only for uses listed in Article VIII and the complete classification list and only after the issuance of a conditional use permit. An application for a conditional use permit shall be filed with the Zoning Officer on a form furnished for the purpose. The application shall be accompanied by plans and other data as prescribed on the form.

Subd. 1. Application Review. Each application for a conditional use permit shall be reviewed by the Board of Adjustment and approved by a majority vote before a use permit may be issued. The Board of Adjustment may grant or deny any application for a conditional use permit following the policy hereafter set forth. An applicant denied a permit may make application for a hearing before the City Council. The City Council may reverse the decision of the Board of Adjustment if a

majority of the City Council deems the issuance of a permit is necessary for the protection of the public interest.

Subd. 2. Requirements for grant of permit. No conditional use permit shall be granted unless the Board of Adjustment shall find:

- a) That the conditional use will not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity nor substantially diminish and impair property values within the surrounding neighborhood;
- b) That the proposed development will not increase local or state expenditures in relation to costs of servicing or maintaining neighboring properties;
- c) That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses predominant in the area; and
- d) That the location and character of the proposed development are considered to be consistent with a desirable pattern of development for the locality in general.

#### Section 905.09.01. **SATELLITE DISHES**

In zones where satellite dish antennas are allowed only by Conditional Use Permit, the following specifications and restrictions shall apply: (1) The antenna shall have a diameter of 11 feet or less, (2) A site plan showing the proposed location of the antenna shall be submitted with the application for a Conditional Use Permit. No conditional use permit shall be granted unless;

- a) A separate permit application is filed for each activity and satellite dish antenna requiring a permit;
- b) Each permit application is accompanied by specific plans and all necessary information upon which to base a decision as to whether or not it complies fully with the City Code;
- c) Payment of a satellite dish antenna permit fees are paid as establishment by resolution of the Council.

#### Section 905.10. **ADMINISTRATION**

This ordinance shall be administered by the zoning Officer. No land or structure shall be changed in use and no structure shall be erected, altered, or moved until the Zoning Officer has issued a Zoning Permit certifying that the plans and intended use of land, building, and structures are in conformity with this ordinance. No land or structure shall be changed in use and no structure shall be erected, altered, or moved until the Zoning Officer has issued a Zoning Permit certifying that the plans and intended use of land, buildings, and structures are in conformity with this ordinance. No land or structure hereafter erected, moved or altered in its use shall be used until the Zoning Officer shall have issued a Certificate of Zoning Compliance stating that such land or structure is found to be in conformity with the provisions of this ordinance.

#### Section 905.10.01. **BOARD OF ADJUSTMENT**

There shall be a Board of Adjustment consisting of members of the Planning Commission. The terms of the members of the Board of Adjustment shall be concurrent with their terms as members of the Planning Commission.

**Section 905.10.02. APPEALS TO THE BOARD OF ADJUSTMENT**

Appeals to the Board of Adjustment may be taken by any person aggrieved. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, giving public notice thereof, as well as due notice to the parties of interest, and decide the same within a reasonable time. At any hearing any party may appear in person, or by agent or attorney.

**Section 905.10.03. POWERS OF THE BOARD OF ADJUSTMENT**

The Board of Adjustment shall have the following powers:

- a) to hear and decide appeals where it is alleged there is an error in any order, requirements, decisions or determinations made by the Zoning Officer.
- b) To hear and decide on special exceptions, variances, conditional use permits, and all other matters referred to it or upon which it is required to pass under this ordinance, and
- c) In passing upon variances, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this ordinance to vary or modify the application of any of the regulations or provisions of this ordinance so that the spirit of this ordinance shall be observed, public safety and welfare secured and substantial justice done.

**Section 905.10.04. REVERSING OR AFFIRMING DETERMINATION**

In exercising the above mentioned powers such Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officers from whom the appeal is taken.

**Section 905.10.05. MAJORITY VOTE SUFFICIENT TO REVERSE DETERMINATION**

The majority vote of the members of the Board shall be sufficient to reverse any order, requirement, decision, or determination of the Zoning Officer, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in this ordinance.

**Section 905.10.06. BOARD TO ADOPT RULES**

The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses. All meeting shall be open to the public.

**Section 905.10.07. BOARD TO KEEP MINUTES**

The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon question, or if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be a public record and be immediately filed in the office of the City Administrator.

**Section 905.10.08. BOARD ACTIONS**

The Board of Adjustment shall always act with due consideration to promoting the public health, safety, convenience, and welfare, encouraging the appropriate use of land and conserving property value, shall permit no building or use detrimental to a neighborhood, and may prescribe appropriate conditions and safeguards in each case. Any special variances or special exceptions granted by the Board of Adjustment

shall be subject to appeal to the City Council but do not require Council action for approval or disapproval.

**Section 905.11. AMENDMENTS**

This ordinance may be amended whenever the public necessity and the general welfare require such amendment by the following procedure:

- a) An amendment may be initiated by the City Council or the Planning Commission, or by the verified petition of not less than fifty percent of the property owners affected by the proposed amendment and fifty percent of those property owners within two hundred feet of the proposed change.
- b) Before any amendment is adopted the Planning Commission shall hold at least one public hearing thereon after a notice of the hearing has been published in the official newspaper at least ten days before the hearing.
- c) Following the hearing the Planning Commission shall make a report of its findings and recommendations on the proposed amendment and shall file a copy with the City City administrator within sixty days of the date that the proposed amendments were referred to the Planning Commission. Failure of the Planning Commission to so report shall be deemed to be approval by the Commission of the proposed amendment.
- d) Upon the filing of such report or upon the expiration of such then days as aforesaid, the City Council shall hold such public hearings upon the amendment as it deems advisable. After the inclusion of the hearing, if any, the Council may adopt the amendment or may part thereof in such form as it deems advisable. The amendment shall be effective only if two-thirds of all the members of the Council concur in its passage.

**Section 905.12. SCHEDULE OF FEES**

Subd. 1. Charges and expenses. The City Council hereby establishes a schedule of fees and a collection procedure for zoning permits, certificates of zoning compliances, and conditional use permits as required by this ordinance. The schedule of fees listed below shall be posted in the office of the City Administrator, and may be altered or amended only by the City Council.

Subd. 2. No permit to issue until all fees paid. No zoning, compliance, or conditional use permit shall be issued unless or until such application fees, listed below, shall have been paid in full to the City Administrator, nor shall any action be taken on proceedings before the Board of Adjustment unless the following application fees have been paid in full.

Subd. 3. Fees. The City Council shall by council resolution adopt a fee schedule for zoning and related compliance permits, which shall be in the appendix of this code.

**Section 905.13. PENALTY**

Any person violating any provision of part 5 of chapter 9 of the code of the City of Red Lake Falls shall, upon conviction, be guilty of a misdemeanor. Each day such violation continues shall constitute a separate offense.

## **PART 6. COMPREHENSIVE PLATTING REGULATIONS**

### **Section 906.01. GENERAL PROVISIONS**

Subd. 1. Short Title. This ordinance shall be known as the “Subdivision Platting Regulations of Red Lake Falls, Minnesota.”

Subd. 2. Purpose. Each new subdivision becomes a permanent unit in basic physical structure of the city, a unit to which, in the future communities will be necessity be forced to adhere. In order that new subdivisions will contribute toward an attractive, orderly, stable and wholesome community environment, adequate public services, and safe streets, all subdivision hereafter platted within the city and within a two mile area shall fully comply with the regulations hereinafter set forth in this ordinance.

Subd. 3. Interpretation. In the interpretation and application, the provisions of this ordinance shall be the minimum requirements adopted for the protection of the public health, safety and general welfare.

Subd. 4. Scope. This ordinance shall apply and be binding upon all the area of Red Lake Falls, Minnesota, and within the unincorporated area two miles from the city limits.

This ordinance shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the Register of Deeds prior to the effective date of this ordinance, except in the case of re-subdivision completed after the effective date of this ordinance. This ordinance is not intended to repeal, annul or in any way impair or interfere with existing provisions of other laws or ordinances except those specifically repealed by, or in conflict with, this ordinance. Nor shall it interfere with private restrictions placed upon property by deed, covenant, or other private agreement, or with restrictions upon the land that are imposed or required by such existing provisions of law, ordinance, contract or deed. In cases where any of the foregoing are in conflict with this ordinance, the provisions of this ordinance shall control.

Subd. 5. Repeal of Existing Regulations. All ordinances or parts of ordinances that conflict with part 6 of Chapter 9 of the Code of the City of Red Lake Falls are herein repealed.

### **Section 906.02. DEFINITIONS**

Unless the context indicates a different meaning, for the purposed of this ordinance certain words, phrases and terms shall be construed as follows:

**PERSONAL** Any individual, firm association, syndicate or partnership, corporation, trust, or any other legal entity.

**SUBDIVISION OF LAND AND** The division of a tract of land into two (2) or more lots or parcels for the purpose of transfer of ownership or building development, or if a new street is involved, any division of a parcel of land; provided that the following shall not be deemed a subdivision:

- a) The division of a tract of land into lots or parcels of two (2) acres or more with a minimum width of 165 feet.
- b) One (1) division of a tract of land into two (2) lots or parcels in any twelve month period of time provided that the resulting descriptions are approved by the Auditor and that said lots or parcels shall meet the minimum area and width requirements of any zoning ordinance in effect.
- c) Transfers of interest in land by will or pursuant to court order.

SUBDIVIDE	The owner, agent, or person having control of such land as the term is used in this ordinance.
COMMISSION	The Planning Commission of Red Lake Falls, Minnesota.
CITY	The City of Red Lake Falls, Minnesota.
CITY COUNCIL	The City Council of Red Lake Falls, Minnesota
OFFICIAL PLAN OR CITY GUIDE PLAN	The plan or plans for the orderly growth of Red Lake Falls adopted and amended from time to time by the Planning Commission and the City Council.
STREET	A public way which affords primary means of access by pedestrians and vehicles to abutting properties, whether designated as a street, avenue, highway, road, boulevard, lane, or however otherwise designated.
THOROUGHFARE, MAJOR OR SECONDARY	Major and secondary thoroughfares are shown on the City Plan.
COLLECTOR	A street that serves as a connection between a thoroughfare and minor roads. The term may include the principal entrance of a residential development and streets for major circulation within such a development as well as those shown on the City Guide Plan.
MINOR STREET	A street of relatively short length that provides direct access to a limited number of abutting properties.
CUL-DE-SAC	A permanent street terminating at one end without connecting with another road and designed so that it cannot be further extended without taking property not dedicated as a street.
MARGINAL ACCESS STREET	A street or service road parallel to and adjacent to a thoroughfare which provides access from the thoroughfare to abutting properties.



ALLEY	A public way used primarily as a service access to the rear or side of a property which abuts on a street.
PRIVATE STREET OR RESERVE STRIP	A purported street, way or strip of land reserved for the use of a limited number of persons or purposes as distinguished from a publicly dedicated street.
BLOCK	The distance as measured along a road between intersection streets from center line to center line; and where the context requires, it also means the enclosed area within the perimeter of the streets or property lines enclosing it.
PUBLIC WALKWAY	A public way designed for the use of pedestrian traffic.
LOT	Any tract, including out lots, within a subdivision marked by the subdivider as a numbered tract.
LOT WIDTH	The dimension of a lot measured on the building set back line.
PRELIMINARY PLAN	A drawing of a proposed subdivision prepared in the manner and containing the data, documents and information required by Article III of this ordinance.
FINAL PLAT	The drawing of a subdivision prepared in the manner and containing the data, documents, and information required by Article IV of this ordinance.
ATTORNEY	The City Attorney of Red Lake Falls, Minnesota or his authorized representative.
CITY ADMINISTRATOR	The City Administrator of Red Lake Falls, Minnesota or his authorized representative.
SURVEYOR	The City Surveyor of Red Lake Falls, Minnesota or his authorized representative.
CLUSTER DEVELOPMENT	A subdivision development planned and constructed so as to group housing units into tight patters while providing a unified network of open space and wooded areas.
GROUP HOUSING	A housing project consisting of a group of five or more buildings constructed on a plot of ground three acres or more in size.
ZONING ORDINANCE	A zoning ordinance controlling the use of land as adopted by the City Council.

Section 906.03.       **PRELIMINARY PLAN**

Subd. 1.       Procedure for Preliminary Plan. In order to familiarize himself with this ordinance and relating laws and to avoid costly revisions of plans and plats, the subdivision is encouraged to have a preliminary discussion with the Surveyor.

The subdivider shall submit to the City administrator:

- a) Three copies of the preliminary plan.
- b) The City Administrator shall, upon receipt of the preliminary plan, refer two copies to the planning commission and one copy to the Surveyor.
- c) If the proposed subdivision fronts upon or has access to a State or Federal Truck Highway, the City Administrator shall require an extra copy and shall also refer one copy to the Minnesota District Highway Headquarters for review required by state law.
- d) The Surveyor shall within 30 days submit reports to the Commission expressing recommendations for approval, disapproval or revisions.
- e) At the first regular meeting following receipt of the above reports, the Commission shall determine whether such plan conforms to design standards set forth in this ordinance and conforms to adopted City Plans.
- f) Approval of a preliminary plan by the Commission assures the general acceptability of the layout. Subsequent approval will be required of the final plat as outlined in Article IV.
- g) The action taken by the Commission shall be recorded in the proceedings of the Commission and transmitted to the applicant within (10) ten days.

Subd. 2.       Data required for preliminary plan.

A. Scale. 1 inch equals 100 feet or larger scale.

B. Identification and Description.

Proposed name of subdivision, which name shall not duplicate or be alike in pronunciation of the name of any plat theretofore recorded in the city.

Location by section, town, and range with a small scale sketch showing location within the section.

Names and address of the owner, sub divider, surveyor and designer of the plan.

Graphic Scale

North-Point

Date of Preparation

C. Existing conditions in the tract and within 300 feet surrounding the tract.

Property lines.

Districts proposed for nonresidential use.

Total acreage of proposed plat.

Platted roads, railroad right-of-way and utility easements.

Permanent building or other structures.

Topographic conditions of area to the platted including lakes, water courses, swamp areas, and terrain exceeding 15% slope to adequately portray the land form conditions, in sketch form.

Other reasonable information, such as soil tests and/or proposed street profiles, if requested by the Surveyor in order to make a proper review of the site or to determine proper design,.

D. Subdivision Design Features.

Layout of proposed streets, showing rights-of way widths and names of streets.

Location and widths of proposed pedestrian ways and utility easements.

Layout, numbers and dimensions of lots.

Areas, other than streets, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.

E. Stage Development: Whenever a portion of a tract is proposed for platting and is intended or of a size for future enlargements of such platted portion from time to time, a tentative plan for the future subdivision of the entire tract shall be submitted.

Section 906.04. **MINIMUM DESIGN STANDARDS**

Subd. 1. Application. The following land subdivision principles, standards and requirements will be applied by the Commission in evaluating plans for proposed subdivisions:

- a) The provisions outlined herein shall be considered minimum standards and requirements for the promotion of the public health, safety, morals and general welfare.
- b) Where literal compliance with the standards herein specified in clearly impractical, the council may modify or adjust the standards to permit reasonable utilization of property while securing substantial conformance with the objectives of these regulations. The procedure for a variation is stated in Article VI.

Subd. 2. Land Requirements. Land shall be suited to the purpose for which it is to be subdivided. No preliminary plan shall be approved if, considering the best interests of the public, the site is not suitable for plat and development purposes of the kind proposed by reason of potential flooding, swamp conditions, topography or soil limitations. Unless a plan is presented to indicate that the land can be made suitable, lots subject to flooding, and lots deemed uninhabitable because of topography or soils limitations shall not be approved by the Commission for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate the hazard, but such land within a plat shall be set aside for such uses as shall not be approved by the Commission for residential occupancy, nor for such other uses as may danger to health, life or property or aggravate the hazard, but such land within a plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.

Land subject to hazards to life, health, or property shall not be subdivided for residential purposes until all such hazards have been eliminated or unless adequate safeguard against such hazards are provided by the subdivision plan.

Proposed subdivisions shall be coordinated with existing nearby villages or neighborhoods so that the community as a whole may develop harmoniously.

Proposed land uses shall conform to any county or city zoning ordinance in effect.

### Subd. 3. Street System

Proposed streets shall be properly related to such street plans or parts therefore have been officially prepared and adopted by the city.

Proposed streets shall further conform to such county and state road and highway plans as have been prepared, adopted and/or filed as prescribed by law.

Streets shall be logically related to the topography so as to produce usable lots and reasonable grades. Grades shall not be in excess of 10% for collector roads or 15% for minor roads.

Access shall be given to all lots and portions of the tract in the subdivision, and to adjacent unsubdivided territory unless the topography clearly indicated that such connection is not feasible. Streets giving such access shall be improved to the limits of the subdivision. Reserved strips, and land locked areas shall not be created.

Minor streets shall be laid out to discourage their use by through traffic and thoroughfares shall be protected for use by through traffic by marginal access roads, lots served by an interior street or other means.

Half or partial streets will not be permitted, except where essential reasonable subdivision of a tract in conformance with the other requirements and standards of these regulations and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be secured.

Where a tract to be subdivided borders an existing half, or partial street, the other part of the street shall be plotted within such tract.

Dead end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or when designed as cul-de-sac streets.

Private streets and reserve strips shall be prohibited when a variation is submitted and approved in accordance with Article VI.

Subd. 4. Cul-de-sac Streets.

Cul-de-sac streets, permanently designed as such shall not exceed 800 feet in length, except as variances are permitted by the Commission. Such a variance may be granted if it can be clearly shown that by reason of unfavorable land form, or the irregular shape of the plat from which the subdivision is being made, that a normal street pattern cannot be established or that land would be wasted by not granting such a variance.

Cul-de-sac streets shall be provided at the closed end with a turn around having a minimum radius to the outside edge of the finished road or curb line of not less than fifty (50) feet.

Unless future extension is clearly impractical or undesirable, the turn-around right-of-way shall be placed adjacent to a property line adjacent right-of-way of the same width as the street shall be carried to the property line in such a way as to a criminal nature extension of the street into the adjoining tract. At such times as such a street is extended, the overage created by the turn around outside the boundaries of the extended street shall revert in ownership to the property owner fronting on the temporary turn-around.

Subd. 5. Street design. Minimum widths for each type of public street or road shall be as follows:

Type of Street or Road	Right of Way Width
Major Thoroughfare	200 ft.
Secondary Thoroughfare	100 ft.
Collector Street or Road	80 ft.
Minor Street	66 ft.
Marginal Access Street and Cul-de-sac	50 ft.
Alley	20 ft.

Where a subdivision abuts or contains an existing road or street of inadequate width, sufficient additional width shall be provided to meet the above standards.

Additional right-of-way and roadway widths may be required to promote public safety and convenience when special conditions require it or to provide parking space in areas of intensive use.

Short extensions of existing streets or roads with lesser right-of-way and/or roadway widths than prescribed above may be permitted by variance in special cases.

Subd. 6. Restriction of access. When a subdivision or portion thereof adjoining a major thoroughfare, no lot shall have direct access thereto. Said lots shall be provided with frontage on a marginal access street or an interior street with lot contiguous with said major thoroughfare.

Subd. 7. Intersections. Street centerline intersections shall be as nearly angles as is possible, and no intersection shall be at an angle of less than seventy (70) degrees.

Subd. 8. Street jobs. Street jobs with centerline offsets of less than one hundred twenty-five (125) feet shall not be allowed.

Subd. 9. Street names. A proposed street which is in alignment with and joins an existing and named street shall bear the name of the existing street.

Subd. 10. Alleys. Alleys shall be provided to the rear or side of all lots to be used for commercial or industrial use.

Subd. 11. Blocks. Blocks shall meet the following standards:

- a) In residential area, blocks shall not be less than six hundred (600) feet nor more than thirteen hundred twenty (1320) feet in length measured along the greatest dimension of the enclosed block area unless minor variations are necessitated by topographic or conformance with an adjoining plat.
- b) Blocks for commercial and industrial areas may vary from the elements of design contained in this section if the nature of the use requires other treatment. In such cases, off-street parking for employees and customers shall be provided along with safe and convenient limited access to the street system. Space for off-street loading shall also be provided with similar access. Extension of streets, railroad access right-of-way, and utilities shall be provided as necessary.
- c) In blocks over eight hundred (800) feet in length, the Commission may require one or more public walkways within an easement not less than ten (10) feet in width to extend entirely across the block and at locations deemed necessary at intervals not closer than four hundred (400) feet.
- d) Blocks shall be wide enough to allow two tiers of lots with a minimum depth as required by zoning except adjoining lake, stream, railroad or thoroughfare or where one tier or lots is necessary because of topographic conditions.

Subd. 12. Arrangement of lots. Side lot lines shall be substantially at right angles to straight street lines or radial to lake or stream shores unless topographic conditions necessitate a different arrangement.

Each lot must front upon a public street and not be less than fifty (50) feet in width.

Through lots or double-frontage lots shall be avoided when possible. Residential lots shall be separated from thoroughfares and railroad right-of-ways by a greater lot depth amounting to 10% increase over that required by zoning regulations or by chapter 415.

Subd. 13. Size of lots. No lot shall have less area or width than is required by zoning regulations; unless provided for otherwise by zoning relations, the provisions of chapter 415 shall apply.

To minimize the danger of the building site being flooded, the Surveyor may require that lots abutting a drainage course, channel, stream or lake have additional area, depth or width.

Lots designed for commercial or industrial purposes shall be adequate for off the street service, loading and parking facilities.

Subd. 14. Public use and service areas. Due consideration shall be given to the allocation of areas suitably located and of adequate size for playgrounds and parks for local or neighborhood use as well as public service areas.

Subd. 15. Public open spaces. Where a proposed highway, school, historic site, park recreation area or public access to water frontage shown on an official city plan is located in whole or in part in the applicant's subdivision, the City Council shall require as a condition of final approval that such space within the subdivision be dedicated or reserved. Such reserved land shall not be developed for a period of one year from the date of final approval of the plat so that within said period the appropriate public agency may acquire said land in the manner provided by law and before it is developed for some purpose not conforming to the official plan.

Subd. 16. Easements for utilities. Except where alleys are provided for the purpose, utility easements not less than twenty (20) feet in width across lots or centered on rear or side lot lines shall be provided for use in erecting, construction and maintaining poles, wires, conduits, surface drainage, water mains, electrical lines and other public utilities. Such easements shall be placed along rear lot lines whenever possible.

Subd. 17. Drainage courses. Where storm water from adjacent areas naturally passes through a subdivision, adequate provision shall be included in the subdivision for facilities to route the storm water through the subdivision to its natural outlet to maintain or replace the natural water course.

**Section 906.05. MINIMUM LOT STANDARDS, STREET AND SANITATION IMPROVEMENTS**

	Individual Sewage Disposal	Community Sewage System	Community Water Supply & Sewage Disposal System
Lot Area	20,000 sq. ft. or more if required as a result of soil percolation paragraph 505-03	14,000 sq. ft.	8,000 sq. ft.
Lot Width	140 ft	50 ft.	50 ft.
Street Diving	6" stabilized	6" stabilized	6" stabilized
Surface Width	Gravel	Gravel	Gravel
Water Supply	Community or Individual	Community or Individual	Community or Individual

**Section 906.06. IMPROVEMENTS**

Before the City Council shall approve final plat of a subdivision, the sub-divider shall provide the required improvements at his own expense shall give bond in an amount equal to the Surveyor's estimate, or make other financial arrangements acceptable to the City Council to cover the cost of the following:

- a) Survey Monuments. A subdivision boundary corners, block and lot corners, road intersection corners and points or tangency and curvature shall be marked with survey monuments meeting the minimum requirements of state law. All U.S., state, county and other official bench marks, monuments or triangular stations in or adjacent to the property shall be preserved in precise position.
- b) Grading. Streets and lots shall be graded to secure proper drainage and to prevent the collection of storm water in pools.
- c) Surface Water Drainage. Surface water drainage shall be provided by storm sewers or drainage course adequate to drain surface water from the subdivision and protect roadway surfaces.
- d) Minimum Pavement Width and Roadway Surfacing. Shall meet the standards set forth in chapter 415 and shall be approved after inspection by the Surveyor.
- e) Sanitation. When located within the service area of a public sanitary sewerage system, sanitary sewers shall be constructed throughout the entire subdivision in such manner as to service adequately all lots with connection to such public system.
  - 1. Storm water drainage shall not be permitted to combine with sanitary sewers nor shall sanitary sewage be permitted in storm water sewers.
  - 2. Where lots cannot be connected with a public sewerage system, provisions must be made for sanitary sewerage facilities, consisting of a central treatment plant or individual disposal devices for each lot. This does not mean that the sub-divider must provide such devices.
  - 3. Any subdivision or lot not provided with off-site water and off-site sewer facilities shall be subject to soil and percolation tests being made to determine whether or not the lot size proposed will meet minimum standards of health and sanitation. Such tests shall be made at the expense of the sub-divider.
  - 4. All proposed sewage disposal systems shall comply with the regulations and recommended standards of the Minnesota Department of Health.
- f) Water Supply. Water supply for all areas shall be designed to meet the regulations and recommended standard of the Minnesota Department of Health.
  - 1. When the subdivision is located within the service area of a public water supply system, water mains not less than 6 inches in diameter shall be constructed throughout the entire subdivision in such a manner as to serve adequately all lots and tracts with connection to such public system together with shut-off valves and fire hydrants at intervals of not less than six hundred (600) feet.

Section 906.07.        **VARIATIONS FROM REQUIREMENTS**

The Planning Commission may recommend a variation to the City Council from the requirements of subdivision planning procedure or public improvements when a group housing or cluster development is proposed or in specific cases when the tract to be subdivided is of such unusual size, shape or character or



is surrounded by such development or unusual conditions that the strict compliance with the requirements of this article would result in substantial hardship or injustice.

The standards and requirements of these regulations may be modified by the City Council in the case of plans which, in the judgments of the Commission, achieve substantially the objectives of this resolution and which are further protected by such covenants or other legal provisions as will assure conformity to and achievement of the plan.

Subd. 1. Policy. In recommending any variation, the Commission shall take into account the following:

- a) The location of the proposed subdivision, proposed land use, and existing use of land in the vicinity.
- b) The number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity.
- c) Those variations that will allow the sub-divider to develop his property in a reasonable manner and at the same time preserve the general intent and spirit of this ordinance and to protect the public welfare and interests of the city.
- d) In granting variances and modifications, the Commission may impose such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied and modified.

Subd. 2. Procedure for variation. Application for any variation shall be submitted in writing to the sub-divider at the time the preliminary plan is filed and shall state fully the grounds for the application and the facts relied upon by the petitioner. The Commission shall consider such application, give its written recommendations thereon, with the reasons therefore, at the time of its approval or disapproval of said plan. If the Commission refuses to recommend a variation, the sub-divider may at once, without preparing final plat, petition the City Council for a review of the decision of application for variation.

#### Section 906.08. **FINAL PLAT**

Subd. 1. Procedure for final plat. After the approval and endorsement of a preliminary plan, the following procedure shall be followed:

- a) Unless an extension of time is requested by the sub-divider and granted by the Commission, the sub-divider shall within one year following approval of the preliminary plan, submit to the City Administrator:
- b) Four paper prints of the Final Plat, together with an up-to-date Abstract of Title or a Certificate of Title, an Opinion of Title by the sub-dividers attorney and a form indicating latitude and Department traverse closure. The Final Plat shall be of uniform size 20" in width and 30" in length and shall conform to all Minnesota Platting Regulations. This Final Plat shall incorporate all changes required by the Commission; otherwise, it shall conform to the preliminary plan. The Final Plat may constitute only that portion of the preliminary plan which the sub-divider proposes to record and develop at the time.

- c) A plat inspection fee as based on Minnesota Statutes, Chapter 503.03, Subdivision 3 or amendments.
- d) The City Administrator shall refer one paper print of the Final Plat to the Surveyor, one to the Planning Commission, and one to the Attorney, together with an up-to-date Abstract of Title or a Certificate of Title and the Opinion of Title prepared by the sub-divider's attorney.
- e) A report of the Surveyor, the Planning Commission, and the Attorney shall be submitted to the City Administrator within (30) thirty days after the submission of the Final Plat. The Surveyor shall state whether the Final Plat conforms to the State Platting Regulations and is correctly surveyed. The Planning Commission shall state whether a Final Plat conforms to the preliminary plan approved by the Commission. The Attorney shall state whether the fee simple title to the platted property is in the names of the platters.
- f) The City Council shall act on the Final Plat within (30) thirty days of the date on which it was submitted to the City Administrator. It shall not approve a Final Plat unless it:
  - g) Conforms to a preliminary plan approved by the Commission.
  - h) Meets the design standard and engineering specifications set forth in this ordinance.
  - i) Conforms to all Plans as adopted by the Commission and the City Council.
  - j) Meets all requirements and laws of the State of Minnesota.
- k) When the Final Plat is approved by the City Council and certified by the City Administrator, the sub-divider shall submit two double mounted, cloth backed prints on card stock or material of equal quality and two transparent reproducible copies. The plat shall then be recorded with the Register of Deeds.

Subd. 2. Data required for final plat. Data required for the Final Plat shall be as required under regulations of State Laws.

Section 906.09. **SEPARABILITY**

If any section, subsection, sentence, clause, phrase or portion of this part of the Code of the City of Red Lake Falls is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of remaining portions hereof.

Section 906.10. **PENALTY**

Any person who shall violate any provisions of this part of the Code of the City of Red Lake Falls shall be deemed guilty of a misdemeanor. Each day following notification by the City Administrator that a violation continues shall constitute a separate and distinct offense and may be punishable as such.

Section 906.11. **AMENDMENTS**

Amendments may be made to this part of the Code of Red Lake Falls by the City Council after recommendation of the Commission following the holding of a public hearing with notice given in the official newspaper of the City at least ten (10) days in advance of the hearing.

## PART 7. PLATTED STREETS AND HOUSES

### Section 907.01 ESTABLISHMENT OF A SYSTEM TO NUMBER AND RENUMBER STREETS AND HOUSES

Subd. 1. Numbering of streets. There is hereby created a system of numbering and renumbering the streets of the City of Red Lake Falls. The number system is as follows:

#### MAIN STREETS

- (A) The present Main Avenue from the southerly city limits to the Clearwater River shall be hereafter known as Main Avenue. That part lying south of First Street, as hereinafter designated, shall be known as Main Avenue South and that part lying north of First Street, as hereinafter designated, shall be known as Main Avenue North.
- (B) The present First Street running from the westerly city limits to the Clearwater River and Abraham Street running from the Clearwater River to the easterly city limits shall hereafter be known as First Street. First Street East and that part lying west of Main Avenue shall be known as First Street West.
- (C) The street heretofore known as Clearwater Avenue beginning north of the center of Section 22, proceeding northwesterly through the park until said street connects with the present Bridge Street, thence in a southeasterly direction across the Clearwater Bridge, thence following the present Truck Highway 32 eastward to the easterly city limits, shall hereafter be known as Bridge Street.

#### MAIN AVENUES

- (A) The present Hennepin Avenue beginning at the Great Northern Railway tracks running north 4 blocks to Truck Highway 32, the present Dow Avenue beginning at Truck Highway 32 and running northerly 2 blocks and the present Burrows Avenue beginning at Clearwater River and running northerly to the Great Northern Railway tracks shall hereafter be designated as Dow Avenue.
- (B) The present Buse Avenue and the present Sibley Avenue shall hereafter be designated Buse Avenue.
- (C) The present Kretzschmar's Avenue and the present Marshall Avenue shall hereafter be designated as Marshall Avenue.
- (D) The present Noah Avenue and the present Hamilton Avenue shall hereafter be designated as Hamilton Avenue.
- (E) The present Kittson Avenue and the present McLean Avenue shall hereafter be designated as McLean Avenue.

#### OTHER STREETS

1. Those streets lying north of First Street shall be designated as follows:

- (A) The present Second Street North commencing at the westerly city limits, thence running eastward at a distance of one block, the present Longevin Avenue terminating at the Great Northern Railroad the present Hill Street beginning at the Great Northern Railroad and running easterly one block, and the present Tenth Street lying east of the Clearwater River shall hereafter be designated as Second Street North.
- (B) The present Third Street commencing at the westerly edge of the city limits and thence proceeding eastward a distance of one block and the present Ninth Street running easterly from the Clearwater River to the easterly city limits shall hereafter be designated as Third Street North.
- (C) The present Fourth Street North commencing at the westerly city limits and proceeding easterly one block and from the Trunk Highway 32 easterly to the city limits shall hereafter be designated as Fourth Street North.
- (D) The present Fifth Street North commencing at the westerly city limits and proceeding easterly one block and the present Seventh Street lying east of the Clearwater River shall hereafter be designated Fifth Street North.
- (E) The present Sixth Street North commencing at the westerly city limits and proceeding easterly one block and the present Sixth Street lying east of the Clearwater River shall hereafter be designated Sixth Street North.
- (F) The present Seventh Street North commencing at the Fifth Street beginning in the platted portion west of the Great Northern Railway and running easterly to the present River Drive shall hereafter be designated as Seventh Street North.
- (G) The present Eighth Street commencing at the westerly city limits running easterly to the present Great Northern Railroad tracks to the Red Lake River shall hereafter be designated as Eighth Street North.
- (H) The present Ninth Street commencing at the westerly city limits to the Clearwater River and beginning at the Clearwater River running easterly to the Red Lake River and the present Third Street running from the westerly edge of Blocks 27 and 28 of Kretzschmar's Addition easterly to the Red Lake River shall hereafter be designated as Ninth Street North.
- (I) The present Tenth Street running from the Clearwater River to the Red Lake River and the present Second Street running from the westerly side of Blocks 10 and 27 of Kretzschmar's Addition easterly to the Red Lake River shall hereafter be designated as Tenth Street North.
- (J) The present Tenth Street running from the Clearwater River to the Red Lake River and the present Second Street running from the westerly side of Blocks 10 and 27 of Kretzschmar's Addition easterly to the Red Lake River shall hereafter be designated as Tenth Street North.

- (K) All streets named above, and those streets lying within the area but not named, shall use the designation North at Main Avenue and Great Northern Railway, and those portions lying east of Main Avenue or east of the Great Northern Railway after the termination of Main Avenue shall be known as Northeast and those portions lying west thereof shall be known as Northwest.
2. Those streets lying south of First Street shall hereafter be designated as follows:
- A. The present Second Street shall hereafter be designated as Second Street South.
  - B. The present Third Street shall hereafter be designated as Third Street South.
  - C. The present Fourth Street shall hereafter be designated as Fourth Street South.
  - D. The present Fifth Street shall hereafter be designated as Fifth Street South.
  - E. The present Sixth Street shall hereafter be designated as Sixth Street South.
  - F. The present Seventh Street shall hereafter be designated as Seventh Street South.
  - G. The present Hamilton Street shall hereafter be designated as Eighth Street South.
  - H. The present Holmes Street shall hereafter be designated as Ninth Street South.
  - I. The present Harrison Street shall hereafter be designated as Tenth Street South.
  - J. The present Howard Street shall hereafter be designated as Eleventh Street South.
  - K. The present Eighth Street shall hereafter be designated as Twelfth Street South.
  - L. The present Ninth Street shall hereafter be designated as Thirteenth Street South.
  - M. The present Tenth Street shall hereafter be designated as Fourteenth Street South.
  - N. The present Eleventh Street shall hereafter be designated as Fifteenth Street South.
  - O. The above designated streets, and streets lying within the area but not named, shall use the designation South at Main Avenue. West of Main Avenue they shall be known as Southwest and east of Main Avenue they shall be known as Southeast.
3. All streets and avenues not changed, as provided above, shall have the same name as now platted.
4. All avenue lying East of Main Avenue or East of the Great Northern Railway after termination of Main Avenue shall be designated as East at First Street. Those portions lying North of First Street shall be known as Northeast and those portions lying South of First Street shall be known as Southeast. Those avenues lying West of Main Avenue shall be designated as West of Main Avenue shall be designated West of Main Avenue shall be designated West of First

Street and the portions thereof lying South of First Street shall be known as Southwest and those portions lying North of First Street shall be known as Northwest.

Subd. 2. New plat. A new plat reflecting the designations of streets and avenues, as outlined in Subd. 1., shall be drawn up.

Subd. 3. Numbering of houses. There shall be established a system of numbering the houses in the City of Red Lake Falls. A uniform numbering system shall be utilized as follows:

(A) All streets shall commence at Main Avenue for numbering, both East and West. The beginning numbers shall have three (3) digits and the first block adjacent to First Street shall begin with digits in the 100's, the second block with digits in the 200's, and the sequence shall continue in each of the blocks.

(B) All avenues shall commence at First Street for numbering, both North and South. The beginning numbers shall have three (3) digits and the first block adjacent to First Street shall begin with digits in the 100's, the second block with digits in the 200's, and the sequence shall continue in each of the blocks.

## **PART 8. ANNEXATION**

### **Section 908.01. ANNEXATION**

The council hereby determines that the below-named property shall be annexed to the City of Red Lake Falls. Said annexation is in the best interests of the City and territory affected. The property to be annexed abuts upon the city limits and is about to develop as an urban area.

Subd. 1. Territory to be annexed. The corporate limits of the City are hereby extended to include the unplatted land described as follows:

Twenty acres more or less, located in the Northeast Quarter of the Northwest Quarter (NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ ) of section Twenty-seven (27) in Township One Hundred Fifty-One (151) North of Range Forty-four (44) West of the Fifth Principal Meridian, described by metes and bounds as follows: Beginning at a point at the intersection of the south line of 8th street and the west line of Chicago Avenue, as now laid out according to the plat thereof in the office of Register of Deeds, thence south along said west line of Chicago Avenue a distance of 939 feet, thence west at right angles a distance of 928 feet, thence north at right angles a distance of 939 feet to the south line of said 8th Street, thence east along said south line to the point of beginning.

### **AMENDMENT TO CITY OF RED LAKE FALLS ORDINANCE CHAPTER IX. BUILDING AND LAND USE REGULATION, PART 8. ANNEXATION, SECTION 908.01 ANNEXATION IS HEREBY AMENDED TO READ AS FOLLOWS:**

Subd. 1. Territory to be annexed. The corporate limits of the City are hereby extended to include the platted land described as follows:

All that part of the East Seven Hundred Twenty Feet (E 720') of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ ) in Section Twenty-three (23), Township One Hundred Fifty-one (151) North of Range Forty-four (44) West of the Fifth Principal Meridian in Minnesota

which lies South by Southeast of the South right of way line of State Highway No. 32 as said highway is newly re-located across said Government subdivision estimated to contain 19 acres.  
AND

All that part of the East Seven Hundred Twenty Fee (E 720') of Government Lot Four (4) in Section Twenty-three (23), Township One Hundred Fifty-one (151) North of Range Forty-four (44) West of the Fifth Principal Meridian in Minnesota, which lies South by Southeast of the South right of way line of State Highway No. 32 as said highway is newly re-located across said Government Subdivisions.

AND

Lots Thirteen (13) through Twenty-four (24) of Block Ninety-two (92) of Kretzschmar's Addition to the City of Red Lake Falls, Minnesota, and all of Blocks Seventy-nine (79), Eighty (80), Ninety-three (93), Ninety-four (94), Ninety-nine (99), and One Hundred (100) in Kretzschmar's Addition to the City of Red Lake Falls, according to the official plat thereof on file and of record in the office of the Red Lake County Recorder.

AND

The Northeast Quarter of the Southwest Quarter (NE1/4SW1/4) of Section Twenty-three (23), Township One Hundred Fifty-one (151) North of Range Forty-four (44) West of the Fifth Principal Meridian also described as Miles Addition to the City of Red Lake Falls.

The real estate description in the platted portion below is a portion of the real estate described above:

The platted portion of the C & E Kankel Addition to the City of Red Lake Falls is a portion of the Northwest Quarter (NW1/4) of Section Twenty-three (23), Township One Hundred Fifty-one (151) North of Range Forty-four (44) West, more particularly described as follows:

Commencing at the West Quarter Corner of Section 23, Township 151 North, Range 44 West of the Fifth Principal Meridian:

thence South 88 degrees, 28 minutes 08 seconds East, assumed bearing, along the south line of the Northwest Quarter of Section 23, a distance of 960.38 feet to the POINT OF BEGINNING of the property described herein;

thence North 00 degrees, 05 minutes, 22 seconds West along the centerline, and its southerly extension, of the vacated platted alley in Blocks 81, 92, and 101 of KRETZSCHMAR'S ADDITION TO RED LAKE FALLS, according to the recorded plat thereof, a distance of 1097.33 feet to the southerly right-of-way line of State Trunk Highway No. 32;

thence North 89 degrees 55 minutes 21 seconds East along said right-of-way line, a distance of 662.98 feet to the beginning of a tangent circular curve, concave to the north, having a radius of 2,915.89 feet and a central angle of 4 degrees 51 minutes 34 seconds;

thence easterly along said curve and right-of-way a distance of 247.30 feet;

thence South 00 degrees 05 minutes 22 seconds East along said right-of-way a distance of 25.09 feet to the beginning of a non-tangent circular curve, concave to the northwest, having a radius of 2,940.89 feet, a central angle of 14 degrees 22 minutes 27 seconds, and a chord bearing of North 77 degrees 55 minutes 02 seconds East;

thence northeasterly along said curve and right-of-way a distance of 737.81 feet to the east line of the Northwest Quarter of said Section 23;

thence, departing said right-of-way, South 00 degrees 21 minutes 33 seconds East along the east line of the Northwest Quarter of said Section 23 a distance of 295.85 feet;

thence South 79 degrees 24 minutes 46 seconds West a distance of 605.50 feet;

thence South 09 degrees 02 minutes 09 seconds East a distance of 140.63 feet to the north line of the south 720 feet of the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) of said Section 23;

thence North 88 degrees 28 minutes 08 seconds West along the said north line a distance of 105.39 feet to the west line of the east 680 feet of the said Southeast Quarter of the Northwest Quarter (SE1/4NW1/4);

thence South 00 degrees 21 minutes 33 seconds East along the said west line a distance of 720.40 feet to the south line of the Northwest Quarter of said Section 23;

thence North 88 degrees 28 minutes 08 seconds West along the south line of the Northwest Quarter of said Section 23 a distance of 956.12 feet to the POINT OF BEGINNING;

## **PART 9. DRAINAGE DISTRICTS**

### **Section 909.01. CREATION OF DRAINAGE DISTRICT NO. 1**

There is hereby created and established Drainage District # 1 in the City of Red Lake Falls.

### **Section 909.02. AREA COMPRISING DRAINAGE DISTRICT NO. 1**

The following designated area shall comprise Drainage District #1:

- a) All of Railroad Addition, south of First Street.
- b) Buse and Bottineau's Addition, All of Blocks 2, 3, 4, 5, 6, 7, 8, 12, 13, and 14.
- c) All of Norman's Addition.
- d) Champagne and Dow's Addition, Lots 2, 3 and 6 of Block 13; south half of Block 14; Lots 1 through 12 of Block 20; All of Blocks 21, 22, 23, and 24; Lots 1 through 12 of Block 25; Lots 2 through 12 and Lots 21 through 24 of Block 29; and all of Blocks 30, 31, 32.
- e) Salsbury Addition, All of Blocks 2, 3, 4, 5, 6, 7, 8, 13, 14, 15, 16, 17, and 18.
- f) Holmes Addition, All of Blocks 2, 3, 5, 6, 7, 8, 13, 14, 15, 16, 17, and 18.

## **CHAPTER X. CITY FACILITY USE**

### **PART 1. COMMUNITY HALL**

#### **Section 910.01. USER PROVISIONS**

1. The Community Hall of the City of Red Lake Falls may be used upon the following conditions:
  - a. No person, corporation, group or organization shall use Community Hall until she/he or it, shall obtain the approval of the City Council or its authorized representative and have complied with the other provisions of this ordinance.
  - b. All groups must make reservations and are required to fill out a use agreement.



- c. A \$50.00 deposit is required on a key which may be picked up at the office during office hours 8:00 a.m. to 4:30 p.m. The key has to be signed for and returned within 24 hours after the event.
- d. Alcoholic beverages can be served, but not sold, with the following requirements:
  - 1. \$200.00 rental fee
  - 2. \$200.00 deposit fee
  - 3. Party has to pay the fee for the deputy to be on duty
  - 4. A signed rental agreement and contract with the city
  - 5. Proof of minimum liability insurance of \$600,000 with the City of Red Lake Falls as additional insured
  - 6. A signed statement of liability for damages over and above the \$200 deposit
- e. For profit fees are as follows:
  - 1. \$72.00 Upstairs
  - 2. \$41.00 Larger dining room
  - 3. \$21.00 Council room
  - 4. \$21.00 Kitchen
  - 5. \$6.00 Coffee
  - 6. \$206.00 Dance Deposit
  - 7. \$75.00 Deputy for dances or prevailing rates
- f. No charge or damage deposit shall be required from a non-profit corporation or association or church serving the Red Lake Falls area.
- g. Non-profit organization using the hall are responsible to return tables and chairs to their original positions and clean up and leave building in the original condition. If the building is not cleaned up, the organization will be assessed the regular rental rates.
- h. All activities must be under the direction and supervision of a responsible adult. The supervisor must be responsible for the proper use of the facilities and be certain that everyone is out of the building before she/he leaves.
- i. The City Council or City Administrator reserves the right to approve or disapprove any function.
- j. The door is to be locked when leaving and the key may be left in the outside box or returned to the office the following day.
- k. Community Hall is a smoke free building.
- l. There shall be a deputy on duty for all dances.
- m. When private party dances are being held at the Community Hall it shall be the responsibility of the party renting the Hall to issue, in advance, invitations to the dance and permit only those to the dance that have an invitation.

- n. If using the kitchen, the party must hang towels on rack provided so they will not mildew.
- o. Any food, beverage or substance which has been spilled must be cleaned up or cleaning charges or damages will be assessed to the depositor or user.
- p. An organization which violates this resolution shall be denied further use of the Community Halls.
- q. Violation of this ordinance shall be a petty misdemeanor.