CODE OF ORDINANCES

CITY OF WALNUT GROVE

(2017)

(Updated February 3, 2026)

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CITY OF WALNUT GROVE
ORDINANCE NO. 183

AN ORDINANCE ADOPTING THE WALNUT GROVE CITY CODE; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES; PROVIDING FOR THE PRESERVATION OF CERTAIN RIGHTS; PROVIDING FOR A PENALTY FOR VIOLATION OF THE WALNUT GROVE CITY CODE; AND PROVIDING FOR THE PUBLICATION OF THE WALNUT GROVE CITY CODE

THE CITY COUNCIL OF WALNUT GROVE, MINNESOTA, ORDAINS:

Section 1. **Adoption of Code.** This ordinance, consisting of Chapters 1 through 18, inclusive, enacts the Code of Ordinances of the City of Walnut Grove, to be known as the Walnut Grove City Code, as the same is printed and attached hereto for purposes of enactment in this ordinance.

Section 2. **Repeal of Ordinances.** All ordinances heretofore passed and adopted by the City Council of the city of Walnut Grove are hereby repealed, except the following ordinances which are special or limited in application or which are otherwise retained in their original form and renumbered and made part of the Walnut Grove City Code as specified:

Ordinance No.	Section of Walnut Grove City Code
Ordinance # 165	6.401
Ordinance # 172	6.402
Ordinance # 180	6.403
Ordinance # 170	16.101
Ordinance # 181	9.401
Ordinance #182	5.102

Section 3. **Effect of Codification on Retained Ordinances.** The ordinances listed for retention and renumbering as stated in Section 2 are hereby confirmed and ratified in all respects, and their renumbering for purposes of inclusion in the Walnut Grove City Code shall not operate to change their effect in any respect.

Section 4. **Preservation of Rights.** The repeal of any ordinance or portion thereof by Section 2 shall not affect or impair any act done or right vested or accrued and any proceeding, suite or prosecution had or commenced shall remain in full force and effect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed by Section 2 or altered by the Walnut Grove city code shall be discharged or affected by such repeal or alteration, but prosecutions and suits for such offenses, liabilities, penalties and forfeitures shall be instituted and proceeded in all respects as if such prior ordinances or parts thereof had not been repealed or altered.

Section 5. **Violations and Penalty.** Any person violating any provision of the Walnut Grove City code shall be guilty of such an offense and subject to such penalty as is provided in the applicable provisions of the Walnut Grove City Code.

Section 6. **Publication of Code.** The Walnut Grove City Code, together with such tables, indexes, supplements, appendices and other material as the City Council may designate, shall be published in book, loose leaf or other suitable form and shall be made available in substantial quantities for general distribution to the public. A summary of this ordinance and a notice that copies of the Walnut Grove City Code are available at the office of the City Clerk shall be published forthwith in the official newspaper of the City for two successive weeks.

Section 7. **Effective Date.** This ordinance, and the Walnut Grove City Code enacted by it, shall become operative and effective upon passage and publication as required in Section 6.

Adopted by the City Council this ____ day of _____, 2017.

_____
Mayor

ATTEST:

_____
Clerk

CHAPTER 1
GENERAL PROVISIONS

SECTION 1.1 – CITATION AND PURPOSE

1.101 **Citation.** This code, which represents a revision and codification of the ordinances of the City of Walnut Grove, Minnesota, shall be known as the "Walnut Grove City Code" and may be referred to by that name in all proceedings and actions. Reference to a portion thereof may be by chapter, section, subsection, paragraph, or subparagraph, by using the following symbols:

For chapter: "Ch." plus the chapter number;
For section: "Sec." plus the section number;
For subsection: Indicating section as above, immediately followed by subsection number;
For paragraph: "Para." plus the paragraph number;
For subparagraph: Indicating paragraph as above, immediately followed by the subparagraph number.

1.102 **Purpose.** It is the intention of the Council that this code will serve as a modernized and streamlined version of the ordinances of the City, presented in an orderly manner, with obsolete and unneeded ordinances and portions thereof deleted.

SECTION 1.2 – EFFECT OF ORGANIZATION AND IDENTIFYING DESIGNATIONS

1.201 **Organization and Designation of a Part of Code.** The organization of this code is an integral part thereof, and chapter, section and subsection titles, section numbers and section headnotes are hereby made a part of this code, and may be amended and revised in the same manner as are the provisions of this code.

1.202 **Effect of Organization and Designation.** The organization of this code and chapter, section and subdivision titles, section numbers and section headnotes may be considered in ascertaining the intent of the City council in enacting provisions of this code, but in case of conflict, the provisions of any section control over organization and designations, and specific designations control over general designations.

1.203 **Cross References, Table of Contents, Appendix and Index.** Cross references, the Table of Contents, all Appendixes, the Index and other supplemental materials not expressly made a part of this code are included merely to assist the user of the code and do not form any part of it.

SECTION 1.3 – CONSTRUCTION OF PROVISIONS

1.301 **Construction of Words and Phrases.** In construing this code, the following canons of interpretation are to govern, unless their observance would involve a construction inconsistent with the manifest intent of the City council, or be repugnant to the context of the relevant provisions of this Code:

(1) Words and phrases are construed according to rules of grammar and according to their common and approved usage; but technical words and phrases and such others as have acquired a special meaning or are defined in this code are construed according to such special meaning or definition.

(2) The singular includes the plural, and the plural includes the singular.

(3) Words in the masculine, feminine or neuter gender shall include all other genders.

(4) Words used in the past or present tense include the future.

(5) General words are restricted in meaning by particular words.

1.302 Construction of May and Shall. As used in this code, "shall" is always mandatory and "may" is permissive.

1.303 Grammar and Punctuation. Grammatical errors shall not vitiate any provision of this code. A transposition of words and clauses may be resorted to when a sentence is without meaning as it stands. Punctuation shall not control over the intention of the City Council in the enactment of a provision. Words and phrases which do not conflict with the obvious purpose and intent of a provision nor in any way affect its scope and operation may be added when necessary to the proper interpretation of the provision.

1.304 Irreconcilable Provisions. Provisions are to be construed so that effect may be given to each. In case of conflict, they shall be construed as follows, in the priority listed:

(1) If a special provision is in irreconcilable conflict with a general provision, the special provision will prevail and be construed as an exception to the general provision unless the general provision has been enacted later and shows a manifest intention of the Council that the general provision shall prevail.

(2) If enacted at different times, the latest in date of enactment will prevail.

1.305 Amendments. This code may be amended by subsequent ordinances. Amendments shall be given the same force and effect from the date which they become effective as is given to the original provisions of this code. Amendments shall be construed in accordance with their manifest intent of the Council in their enactment when lawfully enacted even though the amendments are irregular or deficient for some reason in the manner in which they amend this code.

SECTION 1.4 – DEFINITIONS OF WORDS AND PHRASES

1.401 Definitions. When used in this code, the following words, terms and phrases shall have the meanings given to them in this section, except as further defined in relation to specific provisions of this code, or unless another intention clearly appears:

(1) "City" means the City of Walnut Grove, Redwood County, Minnesota.

(2) "Code" means the Walnut Grove City Code as amended.

(3) "Mayor" means the mayor of the City of Walnut Grove, Redwood County, Minnesota, and in his absence, this shall mean the acting mayor who is appointed annually at the first Council meeting of each year.

(4) "Clerk-Treasurer" means the clerk-treasurer of the City of Walnut Grove, Redwood County, Minnesota.

(5) "Council" means the City Council of the City of Walnut Grove, Redwood County, Minnesota, composed of the mayor and four members of the Council, all elected as required by law.

(6) "Person" means any natural person of either sex, a co-partnership, a corporation, an association of persons, and an agent or manager of any of the aforesaid.

SECTION 1.5 – SEVERABILITY: EFFECT OF REPEALS

1.501 **Severability of Provisions.** Every chapter, section, subsection or part thereof, of this code shall be severable. If any part of this code, or a chapter, section, subsection or other part, shall be declared invalid or is otherwise severed, the remaining provisions thereof shall remain valid, unless the Court finds the remaining valid parts thereof to be so essentially and inseparably connected with, and so dependent upon, the void parts that the Court cannot presume the Council would have enacted the remaining valid parts, or, standing alone, said remaining parts thereof are incomplete and are incapable of being executed in accordance with the intent of the Council.

SECTION 1.6 – FORM OF GOVERNMENT

1.601 **Optional Plan A In Effect.** In accordance with Minnesota Statutes 1971, Sections 412.541 to 412.572 and other applicable provisions of law, and an election had as required thereunder, the city shall be governed under the plan of government known in such statutes as the Optional Plan A. As provided by Statute, the city shall be governed by the City council composed of the mayor and four members of the Council, all elected as required by law. Three members of the Council present shall constitute a quorum for the transaction of business. The office of clerk-treasurer shall be appointed by the Council, all as provided in the Statutes.

CHAPTER 2
CITY BOUNDARIES, COUNCIL AND LEGISLATION

SECTION 2.1 – ANNEXED LANDS

2.101 **Annexing of Property to the City of Walnut Grove.** That the following described lots numbered five (5) six (6) and part of four (4) in block numbered four (4) and part of lot eight (8) and all of nine (9) ten (10) eleven (11) twelve (12) thirteen (13) fourteen (14) fifteen (15) sixteen (16) seventeen (17) and part of eighteen (18) in block three (3) Masters Addition to the city of Walnut Grove, Minnesota, abutting upon the incorporated City of Walnut Grove be and the same are hereby annexed to such city and shall become a part of such city as effectively as if they had been originally a part thereof.

2.102 **Annexing certain lots and lands to the City of Walnut Grove.** That the following described land and all thereto wit: Auditors subdivision no. one (1) of the South East quarter of the North East quarter of Section twenty five (25), Township one hundred nine (109), North, of Range thirty-nine (39), West, the total acreage of said subdivision being forty (40) acres said subdivision and each and every lot thereof being adjacent to and abutting upon the said incorporated City of Walnut Grove, Redwood Co., Minn., be, and the same hereby are, annexed to and included in said incorporated City of Walnut Grove and the boundaries of said City of Walnut Grove, Redwood County, Minn., are hereby extended so as to include within said City the hereinbefore mentioned forty acre tract.

2.103 **Resolution Extending Bedal Street.** That it is expedient and determined to be for the best interests of the City of Walnut Grove that a public street be opened and laid out as follows:

Beginning at the North West corner of Block four (4) Masters Addition to the City of Walnut Grove: Running west a distance of seven hundred seventy six (776) feet more or less to the quarter line running north and south of the North East quarter of Section twenty five, Township one hundred nine, North, Range thirty nine, west: thence northland along the said quarter line a distance of eighty (80) ft., thence east a distance of seven hundred seventy six (776) feet more or less to the South West corner of Block five (5) Masters Addition to the City of Walnut Grove: thence south and along the West line of Bedal Street a distance of eighty (80) feet to the place of beginning.

That the opening and laying out of the aforesaid street and whereas, all of the property owners and title holders of said tract of land affected and being within the boundary of said street have quit claimed, by quit claim Deed all their right title and interest in said land unto the City of Walnut Grove, Redwood County, Minnesota, for street purposes:

Therefore, we the City Council of the City of Walnut Grove, Redwood County, Minnesota, do hereby open and lay out that tract of land as afore described as a street: Be and the same is hereby designated as a Public street.

2.104 Annexing Certain lands to the City of Walnut Grove, Minnesota

(1) That it is hereby found, determined and declared that the real estate and lands described in Section 2.104(2) of this Chapter abut on the City of Walnut Grove and are not included in any other municipality; that the said land is owned by the city of Walnut Grove; and that the annexation thereof to the City of Walnut Grove will be for the best interests of the City of Walnut Grove and the territory affected.

(2) That the following described real estate lying and being in the Town of North Hero, Redwood County, State of Minnesota, is hereby annexed to the City of Walnut Grove:

The West Nine Hundred Ninety-Two (992) feet of that portion of the Northeast Quarter (NE1/4) of Section Thirty (30), Township One Hundred Nine (109) North, Range Thirty-Eight (38) West of the 5th P.M., lying northerly of the railway right of way of the Chicago and North Western Transportation Company, excepting the portion thereof taken for public highway purposes as shown by the judgment recorded in Book 27 of Miscellaneous on page 91 in the office of the Register of Deeds in and for Redwood County, Minnesota.

2.105 Annexing to the City of Walnut Grove, Minnesota, certain unplatted land not exceeding 200 acres in area and located in the Northeast Quarter of Section Thirty, Township One Hundred Nine North, Range Thirty-eight West in Redwood County, Minnesota.

(1) A petition has been filed with the Council of the City of Walnut Grove signed by all the owners of the land described herein requesting the Council to annex said land to the City of Walnut Grove. The land described in said petition for annexation is located in North Hero Township, Redwood County, Minnesota, and is described as follows:

All the part of the Northeast Quarter (NE1/4) of Section Thirty (30), Township One Hundred Nine (109) North, Range Thirty-Eight (38) West of the Fifth P.M. described as follows: Beginning at a point on the West line of the Northeast Quarter (NE1/4) 239 feet Southerly of the Northwest corner of the Northeast Quarter (NE1/4) of said Section Thirty (30), which point is the intersection of the West line of the Northeast Quarter (NE1/4) and the South right-of-way line of the Chicago and Northwestern Transportation Company, formerly the Chicago and Northwestern Railway; thence Easterly along the South right-of-way line of the Chicago and Northwestern Transportation Company for a distance of 2655.62 feet to the East line of said Section 30; thence Southerly along the said East line of Section 30 for a distance of 1150.00 feet; thence Westerly and parallel to the South line of the Northeast Quarter (NE1/4) for a distance of 2657.16 feet to the West line of the Northeast Quarter (NE1/4) of said Section 30 at the point of intersection of the center line of Washington Street as platted in the City of

Walnut Grove with the West line of the Northeast Quarter (NE1/4) of said Section 30; thence Northerly along the West line of the Northeast Quarter (NE1/4) of said Section 30 for a distance of 1227.20 feet to the point of beginning. Excluding therefrom a 100 foot by 100 foot tract in the Northwest corner of the above described tract as filed in Book 96 of Deeds, Page 49, in the Office of the Register of Deeds in and for Redwood County, Minnesota.

Said petition has also been filed with the Town Board of North Hero Township, with the County Board of the County of Redwood and with the Minnesota Municipal Commission, and more than sixty days have elapsed since said petition was filed with the said Town Board of North Hero Township, the County Board of the County of Redwood and the Minnesota Municipal commission, and no objection to annexation of the hereinbefore described land has been filed with the Minnesota Municipal Commission or the City Council.

(2) The quantity of unplatted land included in said petition is approximately 72.25 acres.

(3) The Council of the City of Walnut Grove does hereby determine that the land described in Section 1 abuts upon the present territorial limits of the City of Walnut Grove, is so conditioned as to be properly subject to municipal government, and that the annexation of said land will be in the best interest of the City of Walnut Grove and the land affected.

(4) Therefore, the land hereinbefore described in Section 1 is hereby annexed, added to and made a part of the City of Walnut Grove, Minnesota, as effectually as if it had originally been a part thereof.

2.106 Annexing to the City of Walnut Grove, Minnesota, certain unplatted land not exceeding 200 acres in area and located in the Northeast Quarter of Section Thirty, Township One Hundred Nine North, Range Thirty Eight West, In Redwood County, Minnesota.

(1) A petition has been filed with the council of the city of Walnut Grove signed by all the owners of the land described herein requesting the Council to annex said land to the City of Walnut Grove. The land described in said petition for annexation is located in North Hero Township, Redwood County, Minnesota, and is described as follows:

All that part of the Northeast Quarter (NE1/4) of Section Thirty (30), Township One Hundred Nine (109) North, Range Thirty-Eight (38) West of the Fifth P.M., lying and being Northerly of the North Right-of-way line of the Chicago and Northwestern Transportation Company (formerly the Chicago and Northwestern Railway Company), except the West Nine Hundred Ninety-Two (W 992) feet thereof and except the portion taken for public highway purposes as shown by

judgment recorded in Book 27 of Miscellaneous on page 91 in the office of the Register of Deeds in and for Redwood County, Minnesota.

Said petition has also been filed with the Town Board of North Hero Township, with the County Board of the County of Redwood and with the Minnesota Municipal Commission, and more than sixty days have elapsed since said petition was filed with the Town Board of North Hero Township and no objection to annexation of the hereinbefore described land has been filed with the Minnesota Municipal Commission or the City Council.

(2) The quantity of unplatted land included in said petition is approximately 5.23 acres.

(3) The Council of the City of Walnut Grove does hereby determine that the land described in Section 1 abuts upon the present territorial limits of the City of Walnut Grove, is so conditioned as to be properly subject to municipal government, and that the annexation of said land will be in the best interest of the City of Walnut Grove and the land affected.

(4) Therefore, the land hereinbefore described in Section 1 is hereby annexed, added to and made a part of the City of Walnut Grove, Minnesota, as effectually as if it had originally been a part thereof.

2.107 Annexing to the City of Walnut Grove, Minnesota, certain unplatted land not exceeding 200 acres in area and located in the Northeast Quarter of Section 30, Township One Hundred Nine North, Range Thirty-eight West, in Redwood County, Minnesota.

(1) A petition has been filed with the Council of the City of Walnut Grove signed by the owner of the land described herein requesting the Council to annex said land to the City of Walnut Grove. The land described in said petition for annexation is located in North Hero Township, Redwood County, Minnesota, and is described as follows:

That part of the Northeast Quarter (NE1/4) of Section Thirty (30), Township One Hundred Nine (109) North, Range Thirty-Eight (38) West of the 5th P. M. described as follows: Beginning at a point Two Hundred Thirty-Nine (239) feet due south of the northwest corner of the said Northeast Quarter (NE1/4) of Section Thirty (30), said described point being at the intersection of the south right of way line of the Chicago and Northwestern Transportation Company (formerly the Chicago and Northwestern Railway Company) and the West line of the said Northeast Quarter (NE1/4) of Section Thirty (30); thence due south One hundred (100) feet; thence due east One Hundred (100) feet; thence due north One Hundred (100) feet to the south right of way line of the said railroad; thence due West One Hundred (100) feet to the place of beginning.

2.108 Extending the Corporate Limits of the City of Walnut Grove to include certain unincorporated property owned by the City of Walnut Grove and abutting upon the City limits.

(1) Real Estate Annexed. The corporate limits of the City of' Walnut Grove are hereby extended to include the unplatted property described below, now owned by the City:

TRACT A: The North 420 feet of the East 770 feet of the Northwest Quarter of the Southwest Quarter of Section 30, Township 109 North, Range 38 West.

TRACT B: That part of the Northwest Quarter of Southwest Quarter of Section 30, Township 109 North, Range 38 West, Redwood County, Minnesota, described as follows:

Beginning at the West Quarter Corner of said Section 30; thence North 89 degrees 25 minutes 36 seconds East, an assumed bearing, along the north line of said Southwest Quarter of Section 30, a distance of 729.03 feet to the west line of the East 770 feet of said Northwest Quarter of the Southwest Quarter of Section 30; thence South 00 degrees 26 minutes 47 seconds West, along said west line, 420.07 feet; thence South 89 degrees 25 minutes 36 seconds West 725.51 feet to the west line of said Southwest Quarter of Section 30; thence North 00 degrees 02 minutes 00 seconds West, along said west line of the Southwest Quarter of Section 30, a distance of 420.02 feet to the point of beginning, containing 7.01 acres, more or less, and being subject to casements of record in said county and state.

SECTION 2.2 – SALARIES

2.201. Salary of Mayor and Members of the Council.

(1) The salary of Mayor is fixed at $2,550 per year plus $50.00 for every special meeting and the salary of each Council member shall be $2,250 per year plus $50.00 for every special meeting.

(2) Subject to the referendum provisions of Minnesota Statutes, Section 412.181, this is effective from and after its passage and publication.

CHAPTER 3
OFFICERS AND EMPLOYEES

SECTION 3.1 – CLERK-TREASURER

3.101 Combination of the Offices. Pursuant to the authority granted by the Laws of Minnesota the offices of clerk and treasurer in the City of Walnut Grove, Redwood County, Minnesota, are hereby combined in the office of clerk-treasurer.

3.102 City Audits. 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.

SECTION 3.2 – POLICE DEPARTMENT

3.201 Chief of Police. The Council may appoint a Chief of Police on either a part time or full time basis who shall receive such compensation as the Council may fix and who shall serve at the direction of the Council. The Chief of Police shall perform such duties and keep such records as may be prescribed by law, or as the Council may require. Irrespective of the foregoing, the Council shall not be required to appoint either a part time or full time Chief of Police and the Council may rely on the Redwood County sheriff's Department for police protection.

3.202 Qualifications. No person shall be eligible to appointment in the Police Department who is not a citizen of the United States. The Chief of Police must reside within a 5 mile radius of the City of Walnut Grove within 60 days after his or her appointment to the office.

3.203 Duties. The duties of all police officers shall be such as the law of the state and the City Code may prescribe for the preservation of the public peace, the prevention and detection of crime, the arrest of offenders, the protection of the rights of persons and property, the enforcement of laws of the State and the ordinances and regulations of the City, and the custody and care of prisoners.

3.204 Compensation. The salaries or compensation of the Chief and all police officers shall be fixed by the Mayor, by and with approval of the City Council.

SECTION 3.3 – VOLUNTEER FIRE DEPARTMENT

3.301 Fire Department Established. There is hereby established in this City a Volunteer Fire Department consisting of a chief, an assistant chief and not less than ten (10) nor more than twenty-five (25) firefighters. All firefighters shall be residents of the City of Walnut Grove unless an individual exception is granted by resolution of the City Council.

3.302 Chief of the Fire Department. The chief of the Fire Department and the assistant chief shall be elected on an annual basis by the members of the department. The chief shall be confirmed by the City Council. The chief and assistant chief shall hold office for one year

and until his or her successor has been duly elected, except that he or she may be removed by the council for cause after a public hearing or by the members pursuant to any by-laws drawn up by the department members covering the removal of a chief.

3.303 Duties of the Fire Chief. The fire chief shall be the administrative head of the Fire Department. In such position, it shall be his duty to:

(1) Establish Management Organization. Recommend management organization to the department, including but not limited to, such matters as distinguishing firefighting commands, determining how the department shall be organized and setting up procedures for the election of officers.

(2) Control Apparatus. Have control of all firefighting apparatus and equipment and be solely responsible for its care and condition.

(3) Reports. Make reports to the Council or to the public as directed by the Council.

(4) Control Assignments. Control work assignments so as to properly utilize the working forces of the department.

(5) Training. Insure the proper training of the members of the fire department. At least one (1) meeting of the fire department members and at least one (1) drill shall be held each quarter. Such meetings and drills may be held on the same night if sufficient time is allocated to each. Records shall be kept of the names and the number of firefighters present at each meeting or drill, and what each drill consists of, and any other pertinent information deemed necessary by the City Council or the State Fire Marshall.

(6) Ancillary Functions. To perform such other functions as are necessary to properly administer the fire department.

3.304 Assistant Chief. In the absence or disability of the fire chief, an assistant chief shall perform all the functions and exercise all the authority of the chief.

3.305 Personnel.

(1) Qualifications. The firefighter shall be able-bodied and not less than eighteen (18) years of age.

(2) Physical Examination. Each candidate, before he may become a firefighter, must undergo a thorough physical examination by a licensed doctor of medicine and submit such doctor's written report to the fire department with his application for membership in the department. Such reports shall contain a statement whether or not, in such doctor's opinion, there is any evidence of myocarditis, coronary sclerosis, or pneumonia, or its level in the candidate at the time of his examination. Such reports shall be kept on file in the office of the City Clerk

after review by the Fire Department. After becoming a member of the department each firefighter shall undergo a through physical examination at least once every two years. Any firefighter who suffers any type of serious ailment which might affect in any way his full capacity as a fire fighter shall undergo a full physical examination, and receive a doctor's release before returning to active duty. The cost of all required physical examinations shall be the responsibility of the City. Any firefighter not passing the physical exam shall be placed on Disabled status. A person shall not remain on disabled status longer than two (2) years. At such time he or she shall be put on Auxiliary status.

(3) Compensation. The members shall receive compensation at rates approved by a resolution of the City Council. The chief shall certify and submit an annual report showing in detail the hours served by each member and the compensation to which he is entitled therefore during the year. No payment of compensation shall be paid to any firefighter or officer until such report is filed.

(4) Loss of Membership. To be in and remain in good standing in the fire department, each officer or member shall attend at least fifty percent (50%)of the drills or meetings held in any one year. In addition, any officer or member shall not be absent from more than three (3) consecutive monthly drills or meetings, unless such absence is excused by the chief. The failure to so attend shall be deemed sufficient cause for removal of the member from the fire department. Firefighters shall continue as members of the department during periods of good attendance and may be removed subject to the department's by-laws for cause after a public hearing; however, the fire chief shall have authority to suspend a member pending a public hearing.

3.306 Relief Association. The members and officers of the fire department may organize themselves into a firefighter's relief association in accordance with the law.

3.307 Interference with the Department. It shall be unlawful for any person to give or make or cause to be given or made, an alarm of a fire, without probable cause or to neglect or refuse to obey any reasonable order of the chief at a fire or to interfere with the department in the discharge of its duties; any person guilty of violating this shall be convicted of a petty misdemeanor and a fine not to exceed one hundred ($100.00) dollars.

3.308 Constitution and By-Laws. The Fire Department may adopt a Constitution and By-Laws for their own management in line with the policies outlined in this Chapter. These shall be approved by the City Council, and shall be in force until such time as they are repealed or found to be invalid.

SECTION 3.4 – CIVIL DEFENSE

3.401 Policy and Purpose.

(1) Because of the existing and increasing possibility of the occurrence of disasters of unprecedented size and destructiveness and in order to ensure that preparations of this city will be adequate to deal with such disasters, and generally, to provide for the common defense and to protect the public peace, health, and safety, and to preserve the lives and property of the people of this city, it is hereby found and declared to be necessary:

a. To establish a local organization for civil defense;

b. To provide for the exercise of necessary powers during civil defense emergencies;

c. To provide for the rendering of mutual aid between this city and other political subdivisions of this state and of other states with respect to the carrying out of civil defense functions.

(2) It is further declared to be the purpose of this Section and the policy of the city that all civil defense functions of this city be coordinated to the maximum extent practicable with the comparable functions of the Federal government, of this state, the county, and of other states and localities, and of private agencies of every type, to the end that the most effective preparations and use may be made of the nation's manpower, resources, and facilities, for dealing with any disaster that may occur.

3.402 Definitions.

(1) "Civil defense" means the preparations for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters caused by enemy attack, sabotage, or natural causes. These functions include, without limitation, firefighting services, police services, medical health services, rescue, engineering, warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services, utilization of best available Fallout Shelters, and other functions related to civilian protection, together with all other activities necessary or incidental to preparation for and carrying out of the foregoing functions.

(2) "Civil defense emergency" means an emergency declared by the governor under Minnesota Statutes, Section 12.31, or an emergency proclaimed by the mayor under Section 3.406 of this Chapter.

(3) "Civil defense forces" means any personnel employed by the city and any other volunteer or paid member of the local civil defense agency engaged in carrying on civil defense functions in accordance with the provisions of this Chapter or any rule or order thereunder.

3.403 Establishment of Civil Defense Agency.

(1) There is hereby created within the city government a civil defense agency, which shall be under the supervision and control of a director of civil defense, hereinafter called the director.

(2) The director shall be appointed by the mayor for an indefinite term and may be removed by him at any time. The director may be compensated at a rate to be determined by the city council and he 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. The civil defense agency shall be organized into such divisions and bureaus, consistent with state and local civil defense plans, as the director deems necessary to provide for the efficient performance of local civil defense functions during a civil defense emergency. The civil defense 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 the provisions of the Minnesota Civil Defense Act of 1951 as amended.

3.404 Powers and Duties of the Director.

(1) The director, with the consent of the mayor, shall represent the city on any regional or state organizations 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 arrangements shall be consistent with the state civil defense plan and during a civil defense emergency it shall be the duty of the civil defense agency and civil defense forces to render assistance in accordance with the provisions of such mutual aid arrangements. Any mutual aid arrangement with a political subdivision of another state shall be subject to the approval of the governor.

(2) The director shall make such studies and surveys of the manpower, industries resources, and facilities of the city including Fallout Shelters as he deems necessary to determine their adequacy for civil defense, and to plan for their most efficient use in time of a civil defense emergency.

(3) The director shall prepare a comprehensive general plan for the civil defense of the city which will include a Community Shelter Plan utilizing the established Fallout Shelters and shall present such plan to the council for its approval. When

the council has approved the plan by resolution, it shall be the duty of all municipal agencies and all civil defense forces of the city to perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner from time to time. The director shall coordinate the civil defense activities of the city to the end that they shall be consistent and fully integrated with the civil defense plans of other political subdivisions within the state.

(4) In accordance with the state and city civil defense plan, the director shall institute such training programs and public information programs and shall take all other preparatory steps, including the partial or full mobilization of civil defense forces in advance of actual disaster, as may be necessary to the prompt and effective operation of the city civil defense plan in time of a civil defense emergency. He may, from time to time, conduct such practice air-raid alerts or other civil defense exercises as he may deem necessary.

(5) The director shall utilize the personnel, services, equipment, supplies, and facilities of existing departments and agencies of the city to the maximum extent practicable. The officers and personnel of all such departments and agencies shall, to the maximum extent practicable, cooperate with and extend such services and facilities to the local civil defense agency and to the governor upon request. The head of each department and agency, in cooperation with and under the direction of the director, shall be responsible for the planning and the programming of such civil defense activities as will involve the utilization of the facilities of this department or agency.

(6) The director shall, in cooperation with existing city departments and agencies affected, organize, recruit, and train Fallout Shelter Managers, Radiological Monitors, police reserves, rescue personnel, auxiliary firemen, emergency medical personnel, and any other personnel that may be required on a volunteer basis to carry out the civil defense plans of the city and the state. To the extent that such emergency personnel are recruited to augment a regular city department or agency for civil defense emergencies, they shall be assigned to such department or agency for purposes of administration and command. The director may dismiss any civil defense volunteer at any time and require him to surrender any equipment and identification furnished by the city.

(7) Consistent with the civil defense plan, the director shall provide and equip emergency hospitals, casualty stations, ambulances, canteens, evacuation centers, and other facilities, or conveyances for the care of injured or homeless persons.

(8) The director shall carry out all orders, rules, and regulations issued by the governor pertaining to civil defense.

(9) The Civil Defense Director shall direct and control the general operations of all local civil defense forces during a civil defense emergency in conformity with controlling regulations and instructions of State Civil Defense authorities. The

heads of departments and agencies shall be governed by his or her orders in respect thereto.

(10) Consistent with the civil defense plan, the director shall provide and equip at some suitable place in the city an Emergency Operating Center and, if required by the local civil defense plan, auxiliary centers to be used during a civil defense emergency as headquarters for direction and control of civil defense forces. He or she shall arrange for representation at the center by municipal departments and agencies, public utilities and other agencies authorized by Federal or State authority to carry on civil defense activities during a civil defense emergency. He or she shall arrange for the installation at the Emergency Operating Center of necessary facilities for communication with and between heads of civil defense divisions, the stations and operating units of municipal services and other agencies concerned with civil defense and for communication with other communities and Emergency Operating Centers, within the surrounding area and with the Federal and State agencies concerned.

3.405 General Provisions on Civil Defense Workers.

(1) Civil defense volunteers shall be called into service only in case of a civil defense emergency or a natural disaster for which the regular municipal forces are inadequate or for necessary training and preparation for such emergencies. All volunteers shall serve without compensation.

(2) Each civil defense volunteer shall be provided with such suitable insignia or other identification as may be required by the director. Such identification shall be in a form and style approved by the Federal government. No volunteer shall exercise any authority over the persons or property of others without his identification. No person except an authorized volunteer shall use the identification of a volunteer or otherwise represent himself to be an authorized volunteer.

(3) No civil defense volunteer shall carry any firearm while on duty except on written order of ·the chief of the police department.

(4) Personnel procedures of the city applicable to regular employees shall not apply to volunteer civil defense workers, but shall apply to paid employees of the civil defense agency.

3.406 Emergency Regulations.

(1) When used in this section, the term “civil defense emergency” includes, in addition to the meaning given in Section 3.402, Subdivision 2, disasters caused by fire, flood, windstorm, or other natural causes.

(2) Whenever necessary to meet a Civil Defense emergency or to prepare for such an emergency for which adequate regulations have not been adopted by the governor

or the city council, the mayor may by proclamation promulgate regulations, consistent with applicable Federal or State law or regulation, respecting: protection against nuclear missiles; the sounding of attack warnings; the conduct of persons and the use of property during emergencies; the repair, maintenance, and safeguarding of essential public services; emergency health, fire, and safety regulations, trial drills, or practice periods required for preliminary training; and all other matters which are required to protect public safety, health, and welfare in civil defense emergencies.

(3) Every proclamation of emergency regulations shall be in writing and signed by the mayor; shall be dated; shall refer to the particular civil defense emergency to which it pertains, if so limited; and shall be filed in the office of the city clerk, where a copy shall be kept posted and available for public inspection during business hours. Notice of the existence of such regulation and its availability for inspection at the clerk's office shall be conspicuously posted at the front of the city hall or other headquarters of the city and at such other places in the affected area as the mayor shall designate in the proclamation. Thereupon the regulation shall take effect immediately or at such later time as may be specified in the proclamation. By like proclamation they may modify or rescind any such regulation.

(4) The city council may rescind any such regulation by resolution at any time. If not sooner rescinded, every such regulation shall expire at the end of 30 days after its effective date or at the end of the civil defense emergency to which it relates, whichever occurs first. Any ordinance, rule, or regulation inconsistent with an emergency regulation promulgated by the mayor shall be suspended during the period of time and to the extent that such conflict exists.

(5) During a civil defense emergency the mayor is authorized to contract on behalf of the city for services or for the purchase of merchandise or materials where the amount of the contract or purchase does not exceed $2,000.00. The mayor may take such action without prior approval of the council, and without compliance with regular purchasing and bidding procedures, but all claims resulting therefrom shall be audited and approved by the council as in the case of other purchases and contract.

3.407 <u>Civil Defense Agency Procedure.</u>

(1) There is hereby established in the city treasury a special fund to be known as the civil defense account of the General Fund. Into this fund shall be placed the proceeds of taxes levied for civil defense, money transferred from other funds, gifts, and other revenues of the civil defense agency. From it shall be made expenditures for the operation and maintenance of the civil defense agency and other expenditures for civil defense. Regular accounting, disbursement, purchasing, budgeting, and other financial procedures of the city shall apply to the civil defense account insofar as practicable; but budgeting requirements and other

financial procedures shall not apply to expenditures from the fund in any case when their application will prevent compliance with terms and conditions of a Federal or State grant of money or property for civil defense purposes.

(2) The director shall, as soon as possible after the end of each fiscal year, prepare and present to the city council for the information of the council and the public, a comprehensive report of the activities of the civil defense agency during the year.

3.408 Conformity and Cooperation with Federal and State Authority.

(1) Every officer and agency of the city shall cooperate with Federal and State authorities and with authorized agencies engaged in civil defense and emergency measures to the fullest possible extent consistent with the performance of their other duties. The provisions of this Chapter and of all regulations made thereunder shall be subject to all applicable and controlling provisions of Federal and State laws and of regulations and orders issued thereunder and shall be deemed to be suspended and inoperative so far as there is any conflict therewith.

(2) The city council may appoint any qualified person holding a position in any agency created under Federal or State authority for civil defense purposes as a special policeman of the city with such police powers and duties within the city incident to the functions of his or her position, not exceeding those of a regular policeman of the city, as may be prescribed in the appointment. Every such policeman shall be subject to the supervision and control of the chief of police and such other police officers of the city as the chief may designate.

3.409 Penalty. Any person who violates any provision of this Section or of any regulation adopted thereunder relating to acts, omissions, or conduct other than official acts of city officers or employees, is guilty of a petty misdemeanor, and upon conviction may be punished by a fine of not more than $100.

SECTION 3.5 – WORKERS COMPENSATION

3.501 Definition of employee for Workers Compensation. Pursuant to Minnesota Statutes 176.011, subd. 9, elected officials and members of the Economic Development Board are included in the coverage of the Workers Compensation Act.

3.502 Effective Date. This becomes effective from and after its passage and publication. (Signed February 20, 1996)

SECTION 3.6 – INDEMNIFICATION OF OFFICERS AND EMPLOYEES

3.601 The governing body of the City of Walnut Grove shall defend, save harmless and indemnify any of its officers and employees, whether elective or appointive, including its police officers, against any tort claim or demand, whether groundless or otherwise arising out of an alleged act or omission occurring in the performance of duty.

3.602 **Exceptions.** The provisions of this Section do not apply in case of malfeasance in office or willful or wanton neglect of duty.

This does not repeal or modify Minnesota Statutes 1961, Sections 471.44 and 471.86, but does modify 471.45 insofar as if judgement be rendered against a police officer, the Council shall appropriate moneys from any funds available to pay such judgment.

3.603 **Severability.** If any clause, provision or portion of this Section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Section shall not be affected thereby.

CHAPTER 4
ELECTIONS

SECTION 4.1 – REGULAR CITY ELECTIONS

4.101 Ballot System. The election of the officers of the City of Walnut Grove, Redwood County, Minnesota, shall be held and conducted under the so-called "Australian Ballot System," until otherwise determined.

4.102 City Elections.

(1) Date of Election. The regular city election shall be held biennially on the first Tuesday after the first Monday in November in every even-numbered year, beginning with the election to be held in 1974.

(2) Extension of Terms of Council Members and Mayor. The terms of the mayor and the two council members whose current terms will expire in the year when there is no election to be held, i.e., 1975, are hereby extended up to, but not including, the first business day in January, 1977, and those offices shall be filled at the election to be held in 1976.

(3) Staggering of Terms. Two council members shall be elected at each biennial city election. To effectuate this transition, the one council member to be elected in the 1974 election shall be elected for a term of four years, and, of the three council members to be elected in the 1976 election, the two receiving the highest number of votes shall serve for terms of four years each and the one receiving the lowest number of votes shall serve for a term of two years. Thereafter, each council member elected shall serve for a term of four years.

CHAPTER 5
URBAN AND RURAL SERVICE DISTRICTS

5.101 Urban and Rural Service Districts.

(1) The City of Walnut Grove hereby divides the area within it limits into an Urban Service District and a Rural Service District, constituting separate Taxing districts for the purpose of all municipal property taxes except those levied for the payment of bonds and judgments and interest thereon.

(2) The Urban Service District shall include all properties within the Limits of the City of Walnut Grove, except those set forth as Rural Service District.

(3) The Rural Service Districts shall include only such unplatted and platted lands which need not be contiguous to one another as in the judgment of the City Council are rural in character, and are not developed for commercial, industrial, or urban residential purposes and for these reasons are not benefited to the same degree as other lands by municipal services financed by general taxation. This may include lands outside the City of Walnut Grove which, if annexed, shall be included in the Rural Service District. In the event lands within the Rural Service District include an occupied building site, the building site, which shall consist of ten acres, shall be included in the Urban Service District and the remaining land shall be included in the Rural Service District.

(4) The Rural Service District shall consist of those unplatted and platted lands described in Section 5.102, below, all of which lands are rural in character and not developed for commercial, industrial or urban residential purposes.

(5) Whenever any parcel of land included in the Rural Service District is platted in whole or in part, or whenever application is made for a permit for construction of a commercial, industrial or residential building or improvement; or whenever such improvement or building is commenced without a permit; or otherwise fails to meet the criteria for includability in the Rural Service District, the governing body may make and enter an order by resolution transferring said parcel or part thereof from the Rural Service District to the Urban Service District. No parcel shall be included in a Rural Service District of ten acres or less and no parcel shall remain in a Rural Service District unless such parcel consists of ten acres or more; provided, however, that if a parcel consists of ten acres or more, a portion of which is used as a residence receiving municipal utility services, ten acres, including the residence, shall continue to be classified as urban.

(6) In the judgment of the Council of the City of Walnut Grove, the tax to be levied on the lands included in the Rural Service District shall be levied on the same basis as the property taxes levied on North Hero Township property.

(7) Any parcel within a Rural Service District for ten years without development shall be considered by the Council of the City of Walnut Grove for exclusion from the Rural Service District. By amendment hereof, such parcel shall be included in the Urban Service District if any area adjacent thereto is determined by the Council of the City of Walnut Grove to be substantially developed as urban property.

(8) No City service beyond that normally provided by the townships of Redwood County will be provided by the City in a Rural Service District, except fire, police and planning services.

(9) Land in a Rural Service District must be open, rural in character and maintained in farm crops or seeded.

(10) Grading is not considered as development provided grading is such as to hold storm runoff on the land and not produce storm runoff problems and provided graded acres are cropped or reseeded within one year.

(11) Any fill hauled in shall be graded off and seeded at least once a year.

5.102 Lands Included in the Rural Service District

Parcel #1: Steven D. Geis -- The E1/2 of the SW1/4 of Section 19, Township 109 North of Range 38 West of the Fifth Principal Meridian, EXCEPT tracts not owned by the above record owner, containing 69.13 acres, more or less. Parcel No. 94-019-3070.

Parcel #2: Willard E. Pfarr – The West 120 rods of Lot 2 of Auditor's Subdivision Number 1 of the SE1/4 of Section 24, Township 109, Range 39, excepting therefrom a tract in the NW corner thereof described as follows:

Beginning at a point on the West line of the SE1/4 of Section 24 100 rods North of the SW corner of said SE1/4, thence running East 64 rods, thence running South and parallel to the West quarter line a distance of 7 rods, 7 feet and 6 inches, thence running Westerly 64 rods to a point on the West line of the SE1/4 that is 92 rods, 10 feet and 2 inches North of the SW corner of said SE1/4, thence North on said line to the place of beginning, and also excepting therefrom a tract described as starting at a point on the North line of the right of way of the State of Minnesota Trunk Highway #14, which point is due South of the SW corner of Lot 1of said Auditor's Subdivision #1 of the SE1/4 of Section 24, Township 109 north, Range Thirty-nine (39) West, (being a point approximately 700 feet West of the Westerly line of Block 5 of Remington Park Addition to the City of Walnut Grove) thence due North 20 rods, thence at right angles due West 16 rods, thence due South to the point of intersection with the North line of Highway #14, thence Easterly along the North line of said Trunk Highway right of way to the point of

beginning a distance of 16 rods, more or less, said tract containing approximately 2 acres. Parcel No. 94-124-4100.

Parcel No. 94-124-4103, which is a 1.69 acre tract in SE1/4, shall be considered part of the Rural Service District as long as it is owned and being farmed with the adjoining parcel (Parcel No. 94-124-4100), as further described in Ordinance No. 182, previously adopted by the City Council.

Parcel #3: Doris L. Maas Grinde – All that part of Lot 2 of Auditor's Subdivision Number 1 of the NW1/4 of Section 30 in Township 109 North, Range 38 West of the Fifth Principal Meridian, lying South of Wiggins Street, East of Third Street, South of Park Street and East of Fourth Street, EXCEPTING THAT TRACT described as follows: Beginning at the SE corner of Third Street and Wiggins Street as platted in Park Place, an addition to Walnut Grove, thence East along the southerly line of Wiggins Street for a distance of 400 feet; thence South and parallel to Third Street for a distance of 260 feet; thence West and parallel to Wiggins Street for a distance of 400 feet to the easterly line of Third Street; thence North along the easterly line of Third Street for a distance of 260 feet to the point of beginning; EXCEPTING Maas' Addition and Maas Second Addition to the City of Walnut Grove, according to the recorded plats thereof. Parcel No. 94-030-2110.

Parcel #4: Grace F. Christians Revocable Trust – Lot 20 in the Re-arrangement of Auditor's Subdivision Number 1 of the NE1/4 of Section 25, Township 109 North, Range Thirty-nine West of the Fifth Principal Meridian. Parcel No. 94-125-1310.

CHAPTER 6
UTILITIES

SECTION 6.1 – GENERAL PROVISIONS ON WATER SYSTEM

6.101 **Water Department.** There is hereby established a water department, which shall be under the supervision of the City Council. The department shall be responsible for the management, maintenance, care and operation of the water works system of the city.

6.102 **Use of Water Restricted.** No person shall make or use any water service installation connected to the city water system except pursuant to application and permit as provided in this Section. No person shall make or use any such installation contrary to the regulatory provisions of this Section.

6.103 **Application for Service.**

(1) Procedure. Application for a water installation and for water service shall be made to the City Clerk on forms furnished by the city. By his signature, the applicant shall agree to conform to rules and regulations that may be established by the city as conditions for the use of water.

(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 for deposit required for the installation of the service connection as provided in this Section. When a water service connection has been installed, application for water service may be made by either the owner or his agency or by the tenant or occupant of the premises.

6.104 **Charges for Service Connections.**

(1) Permit and Fee. No connection shall be made to the city water system without a permit received from the city. The fee for each such permit for a water main connection permit shall be set from time to time by Resolution of the Council. These fees shall be in addition to any fees required in Subsection 6.104, Para. (2), (3), and (4).

(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 hire a licensed plumber to make the necessary connections, taps, and installation of pipe and appurtenances to provide service to the property and the necessary street repairs. All work must be inspected by the city before the excavation is filled in.

(3) Certification. No permit shall be issued to connect with any water main unless the City Clerk certifies to the truth of one of the following, or payment required is made:

a. That the lot or tract to be served has been assessed for the cost of construction of the main with which the connection is made or that proceedings for levying such assessment have been or will be commenced in the due course; or

b. That the cost of construction of the main has been paid by the developer or builder platting the lot or tract; or

c. That if neither of the foregoing is true, a sum equal to the portion of the cost of constructing the main which would be assessable against the lot or parcel has been paid to the city.

6.105 Accounting, Billing and Collecting.

(1) 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 from time to time by Resolution of the Council.

(2) Delinquent Accounts. All charges for water and sewer shall be due on the monthly due date specified by the city of the respective account and shall be delinquent 5 days thereafter. The city shall endeavor to collect delinquent accounts promptly. In any case, where satisfactory arrangements for payment have not been made, the Water Department may, after the procedural requirements 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 set from time to time by Resolution of the Council. Delinquent accounts shall be certified to the city clerk, who shall prepare an assessment roll each year providing for assessment of the delinquent amounts against the respective properties served. The assessment roll shall be delivered to the Council for adoption on or before October 1 of each year for certification to the County Auditor for collection along with taxes. Such action is optional and may be subsequent to taking legal action to collect delinquent accounts.

(3) Procedure for Shutoff of Service. Water shall not be shut off under Paragraph 6.105(2) or for a violation of rules and regulations affecting utility service until notice has first been given the occupant of the premises involved. The notice shall be mailed and shall state that if payment is not made before a day stated in the notice but not less than 10 days after the due date on which the notice is given, the water supply to the premises will be shut off.

6.106 Protection of Public and City.

(1) Permit and Bond. A permit for construction and connection of the extension 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 clerk or the Secretary of State under Minnesota Statues 326.40. The bond shall be in the amount of $5,000 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.

(2) Liability Insurance. Before undertaking the construction work authorized by the permit, the plumber shall secure and maintain a policy of insurance 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. The general liability insurance shall provide at least a $300,000 limit per occurrence. Proof of such insurance shall be filed with the city prior to construction work and such policy shall provide that the city shall be notified immediately of any termination or modification of such insurance. If the insurance coverage is inadequate in amount, the master plumber shall indemnify and save harmless the city and its personnel in like manner.

(3) Apportionment of Costs. The owner shall bear the costs and expenses incident to the installation and connection 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 Council shall establish rules and regulations for the proper implementation of these requirements which, when approved by the Council by Resolution, shall govern the installation, connection and extension of water service to private property.

6.107 General Water Regulations.

(1) Discontinuance of Service. The City may discontinue service to any water consumer without notice for necessary repairs, or upon notice as provided in Paragraph 6.105(3), for nonpayment of charges, or for violation of rules and regulations affecting utility service.

(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 supplied shall have a separate stop box and a separate meter.

(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.

(4) Repair of Leaks. The consumer or owner shall be responsible for maintaining the service pipe from the main into the building served. 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. The water shall not then be turned on again until repairs have been completed. When the waste of water is great or damage is likely to result from leak, the city shall turn the water off immediately upon the giving of notice if repair is not commenced immediately.

(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 Council.

(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 Water Department 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.

(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 a fee set from time to time by Resolution of the Council 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.

(8) Permitting Use by Others. No person shall permit city water to be used for any purpose except upon his own premises unless permission is obtained from the City Council. Anyone wishing to obtain water from a hydrant for construction purposes shall make application to the City Council for such services.

6.108 Meters.

(1) Meters Required. Except for the extinguishment 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 Water Department shall connect, disconnect, take apart, or in any manner change or interfere with any such meter or its use. Meters shall be installed by a licensed plumber at the owner's expense.

(2) Maintenance. The city shall maintain and repair at its expense any 3/4 inch and smaller meter that has become unserviceable through ordinary wear and tear and shall replace it if necessary. Meters larger than 3/4 inch shall be maintained and replaced by owner on a regular basis. 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.

(3) 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 payment of a deposit in an amount set from time to time by Resolution of the Council, have the meter tested. If the test shows an error in the city's favor exceeding five percent of the water consumed, the deposit shall be refunded, an accurate meter shall be installed, and the bill shall be adjusted accordingly. Such adjustment shall not extend back more than one service period from the date of the written request.

(4) Meters Property of City. Meters maintained by the City in Paragraph 6.108(3), are the property of the city and may be removed or replaced as to size and type when deemed necessary.

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

6.109 Plumbing Regulations.

(1) Service Pipes. Every service pipe shall be laid with sufficient bend to allow not less than one foot of extra length and in such manner as to prevent rupture by settlement. The service pipe shall be placed not less than six feet below the surface and to 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 shall be used for all services from the main to the curb stop of two inches or less. Joints on copper tubing shall be as few as possible and not more than one

joint shall be used for a service up to 70 feet in length. Each joint shall be left uncovered until inspected by the city. Every service over two inches shall be cast iron from the main to the curb stop. Connections with the mains for domestic supply shall be at least 3/4 of an inch.

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

a. 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 Water Department. A suitable bracket shall be provided to support the meter in a proper vertical position and prevent noise from vibration.

b. 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.

c. Tile 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 collection.

d. Meter setting devices for 5/9 inch, 3/4 inch, and one 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 on the building side.

(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 inches below the established grade and shall be left in an accurate vertical position when back-filling is completed.

6.110 Water Rates.

(1) Service Charge. Each water user shall pay a service charge each month during which water service is furnished as set from time to time by Resolution of tile Council.

(2) Rate Schedule. In addition each water user shall pay for water used each month as set from time to time by Resolution of the Council.

6.111 Penalties.

(1) Upon determination that a user has violated or is violating applicable provisions of this Section or related permits, the authorized representative may issue a Notice of Violation. Within 30 days of such notification, the violator shall submit to tile authorized representative an adequate explanation for the violation and a plan for the correction and prevention of such occurrences, including specific actions required. Submission of such a plan in no way relieves the violator of liability of any violation occurring before or after the issuance of the Notice of Violation.

(2) Any person found to be violating any provision of this Section shall be guilty of a misdemeanor and shall be prosecuted accordingly. Each day in which any such violation occurs shall be deemed as a separate offense. Such fines may be added to the user's next water service charge, and will hence be subject to the same collection regulations as specified in Subsection 6.105, Para. (2) of this Section. Users desiring to dispute a fine must file a request for the authorized representative to reconsider within 30 days of the issuance of the fine. If the authorized representative believes that the request has merit, a hearing on the matter shall be convened within 30 days of the receipt of the request.

(3) To collect delinquent water service charge accounts, the City may file a civil action suit or levy a lien against the violator, related attorney's fees fixed by court order shall also be collected. The violator shall be liable for interest on all balances at a rate of 18 percent annually.

(4) Any person violating any of the provisions of this Section shall become liable to the City for any expense, loss or damage occasioned by the community or water system by reason of such violation.

SECTION 6.2 – USE AND RATE REGULATIONS FOR MUNICIPAL WASTEWATER TREATMENT FACILITIES

6.201 Definitions.

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

(2) "BOD," or "Biochemical Oxygen Demand" – The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20 degrees Centigrade and as expressed in terms of milligram per liter (mg/1).

(3) "Building Drain" – That point of a building which conveys wastewater to the building sewer, beginning immediately outside the building wall.

(4) "City" – The area within the corporate boundaries of the City of Walnut Grove, the City Council, its authorized representative.

(5) "Debt Service Charge" – A charge to users of the wastewater treatment facility for the purpose of repaying capital costs.

(6) "Equivalent Residential Unit" (ERU) – A unit of wastewater volume of 100 gallons per day at a strength not greater than NDSW.

(7) "Industrial User"

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

i. Division A: Agriculture, Forestry and Fishing
ii. Division B: Mining
iii. Division D: Manufacturing
iv. Division E: Transportation, Communications, Electric, Gas, and Sanitary Sewers
v. Division I: Services

b. Any user whose discharges, single or by interaction with other wastes:

i. contaminate the sludge of the wastewater treatment system,
ii. injure or interfere with the treatment process,
iii. create a public nuisance or hazard,
iv. have an adverse effect on the waters receiving wastewater treatment plant discharges,
v. exceed NDSW limitations,
vi. exceed normal residential unit volumes of wastewater.

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

(9) "MPCA" – Minnesota Pollution Control Agency.

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

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

(12) "Natural Outlet" – Any outlet, including storm sewers and combined sewers, which flows into a body of surface water or ground water.

(13) "Normal Domestic Strength Waste" (NDSW) – Wastewater that is primarily introduced by residential users with BOD5 concentrations not greater than 200 mg/1 and total suspended solids (TSS) concentrations not greater than 240 mg/1.

(14) "Non-residential User" – A user of the treatment facility whose building is not used as a private residence, and discharges NDSW.

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

(16) "Residential User" – A user of the treatment facility whose building is used primarily as a private residence and discharges NDSW.

(17) "Sewer"- A pipe or conduit that carries wastewater or drainage water.

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

b. "Sanitary Sewer" – A sewer designed to carry only liquid and water-carried wastes from residential, non-residential, and industrial sources together with minor quantities of 1/I.

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

(18) "Sewer Service Charge" – The total of the User Charge and the Debt Service Charge.

(19) "Slug" – A discharge of water or wastewater which in concentration or in quantity of flow exceeds for any period of duration longer than 15 minutes, more than 5 times the average 24-hour concentration of flows during normal operation.

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

(21) "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).

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

(23) "User Charge" – A charge to users of a treatment facility for the user's proportionate share of the cost of operation and maintenance, including replacement.

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

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

6.202 Control by the Authorized Representative. The community's governing council shall appoint an Authorized Representative who shall have control and general supervision of all public sewers and service connections in the community or sewer district, and shall be responsible for administering the provisions of this Chapter to ensure that a proper and efficient public sewer is maintained. The authorized representative may delegate responsibilities to designated representatives.

6.203 Use of Public Sewers Required.

(1) Within 30 days of receiving official notification, the owners of all properties within 300 feet of a sanitary sewer collection system shall install a suitable service connection, at their own expense in accordance witl1 the provisions of this Section.

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

(3) Except as provided hereinafter, it shall be unlawful to construct or maintain any private facility intended or used for the disposal of wastewater.

6.204 Private Wastewater Disposal.

(1) Where a public sewer is not available under the provisions of Subsection 6.203, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Section.

(2) Before construction of a private wastewater disposal system, the owner(s) shall obtain a written permit signed by the authorized representative. The permit shall

not become effective until the installation is completed to the representative's satisfaction. A designated representative shall be allowed to inspect any stage of construction. The applicant for the permit shall give notification when ready for the system's final inspection, and before any underground portions are covered. The inspection shall be made within 72 hours of the receipt of the notice.

(3) The type, capacities, location and layout of a private wastewater disposal system shall comply with all requirements of Minnesota Rules Chapter 7080, and applicable local City Code and ordinances.

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

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

(6) No statement contained in this Section shall be construed to interfere with any additional requirements that may he imposed by the MPCA, the State Department of Health, or other responsible federal, state, or local agencies.

6.205 <u>Building Sewers and Connections Design.</u>

(1) No person(s) shall make any alterations to the public sewer or any appurtenances thereof without first obtaining a permit from the City. No private building drain shall extend beyond the limits of the building or property for which the permit has been given.

(2) Any new connection to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to, capacity for flow, BOD_5, and TSS as determined by the authorized representative.

(3) A separate and independent building sewer shall be provided for each building. Old building sewers may be used to service new buildings only when they are found to meet all requirements of this Chapter.

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

(5) The construction and connection of the building sewer to the public sewer shall conform to the requirements of the State of Minnesota Building and Plumbing

Code, applicable rules and regulations of the City and the materials and procedural specifications set forth in the American Society of Testing Materials (ASTM) and the Water Pollution Control Federation (WPCF) Manual of Practice No. 9. All such connections shall be made gas and watertight, and verified by proper testing to prevent I/I.

(6) No unpolluted water sources shall be connected to the sanitary sewer.

(7) The applicant for the building sewer permit shall notify the community or sewer district when the building sewer is ready for connection to the public sewer. The connection shall be made under the supervision of a designated representative.

(8) An appropriate construction permit is required to install a service connection. Any person desiring a permit shall apply in writing to the City's governing council, providing satisfactory evidence of the applicant's qualifications. If approved by the Council, the permit shall be issued by a designated representative upon the filing of a bond as herein after provided.

(9) A permit for sewer service connection installation shall not be issued until a $2,000.00 bond or a $300.000 cash bond to the community is filed and approved by the Council. The Contractor will indemnify the community from all suits, accidents and damage that may arise by reason of any opening in any street, alley or public ground, made by the Contractor or by those in the Contractor's employment.

(10) The Council may suspend or revoke any license issued under this Section for any of the following causes:

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

b. Incompetence of the licensee.

c. Willful violation of any provisions of this Section or any rule or regulation pertaining to the making of service connections.

d. Failure to adequately protect and indemnify the city and the user.

6.206 <u>Use of Public Wastewater Treatment Facilities.</u>

(1) It shall be unlawful for any owner, occupant, or user of any premises to direct into or allow any storm water, surface water, or ground water to drain into the sanitary sewer system of the City. This includes: water from any roof, surface or ground sump pump, foundation drain or swimming pool. Dwellings and other buildings and structures which require a sump pump system to discharge excess water, shall have a permanently installed discharge line which shall not at any time discharge water into the sanitary sewer system, except as provided herein. A permanent

installation shall be one which provides for year-around discharge capability to either the outside of the dwelling, building or structure or is connected to the City storm sewer system or discharges to the street. It shall consist of a rigid discharge line, without valving or quick connections for altering the path of discharge and include a check valve if connected to the city storm sewer line. If the City has installed a sump pump drainage box in the boulevard area adjacent to a property, the property owner must directly plumb any sump pump or drain tile into said sump pump drainage box.

a. Inspection. Every person owning improved real estate that discharges into the City sanitary sewer system shall allow an employee of the City or their designated representative to inspect the buildings to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system. Properties found to be in compliance will receive a certificate of compliance at the time of inspection. If a property owner replaces a water or sanitary sewer service line, an inspection shall be required to verify that drain tiles and sump pumps are not connected to the sanitary sewer system.

b. Non-Compliance. On or before March 1, 1996, any person, firm or corporation having a roof, surface, ground, sump pump, foundation drain. or swimming pool and/or discharging into the sanitary sewer system shall disconnect and/or remove same. Any disconnects or openings in the sanitary sewer shall be closed or repaired in an effective and workmanlike manner. Any person refusing to allow their property to be inspected shall immediately become subject to the surcharge hereinafter provided for.

c. Future Inspections. At any future time the City may conduct random inspections if the City has reason to suspect that an illegal connection exists on a property, to insure compliance with this Section.

d. New Construction. A sump pump and rigid pipe discharge connection to the outside shall be required on all new construction within the City where a ground water drainage system is part of the construction plans.

e. Temporary Winter Variance (November 1 through March 1). The City Council shall have the power and duty of hearing and deciding requests for temporary variances from the applicability of the provisions of this portion of the Section where strict enforcement would cause undue hardship because of circumstances unique to the individual property or cause a safety problem. This does not apply to monetary hardship. Application for a temporary waiver should be addressed in writing to the City of Walnut Grove. Waiver application forms are available from the City Clerk. The applications shall identify the property for which the variance is being applied for, the name of the property owner/applicant, and describe in detail what characteristics of the subject property create undue hardship or concern. Within 30 days after application, the City shall make their order deciding on the matter and serve a copy of such order upon the applicant

by mail. Upon receipt of an application for variance, the City will allow the property owner to temporarily discharge directly into the sanitary sewer system. Employees of the City will check the discharge and seal the connection of the discharge to the sanitary sewer using a meter seal. The cost of the connection to the sanitary sewer and subsequent removal will be $10.00 per occurrence.

f. Single Family Unit Surcharge. A surcharge of $50.00 per month is hereby imposed and added to every sewer billing to property owners who are not in compliance with this Section on or before March 1, 1996. This surcharge is in addition to any other penalties that may be incurred under this Section. Should a single family unit property owner found to be in compliance with this Chapter and during a subsequent inspection found to have reconnected an illegal source to the sanitary sewer, the surcharge of $50.00 per month will be applied for all months between the previous two inspections.

g. Non-Single Family Unit Surcharge. A surcharge of $10.00 per day is hereby imposed and added to every sewer billing to property owners who are not in compliance with this Section on or before March 1, 1996. This surcharge is in addition to any other penalties that may be incurred under this Section. Should a non-single family unit prope1iy owner found to be in compliance with this Chapter and during a subsequent inspection found to have reconnected an illegal source to the sanitary sewer, the surcharge of $10.00 per day will be applied for all months between the previous two inspections.

(2) No person(s) shall discharge any of the following substances to the public sewer.

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

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

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

d. Wastewater containing toxic pollutants, as defined in Section 307(a) of the Water Pollution Control Act and Minn. Stat. 115.01 subd. 14.

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

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

b. Wastewater containing fats, wax, grease or oils in excess of 100 mg/1 or containing substances which may solidify or become viscous at temperatures between 32°F and 150º F (0º C and 65.6ºC).

c. A discharge of water or wastewater which in concentration or in quantity of flow exceeds for any period of duration longer than 15 minutes, more than 5 times the average 24-hour concentration of flows during normal operation.

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

e. Noxious or malodorous liquids, gases, or solids.

f. Wastewater with objectionable color not removed in the treatment process.

g. Wastewater containing inert suspended solids in such quantities that would cause disruption to the wastewater treatment facilities.

h. Radioactive wastes or isotopes in concentrations that exceed limits established by applicable state and federal regulations.

i. Wastewaters with BOD_5 or suspended solids levels that require additional treatment, except as may be permitted by specific written agreement with the city.

j. Wastewater containing substances which cannot be treated to produce effluent quality required by the permit or causes a violation of any applicable local, state, or federal regulation.

(4) In the event of discharges to the public sewers which contain substances or possess characteristics prohibited in Paragraphs (2) and (3) of this Subsection 6.206 or which in the judgement of the Representative, may have a deleterious effects to the treatment facility, receiving water, soils, vegetation, or which create a hazard or nuisance, the Representative may:

a. Refuse to accept the wastes.

b. Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to Section 307(b) of the Act and all addenda thereof.

c. Require control over the quantities and rates of discharge.

d. Require payment to cover all the added costs of handling, treating, and disposing of wastes not covered by existing taxes or sewer charges.

If the Representative permits the pretreatment or equalization of waste flows, the design, installation, maintenance and efficient operation of the facilities and equipment shall be at the owner's expense and shall be subject to review and approval by the City pursuant to the requirements of the MPCA.

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

(6) Grease, oil and sand interceptors shall be provided at the owner's expenses when, in the opinion of the Representative, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, any flammable wastes, sand or other harmful ingredients. All interceptors shall he readily and easily accessible for cleaning and inspection. The owner shall be responsible for the maintenance of interceptors, including proper removal and disposal of the captured materials by appropriate means, and shall maintain a record of dates and means of disposal which are subject to review by the Representative.

Any material removal and hauling must be performed by the owner's personnel or a currently licensed waste disposal firm and in compliance with all applicable laws and regulations.

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

(8) Where required by the Representative, users shall provide protection from an accidental discharge of substances regulated by this Section. Where necessary, facilities to prevent accidental discharges of prohibited materials shall be provided and maintained at the owner's expenses. Detailed plans and operating procedures of said facilities shall be submitted to the Representative for review and approval prior to construction of the facility. Approval of such plans and operating

procedures shall not relieve user from the responsibility of modifying the facility as necessary to meet the requirements of this Section.

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

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

(9) No person shall permit any substance or matter which may form a deposit or obstruction of flow to be discharged into the public sewer. Whenever any service connection becomes clogged, obstructed, detrimental to the use of the public sewer, or unfit for the purpose of drainage, the owner shall make repairs as directed by the Representative.

Each day after 30 days that the owner neglects to make said repairs, shall constitute a separate violation of this Section. The Representative may then cause the work to be done and recover related expenses from the owner or agent by an action in the name of the community or sewer district.

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

(11) No statement contained in this Section shall prevent any special agreement or arrangement between the community of Walnut Grove and any industrial user. Industrial waste of unusual strength or character may be accepted by the facility for treatment, subject to adequate payment by the industrial user, providing that National Categorical Pretreatment Standards and the City's NPDES and SDS permit limitations are not violated.

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

6.208 **Powers and Authority of Inspectors.**

(1) Duly authorized employee(s) of the community or sewer district, bearing proper credentials and identification, shall be permitted to enter all properties for inspection, observations, measurement, sampling, testing, repair and maintenance in accordance with the provisions of this Section.

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

6.209 <u>The Sewer Service Charge System.</u>

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

(2) Charges to users of the wastewater treatment facility shall be determined and fixed in a Sewer Service Charge System (SSCS) developed according to the provisions of this Section. The SSCS adopted by resolution upon enactment of this Section shall be published in the local newspaper and shall be effective upon publication. Subsequent changes in the sewer service rates and charges shall be adopted by Council resolution and published in the local paper.

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

(4) The community of Walnut Grove hereby establishes a Sewer Service Fund as an income fund to receive all revenues generated by the SSCS and all other income dedicated to the wastewater treatment facility.

(5) The SSF administered by a designated representative shall be separate and apart from all other accounts. Revenues received by the SSF shall be transferred to the following accounts established as income and expenditure accounts:

a. Operation and Maintenance

b. Equipment Replacement

c. Debt Retirement for the treatment facility (if any)

(6) Administration of the Sewer Service Fund:

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

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

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

d. Sewer Service Charges shall be billed on a monthly basis. Any bill not paid in full 60 days after the due date will be considered delinquent. At that time the user will be notified regarding the delinquent bill and subsequent penalty. The penalty shall be computed as 10% of the original bill and shall be increased by the same percent for every month the bill is outstanding.

6.210 Determination of Sewer Service Charges.

(1) Users of the wastewater treatment facilities shall be permitted into one of the following classes:

a. Residential

b. Non-residential

c. Industrial

(2) Charges to users who discharge NDSW will be calculated on the basis of metered water use.

(3) Each user shall pay operation, maintenance and replacement costs in proportion to the user's contribution of wastewater flows and loadings to the treatment plant, with a minimum rate for loadings of BOD and TSS being the rate established for normal domestic strength waste (NDSW) concentrations.

(4) Those industrial users discharging only segregated NDSW can be classified as non-residential users for the purposes of rate determination.

(5) Charges for residential and non-residential users will be determined proportionately according to billable wastewater flow.

a. RESIDENTIAL USERS: Billable wastewater volume for residential users shall be calculated on the basis of metered water usage. The monthly billable wastewater volume will be equal to the monthly metered water usage. The city may require residential users to install water meters for the purpose of determining billable wastewater volume.

b. NON-RESIDENTIAL USERS: Billable wastewater volume of non-residential users may be determined in the same manner as for residential users. The City may require non-residential users to install such additional water meters or wastewater flow meters as may be necessary to determine billable wastewater volume.

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

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

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

(7) Determination of User Charges

a. For producers of Normal Domestic Strength Wastes:

$$Uomr = \frac{OM\&R}{Tbwv}$$

Where : Uomr = Unit cost for Operation, Maintenance and Equipment Replacement in $/Kgal.
OM&R= Total annual OM&R costs.
Tbwv = Total annual billable wastewater flow in Kgal.

b. Calculation of User Charges:

$$Uc = Uomr \times Bwv + Base$$

Where: Uc = User Charge.
Uomr = Unit cost for Operation, Maintenance and Equipment Replacement in $/Kgal.
Bwv = Billable wastewater volume in Kgal.
Base = Base charge for administration costs.

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

a. Calculation of Unit Cost for Debt Service

$$Uads = \frac{Ads}{Tbwv}$$

Where: Uads = Unit cost for annual debt service ($/Kgal).
Ads = Cost of annual debt service.
Tbwv = Total annual billable wastewater volume (Kgal).

b. Calculation of Debt Service Charge

$$Dsc = Uds \times Bwv + Base$$

Where: Dsc = Debt Service Charge to a particular connection
Uds = Unit Charge for Debt Service ($/Kgal).
Bwv = Billable wastewater volume for a particular user (Kgal)
Base = Base Charge per connection

(9) Determination of Sewer Service Charges: The sewer service charge for a particular connection shall be determined as follows:

$$SSC = UC + DSC$$

Where: SSC = Annual Sewer Service Charge
UC = Annual User Charge
DSC = Annual Debt Service Charge

6.211 Penalties.

(1) Upon determination that a user has violated or is violating applicable provisions of this Section or related permits, the authorized representative may issue a Notice of Violation. Within 30 days of such notification, the violator shall submit to the authorized representative an adequate explanation for the violation and a plan for the correction and prevention of such occurrences, including specific actions required. Submission of such a plan in no way relieves the violator of liability of any violation occurring before or after the issuance of the Notice of Violation.

(2) Any person found to be violating any provision of this Section shall be guilty of a misdemeanor and shall be prosecuted accordingly. Each day in which any such violation occurs shall be deemed as a separate offense. Such fines may be added to the user's next sewer service charge, and will hence be subject to the same collection regulations as specified in Subsection 6.209, Para. (6). Users desiring to

dispute a fine must file a request for the authorized representative to reconsider within 30 days of the issuance of the fine. If the authorized representative believes that the request has merit, a hearing on the matter shall be convened with 30 days of the receipt of the request.

(3) To collect delinquent sewer service charge accounts, the community or sewer district may file a civil action suit or levy a lien against the violator. Related attorney's fees fixed by court order shall also be collected. The violator shall be liable for interest on all balances at a rate of 18 percent annually.

(4) Any person violating any of the provisions of this Chapter shall become liable to the City for any expense, loss or damage occasioned by the community or sewer district by reason of such violation.

SECTION 6.3 – STORM WATER DRAINAGE UTILITY

6.301 The Storm Water Drainage Utility shall be operated as a public utility pursuant to the City Charter, City Code, and applicable statutes. The revenues therefrom shall be derived subject to the provisions of this Chapter and Chapter 444, Minnesota Statutes. The Storm Water Drainage Utility shall be administered by the City Clerk-Treasurer under the administration of the City Council.

6.302 **Definitions.** The following terms shall have the definitions as hereinafter stated with respect to the construction and interpretation of this Section:

(1) Construction. Construction shall mean the improvements to the storm water system in areas not previously served with lateral and trunk lines.

(2) Maintenance. Maintenance shall include direct and indirect costs as well as equipment costs for repairs and cleaning. Cleaning includes, catch basin cleaning, jetting, thawing pipes and any other operation which assures a dependable drainage system. It shall also include the administrative costs.

(3) Reconstruction. Reconstruction shall mean the improvements made to the storm water drainage system in areas previously served with lateral and trunk lines.

(4) Administrative. Administrative costs as associated with acquiring and maintaining the necessary contour maps which define the watershed in and for the City of Walnut Grove. Also included shall be periodic planning & engineering studies which shall determine the adequacy and condition of the storm water drainage system.

6.303 **Storm Water Drainage Fees.** Storm water drainage fees shall be added as a monthly fee to each water utility service in the city limits of the City of Walnut Grove.

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

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

SECTION 6.4 – FRANCHISES

6.401 Ordinance #165 previously adopted by the City Council, granting to Walnut Grove Cable TV a franchise for the purpose of supplying cable communication services to the City of Walnut Grove, shall remain in full force and effect as fully as if set forth herein; a copy of which is included in the Appendix to this City Code.

6.402 Ordinance #172 previously adopted by the City Council, granting to Interstate Power and Light Company a franchise to maintain and supply electricity to the City of Walnut Grove, shall remain in full force and effect as fully as if set forth herein; a copy of which is included in the Appendix to this City Code.

6.403 Ordinance #180 previously adopted by the City Council, granting to Minnesota Energy Resources, a subsidiary of WEC Energy Group, a Wisconsin corporation, authority to supply and operate natural gas to the City of Walnut Grove, shall remain in full force and effect as fully as if set forth herein; a copy of which is included in the Appendix to this City Code.

CHAPTER 7
STREETS AND PUBLIC PLACES

SECTION 7.1 – STREETS AND HIGHWAYS WITHIN THE CITY

7.101 **Definitions.** Any term used in the Section and defined in Minnesota Statutes, Section 169.1 has the meaning given it by that section.

7.102 **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 reserve free flow of traffic or to prevent accidents. The City Maintenance Chief shall post appropriate signs at the entrance to such streets. No state aid or truck highway shall be designated unless consent of the State Commissioner of Highways to such designation is first secured.

7.103 **Truck Restrictions.** The City Council by resolution may designate streets on which travel by commercial vehicles in excess of 8000 pounds gross weight per axle is prohibited. The City Maintenance Chief shall erect appropriate signs on such streets. No person shall operate a commercial vehicle on such posted streets in violation of the restriction.

7.104 **Seasonal Weight Restrictions.** The City Council may prohibit the operation of vehicles upon any street under its jurisdiction or impose weight restrictions on vehicles to be operated on such streets whenever the street, by reason of deterioration, rain, snow or other climatic conditions, will be seriously damaged or destroyed unless the use of vehicles on the street is prohibited or the permissible weights thereof reduced. The City shall erect and maintain signs plainly indicating the prohibition or restriction 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 restrictions.

7.105 **Parking Regulations.**

(1) The City Council may by resolution designate certain streets or portions of streets as No Parking or No Stopping Zones and may limit the hours in which the restrictions apply. The City Maintenance Chief shall mark by appropriate signs each zone so designated. Except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or other traffic control device, no person shall stop or park a vehicle in an established No Stopping Zone when stopping 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 7:00 A.M. and 6:00 P.M. of any business day for the purpose of loading or unloading where access to the premises is not otherwise available.

(2) Time Limit Parking Zones. The City Council may, by resolution designate certain areas where the right to park is limited during hours specified. The City

Maintenance Chief shall mark by appropriate signs each zone so designated. 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.

7.106 **Traffic Controls.** To assist in the direction and control of traffic to improve safe driving conditions at any intersection, unsafe or dangerous location, and to warn pedestrians or drivers of motor vehicles of dangerous conditions or hazards, the City Council may by resolution establish safety zones, lanes of traffic and stop intersections, and they may order the installation of stop signs, yield signs, warning signals, pavement markings or other devices. No trunk highway shall be so regulated or designated unless the consent of the State Commissioner of Highways is first secured.

7.107 **Police Duties.** The Police Department shall enforce the provisions of the Section 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 Section and state traffic laws.

7.108 **Penalty.** Any person convicted of violating any provision of the Section is guilty of a petty misdemeanor and shall be punished by a fine of not to exceed $100.00.

SECTION 7.2 – SIDEWALKS AND BOULEVARDS

7.201 **Sidewalk Width.** The width of the sidewalks in all streets within the said city of Walnut Grove, unless otherwise specifically ordered or otherwise herein specified, shall be five (5) feet, excepting as follows: all sidewalks constructed along Main St. in blocks six (6), seven (7), eight (8), nine (9), and ten (10) shall be ten (10) feet wide; and all sidewalks on the east side of block seven (7) and south along the east side of block ten (10) as far as the alley, shall be eight (8) feet wide; and all sidewalks along the West side of blocks eleven (11) and twenty-two (22), and the east side of twenty-three (23), shall be six (6) feet wide.

7.202 **Grade.** All sidewalks in streets for which a system of grade has been established, shall be laid in acceptance with the system of sidewalk grade which has been established, or shall be established in the said city, by the said City Council, and all such walks shall have a rise of one inch from the curb-stone or outer edge of the sidewalk, to the line of the street. All sidewalks in the streets of the said city on which no system of grade has been established shall be laid as near as practicable to present or natural surface of the street, subject to approval of the City Council.

7.203 **Repairs.**

(1) Whenever any sidewalk has been built which is required to be built by the City Code or resolution of the City Council of this city, or whenever any sidewalk is out of repair, or does not conform to the grade established by the City Council, or fails in any manner to conform to the requirements of the City Code or resolution of the said city, it shall be the duty of the owners of the lot or lots adjacent thereto, to build, or repair the same in accordance with the requirements of the City

Council within forty (40) days after notice is properly served by the said City Council, and any sidewalk which shall not be built or repaired, or raised or lowered to grade in accordance with the requirements of the City Code or resolution of the City Council within the time aforesaid, shall be built or repaired by the said city of Walnut Grove at the expense of the lot, or lots adjacent thereto, in accordance with the provisions of the General Laws of the State of Minnesota relative thereto.

(2) All sidewalks which shall hereafter be built or repaired, or any sidewalk which shall be condemned and ordered re-built by the City Council of the said City of Walnut Grove, within the said city, shall be built, constructed or repaired by the owner or owners of lots adjacent thereto, of cement, or stone, or other like material acceptable to the City Council of the said City of Walnut Grove.

7.204 **Specifications.** The specifications for the construction of all cement sidewalks within the said city shall be as follows, to-wit: foundation for the said sidewalks above the dirt, or grade of all of the walks built of cement shall consist of six (6) inches of gravel, and cement grout, properly packed, and the surface of all such walks shall consist of cement and gravel mixed in proper proportions, and finished to a smooth surface, at least four (4) inches thick. Any sidewalks which may be constructed of stone shall have a smooth and even surface of dressed stone which shall be acceptable to the City of Walnut Grove.

SECTION 7.3 – PLANTING OF TREES

7.301 **Planting of Trees Prohibited.** No person or entity shall plant or cause to be planted a tree of any kind in or upon the right-of-way of any public highway, alley, boulevard, or other public place within the City of Walnut Grove.

7.302 **Violation and Penalty.** Any person or entity violating the provisions of this Section shall be guilty of a petty misdemeanor, and upon conviction shall be punished by a fine of not more than two hundred dollars ($200.00). Any trees planted in violation of this Section shall be subject to immediate removal by the City at the expense of the property owner.

SECTION 7.4 – City Parks and Property

7.401 **Rules.** The City Council shall have the authority to pass rules for all City Parks and City Property by resolution. Such rules may include, but are not limited to, setting the hours of public use, regulating the use of alcohol and cannabis, limiting or banning overnight camping, and any other rule that the City Council deems necessary.

7.402 **Posting of Rules.** The City Council may post signs listing the rules for the park or other City property. The absence of such a sign is not a defense for violating the rules passed by resolution. The full list of rules passed by the City Council shall be made available at City Hall.

7.403 **First Offense Violation and Penalty.** Any person violating a Rule established by the City Council shall be guilty of a petty misdemeanor, and upon conviction shall

be punished by a fine of not more than two hundred dollars ($200.00). Any person found in violation of the rules may be immediately removed from city property.

7.404 **Second or More Offense Violation and Penalty.** Any person violating a Rule established by the City Council within one year of a prior conviction shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than one thousand dollars ($1,000.00) and sentenced to not more than ninety (90) days in jail. Any person found in violation of the rules may be immediately removed from city property.

CHAPTER 8
VEHICLES AND TRAFFIC

SECTION 8.1 – GENERAL TRAFFIC AND PARKING REGULATIONS

8.101. Highway Traffic Regulation Act Incorporated by Reference. The regulatory provisions of Minnesota Statues, Chapter 169, as amended, one copy of which is on file in the office of the city clerk, are hereby adopted as a traffic ordinance regulating the use of highway, streets, and alleyways within the City insofar as such provisions are applicable thereto, and, except as otherwise provided by this code, are hereby adopted and made a part of this code as completely as if set out herein in full.

Exhibition Driving

8.102. Exhibition Driving. No person shall operate any vehicle in such a manner as to create or cause unnecessary engine noise, tire squealing, skidding or sliding upon acceleration or stopping, or in such a manner as to simulate a race or temporary race or to cause such vehicles to unnecessarily sway or turn abruptly or to impede traffic.

Parking

8.103. Parking and Storing. It shall be unlawful for anyone to park, store or keep any vehicle, recreational equipment, or other device or structure as enumerated herein, in violation of the terms of this Section.

(1) Definitions. For purposes of this Section the following words have the meanings specified below.

a. "Vehicle" or "vehicles" means a motor vehicle or trailer as defined in Minn. Stat. § 169.011, including pioneer, classic collector and street rod vehicles, but excluding small trailers that are clearly designed to be used for general yard and garden purposes and not for travel on the roadways.

b. "Recreational devices" means and includes the following:
   i. Boats, boat trailers, and any other water-craft
   ii. snowmobiles; and
   iii. all-terrain vehicles as defined in Minn. Stat. § 84.92, subd. 8.

c. "Front yard area" means all that area between the front property line and a line drawn along the front face or faces of the principal structure on the property and extended to the side property lines.

d. "Outside" means to be outside of an enclosed storage facility and visible from any other property.

e. "Occasional Guest" means a person who does not reside on the property on a regular basis, or a person who resides on the property no more than any part of four months during a year.

(2) Declaration of nuisance. The outside parking and storage on property in a residential area of vehicles, recreational devices, materials, supplies or equipment not customarily used for residential purposes in violation of the requirements set forth below is declared to be a public nuisance because it (a) obstructs views on streets and private property, (b) creates cluttered and otherwise unsightly areas, (c) prevents the full use of residential streets for residential parking, (d) introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited, (e) decreases adjoining landowners and occupants' enjoyment of their property and neighborhood, and (f) otherwise adversely affects property values and neighborhood patterns.

(3) Unlawful parking and storage.

a. No vehicle or recreational device as defined in Section 8.103 of the City Code shall be stopped, parked, or left standing upon any street for a continuous period in excess of seventy-two (72) hours. No vehicle shall be parked within view of a City Street for more than thirty (30) days. Vehicles must be driven on a regular basis or stored in an appropriate facility. Vehicles parked or stored outside must bear current license plates.

b. No vehicle shall be parked on any street or alley or the right of way thereof for the purpose of displaying it for sale or for storage, or for the purpose of assembling or repairing the same.

c. A person must not place, store, or allow the placement or storage of pipe, lumber, forms, steel, machinery, or similar materials, including all materials used in connection with a business, outside on property in a residential area, unless shielded from public view by an opaque cover or fence.

d. A person must not cause, undertake, permit or allow the outside parking and storage of vehicles or recreational devices on property in a residential area unless it complies with the following requirements.
   i. Vehicles, recreational devices and other articles stored outside on residential property must be owned by a person who resides on that property. Students who are away at school for periods of time but still claim the property as their legal residence will be considered residents on the property.
   ii. Vehicles stored outside on residential property must bear current license plates.
   iii. Vehicles stored outside on residential property may not be stored on the property more than any part of 20 days in any month if they are inoperable.

e. No vehicle shall be parked on a city street in a manner that interferes with snow removal operations. A vehicle shall be deemed to be in violation of this section if it is continuously parked on a city street for a period of 8 hours following the commencement of snow removal activities. A vehicle shall also be in violation of this section if such vehicle, following the commencement of snow removal activities, is thereafter parked on a city street in an area which has not been cleared of snow. Any vehicle parked in violation of this section is subject to towing at the owner's expense, and the owner thereof shall be guilty of a petty misdemeanor.

(4) A person owning, driving or in charge of a vehicle with a weight classification of G through T inclusive, as specified in Minn. Stat. § 168.013, Subd. 1e, must not cause or permit that vehicle to be parked outside or to stand continuously for more than two hours on any property or public street within a residential area in the city.

(5) Exceptions. The prohibitions of this section do not apply to the following:

a. A motor truck, pickup truck or similar vehicle being used by a public utility, moving company, or similar company, that is actually being used to service a residence not belonging to or occupied by the operator of the vehicle;

b. A vehicle that is actually making a pickup or delivery at the location where it is parked. Parking for any period of time beyond the period of time reasonably necessary to make the pickup or delivery and in excess of two hours is unlawful; and

c. Lawful nonconforming and permitted uses.

(6) Abatement. A police officer or other authorized person may order a vehicle constituting a public nuisance under subparagraphs 3.A. and 3.D. above to be immediately removed and/or impounded. The impounded vehicle will be surrendered to the owner by the towing contractor only upon payment of the required impound, towing and storage fees.

(7) Penalty. Violation of any of the terms or prohibitions of this Section shall be a petty misdemeanor. In addition, if the owner or person in charge, parks, stores or keeps a vehicle or recreational device in violation of the provisions of this Section, it may be removed and stored by the city at the owner's expense.

8.104. Angle Parking, Double Parking, No Parking and Limited Parking Zones. The City Council may, from time to time, by motion or resolution, designate portions of the highways and streets within the City of Walnut Grove as angle parking zones, as no parking zones and/or as limited parking zones, shall cause such zones to be marked by appropriate signs. The location of such signs shall be prima facie evidence that the City council has by proper resolution or motion authorized the establishment of such angle parking, no parking and/or limited parking zones on the basis of convenience to the public and traffic hazards. No person shall park

any vehicle in any angle parking, no parking and/or limited parking zone for a longer period than is specified on the signs marking such zones. No vehicles shall be double parked on any street or highway in the City of Walnut Grove.

8.105. Authority of Council to Restrict Parking. The City council shall have power to make reasonable rules and regulations relative to the parking, stopping, or locating of any motor vehicle, trailer, semi-trailer, or other personal property, in and upon any highway, street, alley, public parking lot, or other public place in the City of Walnut Grove during periods of snow removal, street cleaning or sweeping, street construction, improvement or repair, and the construction, improvement or repair of utilities located in and upon such highway, street, alley, public parking lot, or other public place. Such regulations shall be posted in the City Hall and copies thereof may otherwise be given in such manner as the City Council may direct. Any motor vehicle, trailer, semi-trailer, or other personal property parked, stopped or located in and upon any highway, street, alley, public parking lot or other public place in the City of Walnut Grove in violation of such regulations may forthwith be removed therefrom by any officer agent or employee of the City and the cost of such removal shall be paid for by the owner of the vehicle.

SECTION 8.2 – SNOWMOBILES

8.201 The operation and use of snowmobiles in the City of Walnut Grove shall be regulated as follows:

8.202 Definitions. For the purposes of this Section the terms defined herein shall have the meaning ascribed to them as hereinafter set forth:

(1) "Person" includes an individual, firm, partnership, corporation, trustee, association, the state and its agencies and subdivisions, and any body of person, whether incorporated or not, and with respect to acts prohibited or required herein shall include employees and licensees.

(2) "Snowmobile" means a self-propelled vehicle designed for travel on snow or ice or a natural terrain steered by wheels, skis or runners.

(3) "Owner" means a person, other than a lien holder, having the property in or title to a snowmobile entitled to the use or possession thereof.

(4) "Operate" means to ride in or on and control the operation of a snowmobile.

(5) "Operator" means every person who operates or is in actual physical control of a snowmobile.

(6) "Register" means the act of assigning a registration number to a snowmobile by the commissioner of conservation.

(7) "Commissioner" means the commissioner of conservation acting directly or through his authorized agent.

(8) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

(9) "Street" or "Highway" shall mean the entire width between the boundary lines of way or place when any part thereof is open to the use of the public in the Village of Walnut Grove, as a matter of right, for the purposes of vehicular traffic.

(10) "Daylight" hours shall mean any time except from a half hour after sunset to a half hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles at a distance of 500 feet.

8.203 County, State and Interstate Highways, Restrictions. No person shall operate a snowmobile upon the roadway, shoulder, or inside bank or slope of any trunk, county state aid, or county highway in the City of Walnut Grove except as provided in this Section. No person shall operate a snowmobile within the right-of-way of any trunk, county state aid, or county highway between the hours of one-half hour after sunset to one-half hour before sunrise, except on the right-hand side of such right-of-way and in the same direction as the highway traffic on the nearest lane of the roadway adjacent thereto.

8.204 Crossing Streets or Highways. A snowmobile may make a direct crossing of a street or highway provided:

(1) The crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing; and

(2) The snowmobile is brought to a complete stop before crossing the shoulder or main traveled way of the highway; and

(3) The driver yields the right of way to all oncoming traffic which constitutes an immediate hazard; and

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

8.205 Lamps, Brakes and Reflector Material Required. No snowmobiles shall be operated upon a public street or highway unless it is equipped with at least one head lamp and one tail lamp, and with brakes and reflector material, which conform to the requirements of state law.

8.206 Emergencies. A snowmobile may be operated upon a public street or highway other than as provided by Section 8.203 in an emergency during the period of time when and at locations where snow upon the roadway renders travel by automobile impractical.

8.207 Traffic Laws and Rules Control Operation. All provisions of Chapter 169, Minnesota States, regulating traffic and the operation of motor vehicles upon streets or highways shall apply to the operation of snowmobiles upon streets and highways, except for those relating to required equipment, and except those which by their nature can have no application.

8.208 Operation Generally. It shall be unlawful for any person to drive or operate any snowmobile in the following unsafe or harassing ways:

(1) At a rate of speed greater than reasonable or proper under all the surrounding circumstances;

(2) In a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage thereof;

(3) While under the influence of intoxicating liquor or narcotics or habit forming drugs;

(4) Without a lighted head and tail light when required for safety;

(5) In any tree nursery or any shrub or tree planting, in a manner which damages or destroys growing stock, or landscaping on private or public property.

8.209 Equipment Required. No person shall operate a snowmobile within the right of way limits of a street or highway unless it is equipped as required by state law.

8.210 Permission to Enter Private Property. No person while operating a snowmobile shall enter upon the lands of another unless and until permission is obtained from the owner or lessee, if there be one.

8.211 Public Lands. No persons shall operate a snowmobile on any publicly owned lands, including but not limited to schools, park property, playgrounds, recreation areas and golf courses, except areas previously listed or authorized for such use by the proper public authority, in which case such use shall be lawful and snowmobiles may be driven in and out of such areas by the shortest route. Authorized areas, if any, in the City of Walnut Grove, owned by the City, shall be designated by council resolution.

8.212 Prohibited in Areas Dangerous to Person or Property. No person shall drive a snowmobile within 100 feet of any shelter, pedestrian, skating rink or sliding area; or in any other area where such operation would conflict with use or endanger other persons or property.

8.213 Hours of Operation. Any snowmobile not equipped as required by state law shall only be operated on private property and during daylight hours. It is unlawful for any person to operate a snowmobile during the hours from 1:30 A.M. to 6:00 A.M. of any day within the City of Walnut Grove.

8.214 **Minors, Parent's Written Permission.** No person under 14 years of age shall make a direct crossing of a trunk, county state aid, or county highway as the operator of a snowmobile, or operate a snowmobile upon a street or highway within the City of Walnut Grove. A person 14 years of age or older but less than 18 years of age, may make a direct crossing of a trunk, county state aid, or county highway only if the person has in immediate possession a valid snowmobile safety certificate issued by the Commissioner or a valid motor vehicle operator's license authority of another state.

8.215 **Passengers.** No person shall operate a snowmobile and no person shall ride as a passenger at any time when three or more persons shall be upon such snowmobile. (Unless one is a parent).

8.216 **Registration.** No person shall operate a snowmobile which has not been registered as required by the State of Minnesota Statutes, or without registration numbers so assigned by the Conservation Department securely fixed on each side of the forward half of the snowmobile in such position as to provide clear legibility for identification.

8.217 **Valid Driver's License.** No person shall operate a snowmobile within the right of way of any public street within the City of Walnut Grove unless the operator shall have a valid motor vehicle driver's license issued to him by the State of Minnesota or is accompanied by a licensed driver, who is actually occupying a seat in the vehicle, provided however this requirement shall not apply to persons operating a snowmobile crossing a public street or highway in a proper manner as described in Subsection 8.204 of this Chapter.

8.218 **Penalty.** Any person violating the provisions of this Section shall be guilty of a petty misdemeanor and upon conviction shall be punished by a fine of not more than two hundred dollars ($200.00).

SECTION 8.3 – SPECIAL VEHICLES

8.301 **The operation and use of Special Vehicles, including motorized golf carts, utility task vehicles, class 1 all-terrain vehicles, and mini-trucks in the City of Walnut Grove shall be regulated as follows:**

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

(1) "Driver." The person driving and having physical control over the motorized golf cart, utility task vehicle, all-terrain vehicle, or mini-truck and being the licensee.

(2) "Utility Task Vehicle." As defined by Minn. Stat. § 169.045, subd. 1 (3), a side-by-side, four-wheel drive, off-road vehicle that has four wheels, is propelled by an internal combustion engine with a piston displacement capacity of 1,200 cubic centimeters or less, and has a total dry weight of 1,800 but less than 2,600 pounds.

(3) "All-Terrain Vehicle." As defined by Minn. Stat. § 84.92, subd. 8 "All-terrain vehicle" or "vehicle" means a motorized vehicle with: (1) not less than three, but not more than six low pressure or non-pneumatic tires; (2) a total dry weight of 2,000 pounds or less; and (3) a total width from outside of tire rim to outside of tire rim that is 65 inches or less. All-terrain vehicle includes a class 1 all-terrain vehicle and class 2 all-terrain vehicle.

(4) "Mini-Truck." As defined in Minn. Stat. § 169.011, subd. 40(a), a motor vehicle that has four wheels; is propelled by an electric motor with a rated power of 7,500 watts or less or an internal combustion engine with a piston displacement capacity of 660 cubic centimeters or less; has a total dry weight of 900 to 2,200 pounds; contains an enclosed cabin and a seat for the vehicle operator; commonly resembles a pickup truck or van, including a cargo area or bed located at the rear of the vehicle; and was not originally manufactured to meet federal motor vehicle safety standards required of motor vehicles in the Code of Federal Regulations, title 49, sections 571.101 to 571.404, and successor requirements. A mini-truck does not include: a neighborhood electric Page 3 vehicle or a medium-speed electric vehicle; or a motor vehicle that meets or exceeds the regulations in the Code of Federal Regulations, title 49, section 571.500, as it may be amended from time to time.

(5) "Motorized Golf Cart." Any passenger conveyance being driven with four wheels with four low-pressure tires that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 800 pounds.

8.303 No person shall operate a motorized golf cart, utility task vehicle, all-terrain vehicle, or mini-truck on streets, alleys, sidewalks or other public property without obtaining a permit as provided herein.

(1) Every application for a permit shall be made on a form supplied by the city and shall
contain all of the following information:

a. The name and address of the applicant.

b. Model name, make, and year and vin/identification number of the motorized golf
cart, all-terrain vehicle, or mini-truck.

c. Other information as the city may require.

(2) The permit fee shall be as set forth in the Ordinance Establishing Fees and Charges adopted pursuant to Resolution by the City Council.

(3) Permits shall be granted for a period of two years and may be renewed.

(4) No permit shall be granted or renewed unless the following conditions are met:

a. The applicant must demonstrate that he or she currently holds a valid Minnesota
driver's license.

b. The applicant must provide evidence of insurance in compliance with the provisions of Minnesota Statutes concerning insurance coverage for the golf cart, utility task vehicle, all-terrain vehicle, or mini-truck.

c. A signed inspection of the golf cart, utility task vehicle, all-terrain vehicle or mini-truck must be completed by the Walnut Grove Police Department or designated City representative.

i. This inspection shall include such areas as proper brakes, applicable signage and applicable lighting.

(5) Motorized golf carts, utility task vehicles, all-terrain vehicles, and mini-trucks are permitted to operate only on city streets, not state, county, county-state aid, or federal highways, except to cross at designated intersections.

(6) Motorized golf carts, utility task vehicles and all-terrain vehicles may only be operated on designated roadways from sunrise to sunset. They shall not be operated in inclement weather conditions or at any time when there is insufficient light to clearly see persons and vehicles on the roadway at a distance of 500 feet.

a. As per Minn. Stat. § 169.045, subd. 3 motorized golf carts, all-terrain vehicles and utility task vehicles may be operated outside of sunrise to sunset if equipped with headlights, taillights and rear facing brake lights.

(7) Motorized golf carts shall display the slow-moving vehicle emblem provided for in Minn.Stat. § 169.045, as it may be amended from time to time, when operated on designated roadways.

(8) A mini-truck may be operated under permit on designated roadways if it is equipped with all of the following:

a. At least two headlamps.
b. At least two tail lamps.
c. Front and rear turn-signal lamps.
d. An exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror.
e. A windshield.
f. A seat belt for the driver and front passenger.

g. A parking brake.

(9) Motorized golf carts, utility task vehicles, all-terrain vehicles, and mini-trucks shall be equipped with a rear-view mirror to provide the driver with adequate vision from behind as required by Minn. Stat. § 169.70.

(10) The operator of a motorized golf cart, utility task vehicle, all-terrain vehicle, or mini-
truck may cross any street or highway intersecting a designated roadway.

(11) Every person operating a motorized golf cart, a utility task vehicle, an all-terrain vehicle, or a mini-truck under permit on designated roadways has all the rights and duties applicable to the driver of any other vehicle under the provisions of Minn. Stat. ch. 169, as it may be amended from time to time, except when these provisions cannot reasonably be applied to motorized golf carts or mini-trucks and except as otherwise specifically provided in Minn. Stat. § 169.045, subd.7, as it may be amended from time to time.

(12) The City Council may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any of the provisions of this section or Minn. Stat. ch. 169, as it may be amended from time to time, or if there is evidence that the permit holder cannot safely operate the motorized golf cart, utility task vehicle, all-terrain vehicle, or mini-truck on the designated roadways.

(13) The number of occupants on the golf cart, utility task vehicle, all-terrain vehicle, or mini-truck may not exceed the design occupant load.

SECTION 8.4 – OPERATION OF RIDE-ON LAWN MOWERS

8.401 No person shall operate a ride-on lawn mower on streets, alleys, sidewalks, or other public property except as provided:

(1) A ride-on lawn mower may only be driven on City Streets and alleys to and from one property to another to mow the destination property.

(2) A ride-on mower may be driven to and from a gas station for the purpose of refueling the ride-on mower.

(3) Any person driving a ride-on mower must be at least 12 years of age and obey all traffic regulations.

(4) Hours of operation are limited to sunrise to sunset unless the ride-on lawn mower is equipped with headlights, taillights and rear facing brake lights.

CHAPTER 9
HOUSES, BUILDINGS AND STRUCTURES

SECTION 9.1 – MINNESOTA BUILDING CODE

9.101 Minnesota Building Code Adopted. Regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance or all buildings and/or structures in the City of Walnut Grove; Providing for the Issuance of Permits and Collection of Fees Therefore; Providing Penalties for the Violation thereof.

(1) Building Code. The Minnesota State Building Code, one copy of which is on file in the office of the City Clerk has been adopted by Laws 1977, Chapter 381 as a uniform building code and applicable throughout the state. Such code is hereby confirmed as the building code of the City of Walnut Grove and incorporated in this Chapter as completely as if set out in full. In addition, all other codes, appendices, standards, and supplemental materials referenced in the Code are hereby adopted by reference as part of the Building Code of the City of Walnut Grove and incorporated into this Chapter as completely as if set out in full, provided, however, that the optional appendices, standards, and supplemental materials not a mandatory part of the Code are not adopted herein.

(2) Organization and Enforcement. The organization of the Building Department and enforcement of the Code shall be conducted within the guidelines established by Chapter 2 of the Uniform Building Code 1976 Edition.

(3) The City Council shall be the Building Code Department of the City of Walnut Grove. The Administrative Authority shall be the State Certified "Building Official" as designated by the City council.

(4) Permits, Inspections and Fees. The issuance of permits, conduction of inspections and collections of fees shall be determined.

SECTION 9.2 – RESIDENTIAL AND COMMERCIAL DISTRICTS

9.201 Division of Districts. The City of Walnut Grove, Minnesota, is hereby divided into the following districts:

(1) Residential District

(2) Commercial and Residential District

(3) Commercial District

The boundaries of these districts are delineated on the map, entitled "Zoning Map of the City of Walnut Grove, Minnesota," which map is dated December 14, 2015, the original thereof being a

record and filed in the Office of the City Clerk of said City of Walnut Grove, and open to the public for inspection. A copy of such map may be found in the Appendix of this City Code.

9.202 Residential District, Conforming Uses. In the residential district, unless otherwise provided in this Chapter, no building or premises shall be used, and no building shall hereafter be erected or structurally altered, except for one or more of the following uses:

(1) One or two family private dwellings of two and a half stories or less and their accessory buildings.

(2) Recreational or community buildings, which are publicly owned and operated, parks and playgrounds; golf courses, churches, libraries, schools and memorial buildings, hospitals and clinics.

Any land which may be added to the said City in the future, shall be placed in the residential district until special action of the City Council as hereinafter provided, shall definitely assign such land to other use districts.

9.203 Commercial District, Conforming Uses. In the commercial district, unless otherwise provided in this Chapter, no buildings or premises shall be used, and no building shall hereafter be erected or structurally altered, except for one or more of the following uses:

(1) Retail commercial and merchandising establishments such as grocery stores, dry goods and department stores, drug stores, bakeries, candy and ice cream shops, jewelry stores, offices, and all other similar commercial enterprises and establishments, normally found in cities.

(2) Public garages, gasoline filling stations, battery and tire service stations, licensed places of amusement, restaurants, taverns, beer parlors, grain elevators, lumber yards, funeral homes, hotels, lodging houses, mechanical shops, and all other enterprises of the same or similar nature.

(3) Farm land.

Any other use of the same general character as the uses hereinbefore permitted, provided such business or use is not obnoxious by reason of the emission of dust, odor, gas, smoke, or noise, or by reason of being an excessive fire hazard.

9.204 Commercial and Residential District, Conforming Uses. In the commercial and residential district, unless otherwise provided in this Chapter, no building or premises shall be used, and no building shall hereafter be erected or structurally altered, except for one or more of the following uses:

(1) All uses permitted in Subsections 9.202 and 9.203 hereof; under residential and commercial districts, PROVIDED, HOWEVER, that all uses in the commercial

and residential districts must be by Special Permit of the City Council, passed by a four-fifths vote of all the members of said Council.

9.205 Non-Conforming Uses, Provisions.

(1) The lawful use of a building or premises existing at the time that this Chapter takes effect, may be continued although such use does not conform to the provisions hereof. Such use may be extended through the building, provided no structural alterations are made therein; other than those required by ordinance or law. If such non-conforming use consists of a substantial building and is discontinued for two years, or more, any future use of the building must be in conformity with the provisions of this Chapter. However, if any non-conforming use on lands on which there are no substantial buildings is discontinued, for any length of time, however short, any future use of the land must be in conformity with the provisions of this Chapter.

(2) No building shall be erected or altered, for use as a dwelling on a lot having less than fifty (50) feet frontage on a street.

This provision shall not be so construed as to prohibit the owner of a single lot of less than fifty (50) feet in width, from building a home thereon, provided that the lot is of record, as being owned by him or her, or her or them, on or before 2015.

(3) For the purpose of insuring reasonable visibility, in the residential district, it is provided that no structure may be erected, or any vegetation maintained, other than trees trimmed to a height of eight feet above curb level, and shrubs and hedges trimmed below a height of three feet above curb level; for a distance of thirty feet from the intersection of the property lines of the two streets.

(4) All fences erected must be 36” inside property lines on all sides.

(5) Any building which is partially damaged or destroyed by fire, water, wind or otherwise, may be restored to its former use; provided, that no building which does not conform to the requirements of the use district in which it is located, and which is thus partially damaged or destroyed to the extent of fifty percent or more may not be rebuilt or reconstructed. Estimate of the extent of damage or destruction shall be made by the City Council of said City of Walnut Grove or its appointed agent.

(6) Public utility buildings to be used for the purpose of rendering service to the community, and not for warehouse purposes, may be permitted in any use district.

Such variation from the height and area district regulations may be allowed for such buildings by the City Council as they deem necessary.

(7) No stockyard, and/or any livestock buying and selling market or pen or yard, of any kind or description, shall be operated within the corporate limits of the City of

Walnut Grove, Minnesota; as the same are hereby declared to be a general nuisance, by giving off objectionable smells and odors, by creating a noisy condition and in general being an unsanitary condition, conducive to the breeding of flies and vermin, in general.

(8) No property situated within any of the use districts in said City, shall be used for loading or unloading of livestock between trucks or other vehicles, in a commercial way, unless the person or firm desiring to so do shall first obtain a Special Permit, authorizing such operations, from the City Council, as such operations within the limits of said City, are hereby declared a general nuisance.

(9) It shall be the duty of every owner or occupant of any property inside the corporate city limits of said City which abuts upon a public street or alley wherein is constructed and laid a public sewer and water main, which property has a dwelling house or business building situated thereon, to install an inside toilet in said dwelling, house, or business property and make connection thereof, with the water and sewer in the street or alley adjacent thereto, within thirty (30) days after written notice is given to such owner or occupant, by the governing body of said City of Walnut Grove to install such inside toilet and make such water and sewer connections. If such owner or occupant shall fail, refuse or neglect, to install said toilet and make these connections within said thirty (30) day period, this Council or its successors may, by resolution, direct that an inside toilet be so installed and connection made with sewer and water; and that the actual cost thereof be assessed against the benefited property.

(10) No person, firm or corporation shall after 2015 commence to build; or move onto; any lot within the corporate limits of said City, any building or structure, of any kind, designed for living or business purposes which requires toilet facilities; without first making provisions for connecting up with the sanitary sewer and water system in said City; provided that sewer and water mains are constructed within the street or alley adjacent to said lot and are available to such lot owner.

(11) No building shall be built or placed on any property within the City without a foundation first being constructed to support its framing.

(12) Establishment of mobile manufactured, or trailer home parks require a special permit. Whether within such a park or at any other location in the City of Walnut Grove, no person, firm or corporation shall move onto or install on any real estate for use as a residence any mobile home, manufactured home or trailer home which shall have been manufactured more than 10 years prior to date of permit application. No mobile home, manufactured home or trailer home manufactured prior to July 1, 1972 shall be used as a residence unless the same shall have been manufactured and installed in accordance with applicable state and federal laws.

(13) No building, mobile home, manufactured home or trailer home may be built, moved onto any real estate, or installed for use as a residence unless the same

shall be at least 14 feet in width and provide a minimum living space of 770 square feet.

(14) Each mobile home shall be properly anchored according to accepted standards to resist damaging movement by wind or storm.

(15) Skirting is required for mobile homes and shall be in accordance with the decor of the mobile home and in good repair. Each mobile home shall be parked upon a jack or block approved by the City Council.

(16) No newly constructed building, a building moved onto a new site or any mobile home, manufactured home or trailer home for which installation has been completed shall be occupied as a residence in the City of Walnut Grove until a certificate of occupancy shall have been issued therefore. Upon completion of construction or Installation, the City Council shall inspect or cause to be inspected the residence involved and shall issue a certificate of occupancy if the residence has been constructed or installed in accordance with the provisions of this Chapter, all other Chapters of the City Code and all other applicable state and federal laws and regulations. The fee for such inspection shall be set from time to time by Resolution of the City Council for a newly, constructed home or new manufactured home, and for a used manufactured home or a building moved onto a new site. If in the course of such inspection it shall be deemed necessary or advisable to obtain the opinion of a plumber, electrician, or other construction trades professional, or a building inspector, as to whether the construction or installation meets the standards above referred to, the cost of obtaining such opinion shall be paid by the party requesting the certificate of occupancy in addition to any other inspection fees required.

9.206 **Front Yard Set Back Requirements.** In a block in the residential district, no building shall be erected or moved in which is set back from the front lot line less than 20 feet. Reference to a "block" in this paragraph, shall be construed to mean any one side of a street between two intersections.

9.207 **Side Yard Set Back Requirements.** In all districts, every building shall have two side yards of not less than 10 feet each.

9.208 **Back Yard Set Back Requirements.** In all districts, every building shall have a back yard of not less than 5 feet.

9.209 **Lot Area Requirements.** In the residential district, every building designed for the housing of one or two families including accessory buildings shall provide a lot area of not less than seven thousand square feet.

9.210 **Permits.** No person, firm, company or corporation shall after 2015, erect or commence to erect, any structure or building of any kind, or structurally alter or commence to structurally alter, any existing structure or building or move or attempt to move any building or

structure, within the corporate limits of said City of Walnut Grove, without first having obtained from the City Council of said City; a building permit to so do. Applications for such permits shall be made in writing, showing the proposed use of the premises in question, a legal description thereof, and a general plan and layout of the proposed building or structure; said application to be filed with the Clerk of said City, accompanied with an application fee to be set from time to time by Resolution of the Council. It shall be the duty of the City Clerk to refer such applications to the City Council, who shall investigate said application, to determine if the proposed use of the premises described in said application, conform to the provisions of this Chapter, and said committee shall make their recommendations to the next meeting of the City Council. A permit shall be issued, upon the majority vote of all members of the Council present and in attendance, a quorum being necessary. There will be a fine of $25.00 if the person, firm, company, or corporation begins building, installing, altering, repairing, moving or wrecking a structure before receiving an approved building permit from the City Council.

Permits must be applied for 10 days prior to the Council Meeting at which the permit will be considered. Permits are required for any new construction, additions, fences and buildings that are moved in. Permits are also required for buildings demolished or moved out. Permits are not required for general maintenance of an existing building, such as windows, doors, siding, shingling, step replacement and cement work.

9.211 **Special Permits.** Petitions for special permits allow the construction or operation of any nonconforming use, must be accompanied by the written consent of at least two thirds of all the property owners, within a radius of 150 feet of the proposed, nonconforming use. Following the fulfillment of this requirement, any petition for a special permit, must receive a four-fifths approval vote of the City Council, all members being present and in attendance. If the City Council deems it advisable, they may defer action on such special permit, until after they have called a public hearing on the petition, and shall give notice of such public hearing in the official newspaper of said City, at least 15 days prior to the time of holding such public hearing.

9.212 **Future Additions.** In all future platted additions, to the City of Walnut Grove, each residence lot shall contain at least fourteen thousand (14,000) square feet in area; all streets shall be at least 66 feet in width, and the Council may require all thoroughfare streets to be no less than 80 feet in width.

9.213 **General Provisions.**

(1) Should any section, provision, clause, or phrase of this Chapter be held to be invalid in the Courts, such decision shall not invalidate any other parts of this Chapter.

(2) A violation of this Chapter shall be punishable as a misdemeanor. Each day that the violation is permitted to exist shall constitute a separate offense.

SECTION 9.3 – FIRE LIMITS

9.301 **Fire Limits.** The following shall be and are hereby declared to be the fire limits: The South Half of Block Six, All of Blocks Seven and Eight, and the North half of Blocks Ten and Eleven, all of the original Plat of the City of Walnut Grove. The alley, running east and west through said blocks shall be considered as the dividing line setting apart the halves of the blocks for the purposes of this Chapter.

9.302 **Permits.** No wall, structure, building or part thereof shall hereafter be built, enlarged or altered, within the areas of said fire zone, until a plan of the proposed work, together with a statement of the materials to be used, shall have been submitted in duplicate to the City Clerk, whereupon the Council shall, if the submitted plans be in accordance with this Chapter, issue a permit for the proposed construction.

Structures hereafter erected without a permit, or not in conformity with this Chapter shall be removed.

Whenever a building is being constructed contrary to the provisions of this Chapter, the City Council may order all further work stopped until the matter in violation hereof shall have been remedied.

9.303 **Limitations in Fire Zone.** No building or structure of frame wall, or of unprotected metal wall construction, or which has a wooden cornice, shall be erected hereafter in the fire limits except the following:

(1) A building used exclusively as a private garage or stable, not more than one story in height nor more than seven hundred and fifty square feet in area, located on the same lot with a dwelling.

(2) Greenhouses not more than fifteen feet in height erected on the same lot with and accessory to a dwelling or a store.

(3) Frame dwellings not exceeding two stories in height and separated by at least five feet from lot line of adjoining property.

9.304 **Alterations, additions, moving of buildings.** No building of frame construction or unprotected metal construction shall be moved hereafter from without the fire limits to within the fire limits.

Within the fire limits, no building or structure shall be hereafter extended on any side unless the construction of the extension conforms to the requirements of this Chapter for new construction; and provided that the dimensions of the extended structure shall not exceed any limit upon the size of a structure of that type.

9.305 **Repair of Existing Buildings**. No existing building within said fire limits that does not meet with the requirements of the buildings hereafter erected in compliance with

this Chapter, if damaged by decay, fire, or other cause to more than fifty per cent of the value of such building or structures, exclusive of foundation shall be repaired or rebuilt except in accordance with the requirements of this Chapter for new buildings or structures.

9.306 **Limits of Height.** Buildings and structures hereafter erected within the fire limits shall be limited as follows: The height of buildings of fireproof construction is unlimited. Buildings of frame construction of storage occupancy, or of unprotected metal construction of any occupancy shall not exceed one story in height. Frame dwellings shall not exceed two stories in height.

9.307 **Walls.** The walls of building hereafter erected in the fire limits shall meet the following requirements. Walls of business and storage buildings, other than firewalls or party walls, not more than one story high, may be eight inches thick, of tile, brick or other incombustible material. The walls and buildings more than one story in height shall be twelve inches in thickness of non-combustible material.

9.308 **Roof Covers.** Every roof hereafter placed on a building within the fire limits shall be covered with roofing of brick concrete, tile, slate, metal, asbestos, or built-up roofing finished with asphalt, slag or gravel or other fireproof material, except that dwellings, not over two stories in height and at least ten feet from the lot line of adjoining property shall be permitted to have shingle roofing. No roofing on an existing roof shall be renewed or repaired to a greater extent than one-fourth of the roof surface, except in conformity with this section.

9.309 **Chimneys.** All chimneys hereafter constructed in building or structures within the fire limits shall be built of brick, concrete, stone, hollow tile of clay or concrete, concrete block or of reinforced concrete, not less than four inches thick. Every chimney shall have a flue lining, and shall extend at least three feet above the highest point at which they come in contact with a roof of the building, and at least two feet higher than any ridge within ten feet of the chimney. They shall be properly capped, and shall be built upon concrete or solid masonry foundations.

9.310 **Inspection.** During the erection, alteration or repair of any building or structure within the fire limits, the Fire Chief and any or all members of the Village Council shall be permitted to inspect the building materials and construction at any reasonable time to ascertain whether or not the proposed building, structure, alteration, or repair is or will be in accordance with the requirements of this Chapter.

9.311 **Penalties.** A person who shall violate a provision of this Chapter or fail to comply therewith or with any of the requirements thereof, or who shall erect, construct, alter or repair a building or structure in violation of a detailed statement or plan submitted and approved thereunder, without giving notice of any such changes to the City Clerk in writing, shall be guilty of a misdemeanor. The imposition of the penalties herein prescribed shall not preclude the City Council from instituting mandamus, injunction, or any other appropriate remedy in any court with jurisdiction to prevent or remove any building, structure, alteration or repair in violation of this Section.

9.312 **Validity.** If any section or part of a section or paragraph of this Chapter is declared invalid or unconstitutional it shall not be held to invalidate or impair the validity, force, or effect of any other section or sections or part of a section or paragraph of this Chapter.

SECTION 9.4 – OPT OUT OF MINNESOTA TEMPORARY HEALTHCARE DWELLING

9.401 Ordinance #181 previously adopted by the City Council, opting out of Minnesota Temporary Healthcare Dwelling statute, shall remain in full force and effect as fully as if set forth herein; a copy of which is included in the Appendix to this City Code.

SECTION 9.5 – MINNESOTA FLOODPLAIN ORDINANCE

9.501 Ordinance #185 adopted by the City Council on May 13, 2019, shall be in full force and effect as fully as if set forth herein; a copy of which is included in the Appendix to this City Code.

CHAPTER 10
SANITATION

SECTION 10.1 – DEFINITIONS

10.101 Definitions. For purposes of this Chapter the terms defined herein have the meaning given them.

(1) "Approved" means acceptable to the City of Walnut Grove following their determination as to compliance with established public health practices and standards.

(2) "Garbage" means all putrescible animal, vegetable, or other matter that attends the preparation, consumption, display, dealing in or storage of meat, fish, fowl, birds, fruit or vegetables, including the cans, containers or wrappers wasted along with such materials.

(3) "Owner" means any person, firm, corporation, or other partnership or organization who alone, jointly, or severally with others shall be in ownership of, or have charge, care or control of, any premises or business within the municipality as owner, employee or agent of the owner, or as trustee or guardian of the estate or person of the title holder.

(4) "Premises" means any dwelling, house, building or other structure or parcel of property.

(5) "Public Place" means any dwelling, house, building or other structure or parcel of property.

(6) "Refuse" means all solid waste products or those wastes having the character of solids rather than liquids in that they will not flow readily without additional liquid and which are composed wholly or partly of such materials as garbage, sweepings, swill, cleanings, trash, rubbish, litter, industrial solid wastes or domestic solid wastes; organic wastes or residue of animals sold as meat, fruit, or other vegetable or animal matter from kitchen, dining room, market, food establishment or any place dealing or handling meat, fowl, fruit, grain, or vegetables; offal, animal excreta, or the carcasses of animals; tree or shrub trimmings, or grass clippings; brick, plaster, wood, metal or other waste matter resulting from the demolition, alteration or construction of buildings or structures; accumulated waste materials, cans, containers, junk vehicles, ashes, tires, junk or other such substance which may become a nuisance.

(7) "Rubbish" means non-putrescible solid wastes such as wood, leaves, trimmings from shrubs, dead trees or branches thereof, shavings sawdust, excelsior, wooden waste, printed matter, paper, paper board, paste board, grass, rags, straw, boots, shoes, hats and all other combustibles not included under the term garbage.

(8) "Swill" means garbage which is wholly or nearly edible and usable as food and has food value for animals or fowl, accumulating from animal, vegetable, or other matter wasted from clubs, hotels, hospitals, restaurants, and public eating places.

(9) "Vehicle" means every devise in, upon or by which any person or property is or may be transported or drawn upon a thoroughfare including devices used exclusively upon stationary rails or tracks.

(10) "Wasted Matter" means non-putrescible solid waste such as soil, earth, sand, clay, gravel, loam, stone, brick, plaster, crockery, glass, glassware, ashes, cinders, shells, metal and all other noncombustible material which has been or is to be discarded.

(11) The term "Litter" means:

a. Garbage, refuse and rubbish as those terms are defined in Subsection 10.101 of this Chapter.

b. The meaning given by Minnesota Statutes, Subsection 609.68; and

c. Abandoned property in the form of deteriorated, wrecked or derelict property in unusable condition, having no value other than nominal scrap or junk value, and left unprotected from the elements; the term includes, but is not limited to, deteriorated, wrecked, inoperable, or partially dismantled motor vehicles, trailers, boats, machinery, refrigerators, washing machines, plumbing fixtures and furniture.

SECTION 10.2 – REFUSE STORAGE AND DISPOSAL

10.201 **Containers required.** The owner of any premises, and any other person having refuse as herein defined, shall provide and keep on such premises sufficient containers for the storage of refuse accumulated on the premises between disposal or collection. Each such container shall be water tight, shall have a tight fitting lid, shall be impervious to insects, rodents, vermin, and absorption of moisture, and shall be fireproof. Refuse on any premises shall be stored in the containers required herein. Commercial, business, industrial, or other such establishments having a refuse volume in excess of two cubic yards per week, and all six-family and larger dwellings, shall provide approved bulk or box-type refuse storage containers or approved equivalent. These containers shall be so located as to be accessible to collection equipment and so as not to require an intermediate transfer.

10.202 **Prohibition of Litter.** It is unlawful to throw, deposit or store litter on private property or public property within the City.

10.203 **Duties of Owners and Occupants.** The owner, lessee or occupant of private property, whether occupied or vacant, shall maintain the property free of litter.

10.204 **Authorized Storage.** Nothing in this section prohibits the storage of litter on private property in receptacles or containers which hide the litter from view and are safe and sanitary.

10.205 **Removal of Litter.** When there exists litter on private property, a notice to remove the litter shall be served upon the owner, lessee or occupant thereof by the City Clerk of the City of Walnut Grove. The notice shall be served by Registered Mail or personal delivery. When the property is occupied, service shall be upon the owner; where the property is unoccupied or abandoned, service shall be by mail to the last known owner of record of the property.

10.206 **Notice Contents.** The notice required by Subsection 10.205 shall state:

(1) The nature and location of the litter;

(2) That the litter must be removed or properly stored within ten days of service of the notice; and

(3) That if the litter is not so removed or stored, it will be removed by the City and the cost of such removal assessed against the property.

10.207 **Costs.** The City Clerk shall keep a record of all costs incurred by the City in the removal and disposition of litter pursuant to this Section, including all administrative costs involved in the Service of Notice required by Subsection 10.205, and shall report such costs to the City Council annually, not later than September 1.

10.208 **Assessment.** On or before October 1st of each year, the Clerk shall list the total costs incurred by the City under this section against each separate lot or parcel to which they are attributable. The City Council shall then spread the costs against each property as a Special Assessment for Collection as other special assessments in the following year, all as authorized by Minnesota Statues Section 429.101.

CHAPTER 11
NUISANCES

SECTION 11.1 – PUBLIC NUISANCES

11.101 **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, which 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 Section to be a public nuisance and for which no sentence is specifically provided.

11.102 **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 of 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 including grass in excess of 8 inches tall;

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

(10) All public exposure of persons having a contagious disease;

(11) Any offensive trade or business as defined by statute not operating under local license.

11.103 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 otherwise authorized by City Code;

(2) Betting, bookmaking, and all apparatus used in such occupations;

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

(4) All places where intoxicating liquor is manufactured or disposed of in violation of law or where, 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.

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

(1) All snow and ice not removed from public sidewalks 12 hours 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 an 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 to 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 public 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 use of the street or sidewalk;

(8) All hanging signs, awnings, 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 City Code;

(9) The depositing of grass or leaves upon any public street or sidewalk;

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

(11) Any barbed wire fence less than six feet above the ground and within three feet of public sidewalk or way;

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

(13) Waste water cast upon or permitted to flow upon streets or other public property;

(14) The allowing, keeping or maintaining in a yard or place for keeping, storing, piling or accumulation of junk or other articles which is so situated as to attract the public, or in a manner conducive to the harboring of rats, mice, snakes, or vermin, or the rank growth or vegetation among the items so accumulated, or in a manner creating fire, health or safety hazards from such accumulation, whether in or upon public or private property. "Junk" means old or scrap copper, brass, iron or other metal; rope, rags, batteries, cloth, wood, paper, synthetic or organic, trash; rubber debris, furniture, household appliances, or junk; abandoned, dismantled, or wrecked vehicles or farm or construction machinery or parts thereof; and steel and other old or scrap ferrous or non-ferrous material. "Junk, abandoned, dismantled or wrecked vehicles," means vehicles as defined in Minnesota Statute 169.01, which have remained for a period of more than 48 hours on public or private property in an inoperable condition, unless kept in an enclosed garage or storage building;

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

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

(17) 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;

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

(19) All use or display of fireworks except as provided by City Code or with written approval of city council;

(20) Allowing any horses, mules, cattle, hogs, sheep, goats, or domestic fowl to run at large or herding or picketing such animals on the public streets, alleys, or grounds of the city;

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

11.105 Duties of City officers. The police department shall enforce the provisions of this Section relating to nuisances affecting public health. The police department shall enforce provisions relating to other nuisances and shall assist the city clerk in the enforcement of provisions relating to nuisances affecting the public health. Such officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

11.106 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 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 which 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 and the hearing.

11.107 Recovery of Cost; Personal liability and assessment. If, after such service by the City Council as required in Section 6 herein, the party or parties served fail to abate the nuisance in accordance with the terms of the notice, the council may cause such nuisance to be abated at the expense of the City and recover such expenditure plus an additional 25% of such expenditure as an administrative cost either by civil action against the person or persons served, or if service has been made upon the owner, by ordering the clerk to extend such sum plus 25% thereof as a special tax against the property on which the nuisance existed, and to certify the same to the county auditor for collection in the same way as other special taxes.

11.108 Penalty. Any person convicted of violating any provision of this Section is guilty of a misdemeanor and shall be punished by a fine not to exceed $500.00 or imprisonment for not more than 90 days, or both, plus the costs of prosecution in either case. Each day's continuance of a nuisance as defined in this Section may, in the discretion of the court, constitute separate offenses.

SECTION 11.2 – SHADE TREE PEST CONTROL.

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

11.202 Jurisdiction. The city shall have control of all street trees, shrubs, and other plantings now or hereafter in any street, park, public right-of-way or easement, or other public place within the city limits, and shall have the power to plant, care for, maintain, remove, and replace such trees, shrubs, and other plantings.

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

11.204 Public nuisances defined. A shade tree pest, as defined by section 11.3, occurring within a defined control zone is a public nuisance.

11.205 Shade tree pest nuisances are unlawful. It is unlawful for any person to permit any public nuisance as defined in this section to remain on any premises the person owns or controls within the city. The nuisance may be abated as provided in this section.

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

11.207 Abatement of shade tree pest nuisances.

(1) In abating a nuisance, defined by ordinance under section 11.203, the organism, condition, plant, tree, wood, or material identified as injurious to the health of shade trees shall be removed or effectively treated so as to destroy and prevent as fully as

possible the spread of the shade tree pest. Such abatement procedures shall be carried out in accordance with the control measures and areas prescribed by section 11.3.

(2) In addition, if the appropriate abatement procedure is removal, and the tree(s) and/or hedge(s) are within the limits of a highway in a rural area within the city's jurisdiction, Minn. Stat. § 160.22 shall be complied with as necessary.

11.208 Reporting discovery of shade tree pest. Any owner or occupier of land or any person engaged in tree trimming or removal who becomes aware of the existence of a public nuisance caused by a shade tree pest as defined under section 11.203 shall report the same to the city.

11.209 Inspection and application of control measures.

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

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

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

11.210 Standard abatement procedure. Except as provided in sections 11.211 and 11.213, whenever a tree inspector determines with reasonable certainty that a public nuisance, as described by this ordinance, is being maintained or exists on premises in the city, the tree inspector is authorized to abate a public nuisance according to the procedures in this subdivision.

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

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

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

11.211. **High-cost abatement.** If the tree inspector determines that the cost of abating a nuisance will exceed $5,000 based on a reasonable, good faith estimate, the written notice referred to in subdivision 11 must provide that if the nuisance is not abated within the reasonable amount of time provided, the matter will be referred to the City Council for a hearing. The date, time, and location of the hearing must be provided in the notice.

11.212 **Appeal procedure.** If the city clerk receives a written request for a hearing on the question of whether a public nuisance exists, the City Council shall hold a hearing within seven (7) calendar days following receipt by the clerk of the written request. At least three (3) days notice of the hearing shall be given to the individual who made the written request for the hearing. The Council may modify the abatement notice or extend the time by which abatement must be completed. Each owner, agent of the owner, occupant, and lienholder of the subject property or properties in attendance, if any, shall be given the opportunity to present evidence at the hearing. After holding the hearing, the City Council may issue an order requiring abatement of the nuisance.

11.213 **Abatement procedure in event of imminent danger.**

(1) If the tree inspector determines that the danger of infestation to other shade trees is imminent, and delay in control measures may put public health, safety, or welfare in immediate danger, the tree inspector may provide for abatement without following sections 11.210 and 11.211. The tree inspector must reasonably attempt to notify

the owner or occupant of the affected property of the intended action and the right to appeal the abatement and any cost recovery at the next regularly scheduled City Council meeting.

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

11.214 Recovery of cost of abatement; liability and assessment.

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

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

11.215 Penalty.

(1) Any person, firm, or corporation that violates any provision of this section shall, upon conviction, be guilty of a misdemeanor. The penalty, which may be imposed for any crime that is a misdemeanor under this section, including Minnesota Statutes specifically adopted by reference, shall be a sentence of not more than 90 days, or a fine of not more than $1,000, or both.

(2) Upon conviction of a misdemeanor, the costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

(3) The failure of any officer or employee of the city to perform any official duty imposed by this section shall not subject the officer or employee to the penalty imposed for a violation.

(4) In addition to any penalties provided for in this section, if any person, firm, or corporation fails to comply with any provision of this section, the City Council or

any official designated by it may institute appropriate proceedings at law or at equity to restrain, correct, or abate the violation.

11.216 **Severability.** Should any part or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part held to be invalid.

SECTION 11.3—DECLARED SHADE TREE PESTS, CONTROL MEASURES, AND CONTROL AREAS

11.301. Oak Wilt.

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

(2) **Control measures** that may be taken to abate oak wilt disease are:

a. Installation of a root graft barrier.

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

b. Removal and disposal of trees.

i. On property zoned for residential and commercial use.

On property that is zoned residential and commercial the city may mark for removal trees that have the potential to produce spores of the fungus *Ceratocystis fagacearum.* After, and in no case before, the installation of the root graft barrier and no later than May 1 of the year following infection, all marked trees must be felled. The stump from such felled trees must not extend more than three inches above the ground or, if taller, must be completely debarked.

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

ii. On all other property.

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

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

(3) The **control area** for oak wilt disease is defined as: All lands within the boundaries of the city.

11.302 Emerald Ash Borer.

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

(2) **Control measures** that may be taken to abate emerald ash borer are those provided in the document, *Minnesota Emerald Ash Borer Science Advisory Group Recommendations on Preparing for Emerald Ash Borer in Minnesota*. www.mda.state.mn.us/news/publications/pestsplants/pestmanagement/eab-recommends.pdf

(3) **Definition of control areas.** The control area for emerald ash borer is

defined as: All lands within the boundaries of the city.

11.303 Dutch Elm Disease.

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

(2) **Control measures** that may be taken to abate Dutch elm disease are:

a. Use of fungicide.

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

b. Removal and disposal of trees.

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

(3) **Definition of control areas.** The control area for Dutch elm disease is defined as: All lands within the boundaries of the city.

CHAPTER 12
TOBACCO

12.101 Purpose. Because the city recognizes that many persons under the age of twenty-one (21) years purchase or otherwise obtain, possess, and use tobacco, tobacco products, tobacco-related devices, electronic delivery devices, and nicotine or lobelia delivery products, and such sales, possession, and use are violations of both state and federal laws; and because smoking has been shown to be the cause of several serious health problems which subsequently place a financial burden on all levels of government; this Chapter shall be intended to regulate the sale, possession, and use of tobacco, tobacco products, tobacco-related devices, electronic delivery devices, and nicotine or lobelia delivery products, for the purpose of enforcing and furthering existing laws, to protect minors against the serious effects associated with the illegal use of tobacco, tobacco products, tobacco-related devices, electronic delivery devices, and nicotine or lobelia delivery products, and to further the official public policy of the State of Minnesota in regard to preventing young people from starting to smoke as stated in Minn. Stat. Section 144.391.

12.102 Applicability and Jurisdiction. Pursuant to Minnesota Statute § 461.12, this Chapter shall govern the licensing and regulation of tobacco, tobacco products, tobacco-related devices, electronic delivery devices, and nicotine or lobelia delivery products in the City of Walnut Grove.

12.103 Definitions and Interpretations. Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The singular shall include the plural and the plural shall include the singular. The masculine shall include the feminine and neuter, and vice versa. The term "shall" means mandatory and the term "may" means permissive. The following terms shall have the definitions given to them:

(1) "Compliance checks" shall mean the system the City uses to investigate and ensure that those authorized to sell tobacco, tobacco products, tobacco-related devices, electronic delivery devices, and nicotine or lobelia delivery products, are following and complying with the requirements of this Chapter. Compliance checks shall involve the use of minors as authorized by this Chapter. Compliance checks shall also mean the use of minors who attempt to purchase tobacco, tobacco products, or tobacco-related devices for educational, research and training purposes as authorized by state and federal laws. Compliance checks may also be conducted by other units of government for the purpose of enforcing appropriate federal, state, or local laws and regulations relating to tobacco, tobacco products, and tobacco-related devices.

(2) "Electronic Delivery Device" shall mean any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device shall include any component part of such a product whether sold separately. Electronic delivery device shall not include any product that has

been approved or otherwise certified by the United States Food and Drug Administration for legal sales for use in tobacco cessation treatment or other medical purposes, and is being marketed and sold solely for that approved purpose.

(3) "Individually packaged" shall mean the practice of selling any tobacco or tobacco product wrapped individually for sale. Individually-wrapped tobacco and tobacco products shall include, but not be limited to, single cigarette packs, single bags or cans of loose tobacco in any form, and single cans or other packaging of snuff or chewing tobacco. Cartons or other packaging containing more than a single pack or other container as described in this subdivision shall not be considered individually-packaged.

(4) "Loosies" shall mean the common term used to refer to a single or individually-packaged cigarette.

(5) "Minor" shall mean any natural person who has not yet reached the age of twenty-one (21) years.

(6) "Movable place of business" shall refer to any form of business operated out of a truck, van, automobile, or other type of vehicle or transportable shelter and not a fixed address storefront or other permanent type of structure authorized for sales transactions.

(7) "Nicotine or Lobelia Delivery Product" shall mean any product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not tobacco as defined in this section, not including any product that has been approved or otherwise certified for legal sale by the United States food and Drug Administration for tobacco use cessation, harm reduction, or for other medical purposes, and is being marketed and sold solely for that approved purpose.

(8) "Retail establishment" shall mean any place of business where tobacco, tobacco products, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products are available for sale to the general public. Retail establishments shall include, but not be limited to, grocery stores, convenience stores, and restaurants.

(9) "Sale" shall mean any transfer of goods for money, trade, barter, or other consideration.

(10) "Self-service merchandising" shall mean open displays of tobacco, tobacco products, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products of any manner where any person shall have access to the tobacco, tobacco products, tobacco-related devices, electronic delivery devices, or

nicotine or lobelia delivery products, without the assistance or intervention of the licensee or the licensee's employee. The assistance or intervention shall entail the actual physical exchange of the tobacco, tobacco products, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products between the customer and the licensee or employee. Self-service merchandising shall not include vending machines.

(11) "Smoking" shall mean inhaling or exhaling smoke from any lighted or heated cigarette, cigar, pipe, or any other lighted or heated tobacco or plant product, or inhaling or exhaling vapor from an electronic delivery device or any nicotine or lobelia delivery product. Smoking shall include carrying a lighted or heated cigarette, cigar, or pipe or any other lighted or heated tobacco or plant product intended for inhalation or carrying an electronic delivery device or nicotine or lobelia delivery product that is turned on or otherwise activated.

(12) "Tobacco" or "Tobacco products" includes cigarettes and any product containing, made or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component part, or accessory of a tobacco product; cigars; cheroots, stogies; perique; granulated, plug-cut, crimp cut, ready-rubbed, and other smoking tobacco; snuff; snuff flour; Cavendish; plug and twist tobaccos; fine-cut and other chewing tobaccos; shorts; refuse scraps; clippings, cuttings, and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco excludes any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

(13) "Tobacco-related device" shall mean any tobacco product as well as pipes, rolling papers, or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, or smoking of tobacco or tobacco products or the inhalation of vapor from an electronic delivery device. Tobacco-related devices shall include accessories or components of tobacco-related devices which may be marketed or sold separately.

(14) "Vending machine" shall mean any mechanical, electric or electronic, or other type of device which dispenses tobacco, tobacco products, or tobacco-related devices upon the insertion of money, tokens, or other form of payment directly into the machine by the person seeking to purchase the tobacco, tobacco product, or tobacco-related device.

12.104 **<u>License.</u>** No person shall sell or offer to sell any tobacco, tobacco products, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product without first having obtained a license to do so from the City.

(1) **Application.** An application for a license to sell tobacco, tobacco products, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product shall be made on a form provided by the City. The application shall contain the full name of the applicant, the applicant's residential and business addresses and telephone numbers, the name of the business for which the license is sought, and any additional information the city deems necessary. Upon receipt of a completed application, the City Clerk shall forward the application to the Council for action at its next regularly scheduled council meeting. If the clerk shall determine that an application is incomplete, he or she shall return the application to the applicant with notice of the information necessary to make the application complete.

(2) **Action.** The Council may either approve or deny the license, or it may delay action for such reasonable period of time to complete any investigation of the application or the applicant it deems necessary. If the Council shall approve the license, the clerk shall issue the license to the applicant. If the Council denies the license, notice of the denial shall be given to the applicant along with notice of the applicant's right to appeal the council's decision.

(3) **Term.** All licenses issued under this Chapter shall be valid for one calendar year from the date of issue.

(4) **Revocation or Suspension.** Any license issued under this Section may be revoked or suspended as provided in the Violations and Penalties section of this Chapter.

(5) **Transfers.** All licenses issued under this Section shall be valid only on the premises for which the license was issued and only for the person to whom the license was issued. No transfer of any license to another location or person shall be valid without the prior approval of the council.

(6) **Movable Place of Business.** No license shall be issued to a movable place of business. Only fixed location businesses shall be eligible to be licensed under this Section.

(7) **Display.** All licenses shall be posted and displayed in plain view of the general public on the licensed premises.

(8) **Renewals.** The renewal of a license issued under this section shall be handled in the same manner as the original application. The request for a renewal shall be made at least thirty days but no more than sixty days before the expiration of the current license. The issuance of a license issued under this Chapter shall be considered a privilege and not an absolute right of the applicant and shall not entitle the holder to an automatic renewal of the license.

12.105 **Fees.** No license shall be issued under this Chapter until the appropriate license fee shall be paid in full. The fee for every such license shall be established annually by resolution of the City Council.

12.106 **Basis for Denial of License.** The following shall be grounds for denying the issuance or renewal of a license under this Chapter; however, except as may otherwise be provided by law, the existence of any particular ground for denial does not mean that the City must deny the license. If a license is mistakenly issued or renewed to a person, it shall be revoked upon the discovery that the person was ineligible for the license under this Section:

(1) The applicant is under the age of twenty-one (21) years.

(2) The applicant has been convicted within the past five years of any violation of a federal, state, or local law, City Code provision, or other regulation relating to tobacco or tobacco products, or tobacco-related devices.

(3) The applicant has had a license to sell tobacco, tobacco products, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product revoked within the preceding twelve months of the date of application.

(4) The applicant fails to provide any information required on the application, or provides false or misleading information.

(5) The applicant is prohibited by federal, state, or other local law, City Code, ordinance, or other regulation, from holding such license.

12.107 **Prohibited Sales.** It shall be a violation of this Chapter for any person to sell or offer to sell any tobacco, tobacco product, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product:

(1) To any person under the age of twenty-one (21) years.

(2) By means of any type of vending machine, except as may otherwise be provided in this Chapter.

(3) By means of self-service methods whereby the customer does not need to make a verbal or written request to an employee of the licensed premises in order to receive the tobacco, tobacco product, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product and whereby there is not a physical exchange of the tobacco, tobacco product, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product between the licensee or the licensee's employee, and the customer.

(4) By means of "loosies" as defined in Section 12.103 of this Chapter.

(5) Containing opium, morphine, jimson weed, bella donna, strychnos, cocaine, marijuana, or other deleterious, hallucinogenic, toxic, or controlled substances except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process.

(6) By any other means, to any other person, or in any other manner or form prohibited by federal, state, or other local law, City Code, ordinance provision, or other regulation.

12.108 Vending Machines. It shall be unlawful for any person licensed under this Chapter to allow the sale of tobacco, tobacco products, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product by the means of a vending machine.

12.109 Self-Service Sales. It shall be unlawful for a licensee under this Chapter to allow the sale of tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products by any means whereby the customer may have access to such items without having to request the item from the licensee or the licensee's employ and whereby there is not a physical exchange of the tobacco, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product between the licensee or his or her clerk and the customer. All tobacco, tobacco related devices, electronic delivery devices, or nicotine or lobelia delivery products shall either be stored behind the counter or other area not freely accessible to customers, or in a case or other storage unit not left open and accessible to the general public.

12.110 Responsibility. All licensees under this Chapter shall be responsible for the actions of their employees in regard to the sale of tobacco, tobacco products, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products on the licensed premises, and the sale of such an item by an employee shall be considered a sale by the license holder. Nothing in this section shall be construed as prohibiting the City from also subjecting the clerk to whatever penalties are appropriate under this Chapter, state or federal law, or other applicable law or regulation.

12.111 Compliance Checks and Inspections. All licensed premises shall be open to inspection by the city police or other authorized city official during regular business hours. From time to time, but at least once per year, the city shall conduct compliance checks by engaging, with the written consent of their parents or guardians, minors over the age of fifteen (15) years but less than eighteen (18) years, or by engaging minors over the age of eighteen (18) years but less than twenty-one (21) years, to enter the licensed premises to attempt to purchase tobacco, tobacco products, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products. Minors used for the purpose of compliance checks shall be supervised by the City-designated law enforcement officer or other designated city personnel. Minors used for compliance checks shall not be guilty of unlawful possession of tobacco, tobacco products, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products when such items are obtained as a part of the compliance check. No minor used in compliance checks shall attempt to use a false identification misrepresenting the minor's age, and all minors lawfully engaged in a compliance check shall answer all questions about the minor's age asked by the licensee or his or her employee, and shall produce any identification, if any exists, for

which he or she is asked. Nothing in this Section shall prohibit compliance checks authorized by state of federal laws for educational, research, or training purposes, or required for the enforcement of a particular state or federal law.

12.112 Other Illegal Acts. Unless otherwise provided, the following acts shall be a violation of this Section:

(1) **Illegal Sales.** It shall be a violation of this Chapter for any person to sell or otherwise provide any tobacco, tobacco product, tobacco-related device, electronic delivery devices, or nicotine or lobelia delivery products to any minor.

(2) **Illegal Possession.** It shall be a violation of this Chapter for any minor to have in his or her possession any tobacco, tobacco product, tobacco-related device, electronic delivery devices, or nicotine or lobelia delivery products. This subdivision shall not apply to minors lawfully involved in a compliance check.

(3) **Illegal Use.** It shall be a violation of this Chapter for any minor to smoke, chew, sniff, or otherwise use any tobacco, tobacco product, tobacco-related device, electronic delivery devices, or nicotine or lobelia delivery products.

(4) **Illegal Procurement.** It shall be a violation of this Chapter for any minor to purchase or attempt to purchase or otherwise obtain any tobacco, tobacco product, or tobacco-related device, and it shall be a violation of this Chapter for any person to purchase or otherwise obtain such items on behalf of a minor. It shall further be a violation for any person to coerce or attempt to coerce a minor to illegally purchase or otherwise obtain or use any tobacco, tobacco product, or tobacco-related device. This subdivision shall not apply to minors lawfully involved in a compliance check.

(5) **Use of False Identification.** It shall be a violation of this Chapter for any minor to attempt to disguise his or her true age by the use of a false form of identification, whether the identification is that of another person or one on which the age of the person has been modified or tampered with to represent an age older than the actual age of the person.

12.113 Violations.

(1) **Notice.** Upon discovery of a suspected violation, the alleged violator shall be issued, either personally or by mail, a citation that sets forth the alleged violation and which shall inform the alleged violator of his or her right to be heard on the accusation.

(2) **Hearings.** If a person accused of violating this Chapter so requests, a hearing shall be scheduled, the time and place of which shall be published and provided to the accused violator.

(3) **Hearing Board.** The City Council shall serve as the hearing board.

(4) **Decision.** If the hearing board determines that a violation of this Chapter did occur, that decision, along with the hearing board's reasons for finding a violation and the penalty to be imposed under Section 12.113 of this Chapter, shall be recorded in writing, a copy of which shall be provided to the accused violator. Likewise, if the hearing board finds that no violation occurred or finds grounds for not imposing any penalty, such findings shall be recorded and a copy provided to the acquitted accused violator.

(5) **Appeals.** Appeals of any decision made by the hearing board shall be filed in the district court for the city in which the alleged violation occurred.

(6) **Prosecution.** Any person who shall violate any of the provisions of this Chapter shall be guilty of a misdemeanor. If the City elects to seek misdemeanor prosecution, no administrative penalty shall be imposed.

(7) **Continued Violation.** Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.

12.114 Penalties.

(1) **Licensees and Employees.** Any licensee, and any employee of a licensee, found to have violated this Chapter shall be charged an administrative fine of $75.00 for a first violation of this Section; $200.00 for a second offense at the same licensed premises within twenty-four-month period; and $250.00 for a third or subsequent offense at the same location within a twenty-four-month period. In addition, after the third offense, the license shall be suspended for not less than seven days.

(2) **Other Individuals.** Other individuals, other than minors, found to be in violation of this Chapter shall be charged an administrative fee of $50.00.

(3) **Misdemeanor.** Any person who shall violate any of the provisions of this Section shall be guilty of a misdemeanor. If the City elects to seek misdemeanor prosecution, no administrative penalty shall be imposed.

(4) **Minors.** Minors found in unlawful possession of, or who unlawfully purchase or attempt to purchase, tobacco, tobacco products, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products, shall serve eight (8) hours of community service upon their first offense, shall serve sixteen (16) hours of community service upon their second offense, and shall serve twenty-four (24) hours of community service and pay a fine of $100.00 for each subsequent offense thereafter. All such violations by minors shall be reported to local school authorities.

12.115 **Exceptions and Defenses.** Nothing in this Chapter shall prevent the providing of tobacco, tobacco products, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products to a minor as part of a lawfully recognized religious, spiritual, or cultural ceremony. It shall be an affirmative defense to the violation of this Chapter for a person to have reasonably relied on proof of age as described by state law. It is not a violation of this Chapter for an employee under the age of twenty-one (21) to sell tobacco products as part of their regular employment as long as they are otherwise in compliance with this Chapter.

12.116 **Severability and Savings Clause.** If any section or portion of this Chapter shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall not serve as an invalidation or affect the validity and enforceability of any other section or provision of this Chapter.

CHAPTER 13
FIRE PREVENTION AND CONTROL

SECTION 13.1 – BURNING REGULATIONS

13.101 Definitions.

(1) **Person.** As defined in Minnesota Statutes 1967, Section 116.06, Subd. 8.

(2) **Open Fire.** Open Fire or Open Burning means a fire burning in a manner, whether concentrated or dispersed, which is not contained within a fully enclosed fire box, structure, or container, and from which the products of combustion are emitted directly to the open atmosphere without passing through a stack, duct, or chimney.

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

(4) **Starter Fuels.** Starter Fuels means dry, untreated, unpainted wood or charcoal fire starter. Paraffin candles and alcohols are permitted as starter fuels and as aids to ignition only. Propane gas torches or other clean gas burning devices causing minimal pollution must be used to start an Open Fire.

(5) **Wood.** Wood means dry, clean fuel only such as twigs, branches, limbs, pressed-wood logs, charcoal, cordwood, or untreated dimensional lumber. Wood does not include wood that is green, with leaves or needles, rotten, wet, oil-soaked, or treated with paint, glue or preservatives. Clean pallets may be used for recreational fires when cut to three (3) foot lengths.

13.102 Recreational Fire.

(1) **Recreational Fire Site Requirements.** An area of no more than a three (3) foot diameter circle (measured from the inside of the fire ring or border); completely surrounded by non-combustible and non-smoke or odor producing material, either of natural rock, cement, brick, tile, or block of ferrous metal only and which area is depressed below ground, or on a raised bed. Included are permanent outdoor wood-burning fireplaces. Recreational fire sites shall not be located closer than twenty-five (25) feet to any structure. Burners are not a recreational fire site as defined herein.

(2) **Recreational Fire Burn Requirements.** When a fire is used for recreational purposes, it must be ignited with an approved starter fluid using dry, clean wood; producing little detectable smoke, odor, or soot beyond the property line; conducted with an adult tending the fire at all times; extinguished completely

before quitting the occasion; and respecting weather conditions, neighbors, burning bans and air quality so that nuisance health or safety hazards will not be created. Mobile cooking devices such as manufactured hibachis, charcoal grills, wood smokers, and propane or natural gas devices, are not defined as recreational fires.

13.103 Open Burning Prohibited.

(1) Open burning shall be prohibited within the City of Walnut Grove, Minnesota.

(2) The use of burners or burn barrels for burning vegetative matter is prohibited.

(3) No person shall conduct, cause, or permit open burning of rubber, plastics, chemically-treated materials, or other materials which produces 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.

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

13.104 Exemptions. Open burning of the types and subject to the conditions, as hereinafter stated, shall be exempt from the prohibition of Section 13.103:

(1) Recreational fires.

(2) Fires under managed supervision for which a burning permit has been obtained where required by law, from the Department of Natural Resources, but limited to the following:

a. Fires purposely set for the instruction and training of public and industrial fire-fighting personnel.

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

c. Fires purposely set for forest and game management purposes.

d. Permanent tree and brush open-burning sites. A permit for the operation of a permanent tree and brush burning site may be given by the commissioner or agent of the commissioner.

(3) Exemption to conduct fires under this section does not excuse a person from the consequences, damages or injuries which may result therefrom, nor does it exempt any person from regulations promulgated by the Minnesota Pollution

Control Agency or any other governmental unit exercising jurisdiction in matters of pollution or fire hazard regulation.

(4) Mobile cooking devices such as manufactured hibachis, charcoal grills, wood smokers, and propane or natural gas devices.

13.105 Rules Adopted by Reference. Minnesota Statutes 88.02 through 88.22, 88.75, 88.76 and the Minnesota Uniform Fire Code are hereby adopted by reference and made a part of this Section as if fully set forth at this point.

13.106 Penalty.

(1) Any person violating the provisions of this Section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed $1,000.00 or imprisonment in the Redwood County Jail for not more than ninety (90) days or both.

(2) In addition to any penalty provided under Subdivision A of this Section, the City and/or Fire or Police Departments may seek reimbursement of any costs, either through restitution in a criminal proceeding or in a separate civil proceeding, that are incurred as a result of the violation of this Section or enforcement of this Section.

13.107 Authority to Extinguish. This Chapter will provide the Police Department with authority to put out any fires that are deemed to be in violation of this Chapter. The Officer shall act with all reasonable care and, if in their discretion it would be unsafe for them to put out the fire, they shall call the Fire Department to dispose of the fire in the safest manner possible.

SECTION 13.2 – FIREARMS, WEAPONS AND FIRECRACKERS

13.201 Firearms, Weapons, Fireworks and Firecrackers. It shall be unlawful for any person to discharge firearms of any and all name, nature and description, or to discharge air rifles, air pistols or air guns, bows and arrows, or any explosive devise or weapon; or to explode or discharge powder, dynamite, fireworks, firecrackers, or similar combustible or explosive materials within the city limits of the City of Walnut Grove, unless it be in the discharge of official duty prescribed by the City Code, or by the laws of the State of Minnesota, or upon the written permission of the Mayor.

13.202 Penalty. Any person violating any provision of this Section shall be guilty of a petty misdemeanor.

CHAPTER 14
ANIMALS

SECTION 14.1 – ANIMAL LICENSING AND REGULATION

14.101 **Definitions.** As used in this Chapter, the terms defined in this section shall have the following meanings ascribed to them:

(1) Animal control officer" means the person appointed to that position by the City Council of the City of Walnut Grove. The Animal Control Officer shall be primarily responsible for responding to domestic animal and non-domestic animal related problems and the enforcement of City Code and statutes.

(2) "Cat" means both male and female of the Felidae species.

(3) "Dangerous dog" means any dog that has:

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

b. killed a domestic dog without provocation while off the owner's property; or

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

(4) "Dog" means both male and female of the canine species.

(5) "Domestic animals" shall mean those animals commonly accepted ns domesticated household pets. Unless otherwise defined, such animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other such animals.

(6) "Non-domestic animals" shall mean those animals commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety and welfare of people. Unless otherwise defined, such animals shall include:

a. Any member of the large cat family (family Felidae) including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats.

b. Any naturally wild member of the canine family (family Canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.

c. Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.

d. Any member or relative of the rodent family including any skunk (whether or not descented), raccoon, squirrel, or ferret, but excluding those members otherwise defined or commonly accepted as domesticated pets.

e. Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.

f. Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this subpart, including but not limited to bears, deer, monkeys and game fish.

(7) "Owner" means any person owning, keeping, harboring or maintaining a dog or cat within the City. A dog or cat shall be deemed to be harbored if it is fed or sheltered for three days or more.

(8) "Potentially dangerous dog" means any dog that:

a. when provoked, inflicts bites on a human or a domestic dog on public or private property; or

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

c. has a known propensity, tendency or disposition to attack without provocation, causing injury or otherwise threatening the safety of humans or other domestic dogs.

14.102 <u>Running at Large Prohibited.</u>

(1) It is unlawful for the owner of any dog to permit such dog to run at large. Any dog shall be deemed to be running at large with the permission of the owner unless it is on a durable leash secured to an object which it cannot move and on the premises of the owner, or on a leash and under the control of an accompanying person of suitable age and discretion, or effectively confined within a motor vehicle, building, or enclosure.

(2) **Penalty.** A violation of this section shall be deemed a petty misdemeanor.

14.103 License Required.

(1) It is unlawful for the owner of any dog or cat, three months of age or more, to fail to obtain a license therefore from the City.

(2) **Penalty.** A violation of this section shall be deemed a petty misdemeanor.

14.104 License Issuance, Term and Renewal. All dog and cat licenses shall be issued only upon presentation of a certificate issued by a veterinarian, licensed to practice veterinary medicine in the State of Minnesota, showing rabies and distemper vaccination as provided in Subdivision 14.105. All licenses shall be valid for the life of the animal as long as the vaccinations are kept up-to-date. If the application is for an initial license for a neutered or spayed animal, a statement from a licensed veterinarian shall accompany the application stating that such animal has been spayed or neutered.

14.105 Vaccination. All dogs and cats kept harbored, maintained, or transported within the City shall be required to have vaccinations by a licensed veterinarian for rabies and distemper.

(1) A current certificate of vaccination on which is stated the date of vaccination, owner's name and address, the animal's name (if applicable), sex, description and weight, the type of vaccine, and the veterinarian's signature must be kept on file in the Office of the City Police. Failure to do so shall be deemed a violation of this Section and said animal license will not be valid.

(2) **Penalty.** A violation of this section shall be deemed a petty misdemeanor.

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

14.107 Tag Required.

(1) All licensed dogs and cats shall wear a collar and have a tag firmly affixed thereto evidencing a current license. A duplicate for a lost tag may be issued by the City upon presentation of the receipt showing the payment of the duplicate license fee. Tags shall not be transferable, and no refund shall be made on any license fee because of leaving the City or death of the dog or cat. It is unlawful for the owner of any dog or cat to fail to have the license tag issued by the City firmly attached to a collar worn all the time.

(2) **Penalty.** A violation of this section shall be deemed a petty misdemeanor.

14.108 Owner Obligation for Proper Care.

(1) No owner shall fail to provide any dog or cat with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment. No person shall beat, treat cruelly, torment or otherwise abuse any dog or cat or cause or permit any dog or cat fight. No owner shall abandon any dog or cat.

(2) **Penalty.** A violation of this section shall be deemed a petty misdemeanor.

14.109 Animal Pound. A City animal pound is established which shall be at such location either within or without the City as the City Council shall designate. The animal control officer shall attend to the maintenance of such pound and when requested shall file a report with the City Council relating to the operation of such pound. The pound shall be maintained in a clean and orderly manner.

14.110 Impoundment. Any dog or cat found in the City without a license tag, or any dog running at large, or any dog or cat otherwise in violation of this Section, shall be placed in the Animal Pound, and an accurate record of the time of such placement shall be kept on each dog and/or cat. Every dog or cat so placed in the Animal Pound shall be held for redemption by the owner for at least five business days. Impoundment records shall be preserved for at least six months and shall show (1) the description of the dog or cat by species, breed, sex, approximate age, and other distinguishing traits; (2) the location at which the dog or cat was seized; (3) the date of the seizure; (4) the name and address of the person from whom any dog or cat three months of age or over was received; and, (5) the name and address of the person to whom any dog or cat three months of age or over was transferred. If unclaimed, such dog or cat shall be humanely destroyed and the carcass disposed of unless it is requested by a licensed educational or scientific institution under authority of Minnesota Statutes, Section 35.71. Provided, however, that if a tag affixed to the dog or cat, or if a statement by the dog's or cat's owner after seizure, specifies that the dog or cat should not be used for research, such dog or cat shall not be made available to any such institution, but may be destroyed after the expiration of the five-day period.

14.111 Notice of Impounding. Upon the impounding of any dog or cat, the owner shall be notified, or if the owner of the dog or cat is unknown, written notice shall be posted for five (5) days at the Walnut Grove Community Center/City Clerk's Office, which notice shall be in substantially the following form:

NOTICE OF IMPOUNDING DOG OR CAT

Date:

To Whom It May Concern:

I have this day taken up and impounded in the Animal Pound of the City of Walnut Grove a dog/cat described as follows:

Sex:_____

Color:_____

Breed:_____

Approximate Age:_____

Name of Owner:_____

NOTICE IS HEREBY GIVEN that unless said dog or cat is claimed and redeemed on or before_____ o'clock _.m. on the ____day of_____, 20___,

said dog or cat will be disposed of.

_____ _____

(City Clerk) (Police Officer)

14.112 **Release From Animal Pound.** Dogs or cats shall be released to their owners, as follows:

(1) If such dog or cat is owned by a resident of the City, after purchasing of a license, if unlicensed, and payment of the impounding fee, maintenance, and immunization fee.

(2) If such dog or cat is owned by a person not a resident of the City, after immunization of any such dog or cat for rabies, and payment of the impounding fee and maintenance.

14.113 **Adoption of Unredeemed Dogs and Cats.** If any dog or cat impounded pursuant to this Section is not redeemed by its owner, it may be made available for adoption as a pet by and at the discretion of the animal control officer.

14.114 **Spaying or Neutering Required.** Spaying or Neutering Required. When a dog or cat not previously sterilized is sold or released for adoption by the animal control officer, the buyer or adopting party must:

(1) Sign a written agreement to have the dog or cat sterilized. If the dog or cat is less than six (6) months old, the buyer or adopting party shall agree to have the dog or cat sterilized by the age of six (6) months. If the dog or cat is more than six (6} months old, the buyer or adopting party shall agree to have the dog or cat sterilized within thirty (30) days of the purchase or adoption; and

(2) Deposit with the animal pound a fee to help cover the cost of sterilization and administration. The fee shall be set by the City Council upon recommendation by the animal control officer.

(3) Upon receipt by the animal control officer of a signed statement from a veterinarian attesting that the dog or cat has been sterilized, the animal control officer shall remit the deposited fee, less any administrative fee, to the veterinarian.

(4) No person having agreed in writing to have a dog or cat sterilized pursuant to this Section shall intentionally fail or refuse to have such sterilization performed within the time specified in the agreement. Violation of this Subsection is a petty misdemeanor punishable by a fine not to exceed Three Hundred and no/100s ($300.00) Dollars. Further, the animal control officer is authorized to seize any dog or cat which the owner has failed to sterilize in accordance with this section and to resell the dog or cat or destroy the dog or cat accordingly. In such a case, the fee deposited with the animal pound shall be forfeited.

(5) Upon written application by the buyer or adopting party, the animal control officer may waive the provisions of this Section requiring sterilization, upon showing that the dog or cat is a verifiable purebred breeding dog or cat.

(6) Nothing in this section shall be construed to authorize the animal control officer to sterilize a dog or cat which has been reclaimed by its owner, or for which the period to reclaim as owner has not expired.

14.115 Immobilization of Dogs and Cats. For the purpose of enforcement of this Section, any peace officer, or person whose duty is animal control, may use a so-called tranquilizer gun or other instrument for the purpose of immobilizing and catching a dog or cat.

14.116 Barking Dogs.

(1) It shall constitute a nuisance and be unlawful if any dog barks, whines, howls, bays, cries or makes other noise excessively so as to cause annoyance, disturbance or discomfort to any individual provided that such noise lasts for a period of more than five minutes continuously or intermittent barking that continues for more than one hour and is plainly audible from a distance of 100 feet or more from the premises where the dog is kept. It shall not be a violation of this section if the dog was

barking, crying or making other noise due to harassment or injury to the dog or a trespass upon the premises where the dog is located.

(2) **Penalty.** A first-time violation of this section shall be deemed a petty misdemeanor. Any subsequent violation shall be a misdemeanor.

(3) **Seizure of Barking Dogs Noise Abatement.** Any police officer or animal control officer may enter onto private property and seize any barking dog, provided that the following conditions exist:

a. There is an identified complainant other than the police or animal control officer making a contemporaneous complaint about the barking.

b. The officer reasonably believes that the barking meets the criteria set forth in Paragraph (1), above;

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

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

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

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

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

(4) **Disposition of Seized Dogs.** Any dog seized under the provisions of Paragraph (3), above, shall be taken to the animal pound and kept there to be reclaimed by the owner. No impound fee shall be charged unless the circumstances indicate that the owner failed to cooperate with or obstructed the animal control or police officer's attempts to abate the noise through other less intrusive means. The owner shall pay all other fees required under this Section. Any dog or cat seized under Paragraph (3) which is unclaimed may be disposed of according to the provisions of Section 14.113.

14.117 <u>Interfering With Animal Control Officer.</u> No person shall in any manner molest, hinder or interfere with the animal control officer, his agents, any police officer, or any other individual employed directly or by contract with the city to capture dogs or cats and convey them to the animal pound while such person is engaged in such operation.

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

(1) **Notice of Potentially Dangerous or Dangerous Dogs.** If, after an investigation conducted by the animal control officer or a Walnut Grove Police Officer, it is determined that a dog is potentially dangerous or dangerous according to the criteria described in Section 14.101, the animal control officer or Walnut Grove Police Department will serve a notice on the owner of the dog in question of intent to declare the dog potentially dangerous or dangerous. This notice shall inform the owner of this designation, the basis for the determination, the procedures for contesting the designation as described in Subdivision 4, below, and the result of the failure to contest the designation as described in Subdivision 8, below.

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

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

(4) **Hearing Procedure.** This Review Panel will consist of two council members as appointed by the Mayor, and an elector who resides within the City. The panel will schedule a hearing and may call witnesses and review documents as needed to make a determination on the issue. Owners shall have the right to present evidence on their behalf and to cross examine any witnesses. A simple majority of the members of the panel is necessary for a finding that the dog is either dangerous or potentially dangerous. The burden of proof is on the animal control officer or the Walnut Grove Police Department. A finding supporting a designation of dangerous or potentially dangerous dog must be proven by a preponderance of the evidence. The decision of the Panel shall be in writing and shall indicate the reasons for the findings. A copy of the findings shall be

provided to the animal control officer, Walnut Grove Police Department, and the dog owner.

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

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

(7) **Mayor to Appoint Veterinarian and Substitute Panel Members.** The Mayor of the City of Walnut Grove may appoint a veterinarian to serve on the hearing panel on a voluntary basis in lieu of the elector. Such appointment shall continue in effect until the appointee resigns or is replaced by the Mayor. In the event the veterinarian is temporarily unavailable or has a personal interest in the outcome of the proceeding, the Mayor may appoint another veterinarian to replace the initial appointee on the Panel. In addition, in the event either of the City Council members are temporarily unavailable or have a personal interest in the outcome of the proceeding, the Mayor may appoint other members of the City Council or City staff to sit in their place.

(8) **Failure to Contest Notice of Intent to Declare.** If the owner of a dog receives a notice from the animal control officer or Walnut Grove Police Department of the intent to declare the dog as potentially dangerous or dangerous, and the owner fails to contest that notice within fourteen (14) days, the owner shall be considered as having forfeited the right to the hearing described in Subdivision D and as having consented to the designation of the dog as potentially dangerous or dangerous by default. The animal control officer or Walnut Grove Police Department will then issue a declaration of dangerous or potentially dangerous dog to the owner. Within fourteen (14) days after the owner has received notice that the dog is dangerous, the owner must cause the dog to be humanely destroyed or removed from the City limits.

(9) **Seizure of Dangerous Dogs and Violations.** The animal control officer or any police officer shall immediately seize any dangerous dog and/or issue a citation to the owner of any dangerous dog if within fourteen (14) days after the owner has received notice that the dog is dangerous, the dog is not humanely destroyed or removed from the City limits.

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

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

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

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

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

14.119 **Non-Domestic Animals.** It shall be illegal for any person to own, possess, harbor, or offer for sale, any non-domestic animal within the City limits. Any owner of such an animal at the time of adoption of this Code shall have thirty days in which to remove the animal from the City after which time the City may impound the animal as provided for in this Section. An exception shall be made to this prohibition for animals specifically trained for and actually providing assistance to the handicapped or disabled, and for those animals brought into the City as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

14.120 **Kennels.**

(1) **Definition of Kennel.** The keeping of three or more dogs or three or more cats or any combination of 3 dogs and cats, on the same premises, whether owned by the same person or not and for whatever purpose kept, shall constitute a "kennel," except that a fresh litter of pups or kittens may be kept for a period of three months before such keeping shall be deemed to be a kennel.

(2) **Kennel as a Nuisance.** Because the keeping of three (3) or more dogs or three (3) or more cats or any combination of three (3) dogs and cats on the same premises is subject to great abuse, causing discomfort to persons in the area by way of smell, noise, hazard, and general aesthetic depreciation, the keeping of three or more dogs or three or more cats or any combination of three (3) dogs and cats on the premises is hereby declared to be a nuisance and no person shall keep or maintain a kennel within the City. Those who have previously reported the keeping of three (3) or more dogs or cats or any combination of dogs and cats to the City Clerk at which time the Clerk documented the exception will be allowed the exception only until the death of the current pets, and it will not be extended for any new cats or dogs. The owner must license all dogs and cats kept on their property.

(3) **Penalty.** A violation of this section shall be deemed a petty misdemeanor.

14.121 **Enforcement.** The animal control officer or police officer may enter upon private land where there is reasonable cause to believe this Chapter is being violated. Any person who brings a dog or cat into the City is subject to this Chapter.

14.122 **Summary Destruction.** Notwithstanding the provisions set forth in this Chapter establishing the procedure to declare a dog dangerous, whenever the animal control officer or a police officer has reasonable cause to believe that a particular dog or cat presents a clear and immediate danger to residents of the City because it is infected with rabies or because of a clearly demonstrated vicious nature, said officer, after making reasonable attempts to impound such dog or cat, may summarily destroy said dog or cat.

14.123 **Penalties.** Unless otherwise specified, violations of this Chapter are declared to be misdemeanor offenses and are punishable by a fine and/or jail in that amount which may be lawfully prescribed by a municipality for a City Code violation that is defined as a misdemeanor.

SECTION 14.2 – THE RAISING AND KEEPING OF HORSES, CATTLE, OR OTHER LIVESTOCK FORBIDDEN

14.201 **Livestock.** No person shall keep livestock within the corporate limits of the City of Walnut Grove. The term "livestock" means a typical farm animal kept for agricultural use, pleasure or profit, including but not limited to horses, mules, sheep, goats, cattle, swine, rabbits and mink.

14.202 **Exemptions.** Premises where livestock are kept within the corporate limits of the City of Walnut Grove prior to July 15, 1996 shall be exempt from this Section, except as nuisance violations shall apply. Exemption from this Section for any species of animals is continued upon compliance upon all of the following provisions:

(1) That any interruption in the keeping of such livestock upon the premises within the corporation limits of the City of Walnut Grove must not exceed six (6) months;

(2) That the acreage upon the premises within the corporate limits of the City of Walnut Grove where such livestock are kept shall not be reduced by any cause, including sale of inclusive real property or expiration of a lease to said property; and

(3) The number of such livestock shall not exceed that which existed upon the premises prior to July 15, 1996.

This Section shall not apply to horses kept in the City temporarily for twenty-four (24) hours or less.

14.203 **Penalty.** Any persons convicted of violating any provisions of this Section shall be guilty of a misdemeanor.

SECTION 14.3 – RAISING AND KEEPING OF POULTRY

14.301 The keeping or raising of chickens, geese, ducks, turkeys, or other poultry in the platted portions of the City of Walnut Grove is hereby declared to be a nuisance and punishable as a misdemeanor; provided, however, that this shall not prohibit or apply to the hatching of chicks or other poultry indoors in a hatchery and the keeping of such poultry therein incidental to the hatching and sale or delivery thereof; nor to the purchase or sale of poultry by dealers, if such dealers do not keep such poultry for a period longer than one week and such poultry is not suffered to run at large and is kept in such a manner as not to be offensive to neighbors or the public.

14.302 The police force of the City of Walnut Grove is hereby required and directed to suppress the same and to abate any such nuisance as is described Subsection 14.301.

14.303 Any person convicted or perpetrating a nuisance as described and prohibited in Subsection 14.301, upon conviction thereof shall be fined a sum not to exceed One Hundred Dollars ($100.00) or, in default of such fine, such person may be imprisoned in the City lock-up or the county jail of Redwood County not exceeding ninety days.

SECTION 14.4 – LOCATION OF SLAUGHTER HOUSES

14.401 It shall not be lawful for any butcher or other person to kill or slaughter any cattle, calves, sheep, hogs, or any animals within the limits of the Village of Walnut Grove, nor occupy nor use for slaughtering, or for the purposes connected therewith any building within the Village without the permission of the Village Council and said butcher, person or persons shall not slaughter any animals aforesaid at any other than the place designated in the written permission granted by the Village Council from the first day of April to the first day of November of each year and it shall be the duty of all butchers, persons designing to kill or slaughter as aforesaid to apply to the Village Council at some regular or special meeting thereof for permission.

14.402 It shall be the duty of the Village marshal to see that the provisions of this Section are strictly complied with.

14.403 Any butcher or other person who shall violate any of the provisions of this Section shall upon conviction thereof be fined a sum of not less than ten nor more than one hundred dollars for each and every offense.

CHAPTER 15
ALCOHOLIC BEVERAGES

SECTION 15.1 – MUNICIPAL LIQUOR DISPENSARY

15.101 Dispensary Established. A municipal liquor dispensary is hereby established to be operated within this municipality for the sale of liquor potable as a beverage and containing more than 3.2% of alcohol by weight, both for consumption at such dispensary and on such premises by the drink and in sealed or closed receptacle or container for removal from the premises. No person shall sell, barter or otherwise dispose of intoxicating liquor, nor shall a sale be made by anyone outside of said dispensary or not employed in and by said dispensary. It shall be unlawful for any person or persons to mix or prepare liquor for consumption in any place or places of business. No liquor shall be sold or consumed on a public highway or in an automobile.

Exception: The sale of intoxicating liquors by a licensed "club" to its own members is permitted.

15.102 Location and Operation. The dispensary shall be at such place as the council shall determine by motion and may be either leased or owned by the municipality. It shall be in charge of a person known as the operator, who shall also be selected by the City Council and who shall be paid such compensation as the council shall determine. Said operator shall have full charge of the operation of such dispensary, and shall have authority to purchase such supplies as necessary when so directed by the City Council. All employees including the operator shall hold their positions at the pleasure of the council. No minor person shall be employed in the municipal dispensary.

15.103 Dispensary Fund Created. A liquor dispensary fund is hereby created into which all revenues received from the operation of the dispensary shall be paid, and from which all operating expenses shall be paid, provided that the initial costs of rent, fixtures and stock may be paid for out of the general fund of the municipality, but such amounts shall be reimbursed to the said general fund out of the first moneys coming into the liquor dispensary fund not needed for carrying on the business. Any surplus accumulated in this fund may be transferred to the general fund by resolution of the council and expended for municipal purpose.

15.104 Hours of Operation. No sale of intoxicating liquor for "On Sale" or "Off Sale" shall be at any time prohibited by Minnesota Statute 340A.504 as amended. The Council may, by a majority vote, establish the hours of actual operation at their option, not to exceed, however, the limitations set by the Laws of the State of Minnesota or this Chapter, except by amendment hereof.

15.105 Enforcement and Penalty. It shall be the duty of all police officers and constables of the City to enforce the provisions of this Chapter and to search premises and seize

evidence of law violation and preserve the same as evidence against any person alleged to be violating this Chapter and to prepare the necessary processes and papers therefore.

Any person violating any provisions of this Section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars ($100.00), or in default of such payment shall be imprisoned in the City lockup or county jail for not to exceed ninety days, plus the costs of prosecution in any case.

SECTION 15.2 – CLUBS

15.201 Sales Allowed in Clubs. That no sale of intoxicating liquors shall be made in the City of Walnut Grove, Minnesota, except in the municipal liquor dispensary or in a bona fide "club" as defined by law which has received a license therefore.

15.202 Definition. The term "club" means and includes any corporation duly organized under the laws of the state for civic, fraternal, social or business purposes or for intellectual improvement or for the promotion of sports, which shall have more than 50 members, and which has been in existence for more than 20 years, and which shall, for more than a years have owned, hired, or leased a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable accommodation of its members, and whose affairs and management are conducted by a board of directors, executive committee, or other similar body chosen by the members at a meeting held for that purpose, none of whose members, officers, agents, or employees are paid directly or indirectly any compensation by way of profit from the distribution or sale of beverages to the members of the club, or to its guests, beyond the amount of such reasonable salary or wages as may be fixed and voted each year by the directors or other governing body.

15.203 License and Fee.

(1) A "club" license shall be for "on sale" only and shall authorize sale only to club members and bona fide guests.

(2) The annual fee for license shall be Three Hundred Dollars ($300.00).

(3) No license shall be granted for more than one year.

15.204 Hours of Operation. No sale of intoxicating liquor shall be made after one a.m. on Sunday. No "On Sale" shall be made between the hours of one a.m. and eight o'clock a.m. on any day. The Council may, by a majority vote, establish the hours of actual operation at their option, not to exceed, however, the limitations set by the Laws of the State of Minnesota or this Chapter, except by amendment hereof.

SECTION 15.3 – INTOXICATING LIQUOR

15.301 Provisions of State Law Adopted. The provisions of Minnesota Statutes, Chapter 340A, relating to the definition of terms, licensing, consumption, sales, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of intoxicating liquor are adopted and made a part of this Chapter as if set out in full.

15.302 License Required: Temporary consumption and display permits. A one-day intoxicating liquor consumption and display permit may be granted to a club or charitable, religious, or other non-profit organization in existence for at least three years for the "on-sale" of intoxicating liquor in connection with a social event within the city sponsored by the licensee. The license may only be issued in compliance with and as authorized by state law.

15.303 License Fees. The fees for temporary consumption and display permits shall be established from time to time by resolution of the City Council and each application for a license shall be accompanied by a receipt from the City Treasurer for payment in full of the license fee.

15.304 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.

15.305 Restrictions on Purchase and Consumption. No person shall consume intoxicating liquor or non-intoxicating malt liquor on any public place within the City of Walnut Grove.

15.306 Violations. It shall be unlawful for any Licensee or his employee to sell or serve intoxicating liquor to any person to whom sale is prohibited by state law.

15.307 Penalty. Any person violating any provision of this Section is guilty of a misdemeanor and upon conviction shall be punished as provided by state law.

SECTION 15.4 – NON-INTOXICATING MALT LIQUORS

15.401 Definition of Terms.

(1) **Beer.** As used in this Section, "beer" or "non-intoxicating malt liquor" means any malt beverage with an alcoholic content not less than one-half of one percent by volume and not more than three and two-tenths percent by weight.

15.402 License Required.

(1) **Licenses.** No person, except wholesalers and manufacturers to the extent authorized by law, may directly or indirectly, on any pretense or by any devise,

sell, barter, keep for sale, gift, or otherwise dispose of beer within the City without first having received a license hereinafter provided.

(2) Licenses shall be of three kinds:

a. Regular "on-sale;"

b. Temporary "on-sale;"

c. "Off-sale."

(3) **Regular on-sale.** Regular "on-sale" licenses shall be granted only to drug stores, restaurants, hotels, clubs, and establishments used exclusively for the sale of non-intoxicating malt liquor with the incidental sale of tobacco and soft drinks and shall permit the sale of beer for consumption on the premises only. Any person licensed to sell intoxicating liquor at "on-sale" shall not be required to obtain an "on-sale" license under this section, and may sell beer at "on-sale" without further license.

(4) **Temporary on-sale.** Temporary "on-sale" licenses shall be granted only to charitable, religious, and non-profit organizations for the sale of beer for consumption on the premises only.

(5) **Off-sale.** "Off-sale" licenses shall permit the sale of beer at retail, in the original packages for consumption off the licensed premises only. Any person licensed to sell intoxicating liquor at "off-sale" shall not be required to obtain an "off-sale" license under this section, and may sell beer at "off-sale" without further license.

15.403 <u>License Applications.</u>

(1) **Form.** Every application for a license to sell beer shall be made to the City Clerk on a form supplied by the City and containing such information as the Clerk or the City Council may require. It shall be unlawful to make any false statement in an application.

(2) **Liability Insurance.** Prior to the issuance of a beer license the applicant shall file with the City Clerk a liability insurance policy providing the following coverage:

a. Fifty Thousand Dollars ($50,000.00)resulting in bodily injury to any one person in any one occurrence, and

b. Subject to the limit for one person expressed in Paragraph (a), above, One Hundred Thousand Dollars ($100,000.00) resulting in bodily injury to two or more persons in any one occurrence, and

c. Ten Thousand Dollars ($10,000.00) resulting in injury to or destruction of property of others in any one occurrence, and

d. Fifty Thousand Dollars ($50,000.00) for loss of means of support of any one person in any one occurrence, and subject to the limit for one person, One Hundred Thousand Dollars ($100,000,00) for loss of means of support of two or more persons in any one occurrence, and shall comply with the provisions of Minnesota Statutes, Section 340A.409 relating to liability insurance policies.

e. This subdivision does not apply to licensees who by affidavit establish that:

i. They are "on-sale" non-intoxicating malt liquor licenses with sales of less than Ten Thousand Dollars ($10,000.00) of non-intoxicating malt liquor for the preceding year;

ii. They are "off-sale" non-intoxicating malt liquor licenses with sales of less than Twenty Thousand Dollars ($20,000.00) of non-intoxicating malt liquor for the preceding year;
iii. They are holders of "on-sale" wine licenses with sales of less than Ten Thousand Dollars ($10,000.00) for wine for the preceding year; or
iv. They are holders of temporary wine licenses issued under law.

15.404 License Fees.

(3) **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 the general fund of the city. Upon rejection of any application for a license, the Treasurer shall refund the amount paid.

(4) **Expiration; pro rata fees.** Every license except a temporary license shall expire on the last day of December in 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.

(5) **Fees.** The annual fee for regular "on-sale," "off-sale" and temporary "on-sale" licenses shall be established by resolution of the City Council from time to time.

(6) **Refunds.** No part of the fee paid for any license issued under this Chapter shall be refunded except in the following instances upon application to the council within 10 days from the happening of the event. There shall be refunded a pro rata portion of the fee for the unexpired period 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:

a. destruction or damage of the licensed premises by fire or other catastrophe;

b. the licensee's illness;

c. the licensee's death,

d. a change in the legal status of the municipality making it unlawful for the licensed business to continue.

15.405 Granting of License.

(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.

(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.

15.406 Persons Ineligible for License.

(1) **Persons ineligible.** No license shall be granted to or held by any person who:

a. is not a citizen of the United States or a resident alien;

b. has been convicted of a willful violation of a federal or state law or local ordinance governing the manufacture, sales, distribution, or possession for sale or distribution, of intoxicating or non-intoxicating malt liquors;

c. has had an intoxicating liquor or non-intoxicating liquor license revoked within five years of the license application, or to any person who at the time of the violation owns any interest, whether as a holder of more than five (5) percent of the capital stock of a corporation licensee, as a partner or otherwise, in the premises or in the business conducted thereon, or to a corporation, partnership, association, enterprise, business, or firm in which any such person is in any manner interested;

d. is not of good moral character and repute;

e. is not the proprietor of the establishment for which the license is issued;

f. is not a resident of the city; or

g. is under 19 years of age.

(2) **General Prohibition.** No license shall be issued for any place or any business ineligible for such a license under state law.

(3) **Delinquent Taxes and Charges.** No license shall be granted for operation on any premises for which taxes, assessments, or other financial claims of the city are delinquent and unpaid

15.407 Conditions of License.

(1) **General Conditions.** Every license shall be granted subject to the conditions in the following subdivisions and all other provisions of this Chapter and of any other applicable ordinance of the city or state law.

(2) **Sales to Persons Under 21 Years of Age.** No beer shall be sold or served to any person under 21 years of age.

(3) **Sales to intoxicated Persons.** No person may sell, give, furnish, or in any way procure for another alcoholic beverages for the use of an obviously intoxicated person.

(4) **Interest of manufacturers or wholesalers.** No manufacturer or wholesaler of beer 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, Subdivision 7. No retail licensee and manufacturer or wholesaler of beer shall be parties to any exclusive purchase contract. No retail licensee shall receive any benefits contrary to law from a manufacturer or wholesaler of beer ad no such manufacturer or wholesaler shall confer any benefits contrary to law upon a retail licensee.

(5) **Sales of intoxicating liquor.** No licensee who is not also licensed to sell intoxicating liquor and who does not hold a consumption and display permit shall sell or permit the consumption or 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; and the serving 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 Section.

(6) **Licensee responsibility.** Every licensee shall be responsible for the conduct of his place of business and shall maintain conditions of sobriety and order. The act of any employee on the license premises authorized to sell or serve beer shall be

deemed the act of the licensee as well and the licensee shall be liable to all penalties provided by this Chapter equally with the employee.

(7) **Employment of persons under 18 years of age.** No person under 18 years of age shall sell or serve such beer for consumption on the premises described in an 11 on-sale11 license, and no "on-sale" licensee shall cause, suffer, or permit any person under 18 years of age to sell or serve beer for consumption on the premises described in the license of such licensee.

(8) **Display of license.** All licensed premises shall have the license therefor posted in a conspicuous place at all times.

(9) **Restrictions on consumption.** In any place licensed for "on-sale" all windows in front of any such place shall be in clear glass and the view of the whole interior shall be unobstructed by screens, curtains, or partitions. There shall be no partitions, stalls, screens, curtains, or other devises which shall obstruct the view of any part of said room from the general observation of persons in said room; provided, however, that partitions, subdivisions, or panels not higher than 42 inches from the floor shall not be constructed as to conflict with the foregoing. However, a licensee shall be entitled to serve beer in a separate room of the licensed premises for banquets or dinners at which are present not fewer than twenty (20) persons.

(10) **Searches and Seizures.** Any peace officer may enter, inspect and search the premises of a licensee during business hours without a search and seizure warrant and may seize all intoxicating liquors found on the licensed premises in violation of Paragraph (3).

15.408 **Closing Hours.** No sale of beer shall be made on any Sunday between the hours of 1:00 A.M. and 12:00 noon. No sale shall be made between the hours of 1:00 A.M. and 8:00 A.M. on any other day. The premises for which an "on-sale" license is granted shall be closed to the public no later than 1:30 A.M. on any day and no individuals, except for the licensee and/or his employees, shall be present on the premises when closed.

15.409 **Restrictions on Purchase, Possession and Consumption.**

(1) **Violations.** It shall be unlawful for any:

a. licensee or his employee to sell or serve beer to any person under the age of 21 years or to permit any person under the age of 21 years to consume beer on the licensed premises;

b. person other than the parent or the legal guardian to procure beer for any person under the age of 21 years;

c. person to induce a person under the age of 21 years to purchase or procure beer;

d. person under the age of 21 years to misrepresent his age for the purpose of obtaining beer;

e. person under the age of 21 years to consume, or possess with intent to consume, any beer in violation of M.S.A. 340A.503, Subdivision 1, Subsection (2) and Subdivision 3.

(2) **Consumption prohibited -- where.** No beer 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, except under the terms of a Temporary "On-sale" license or unless the beer is sold at said place of public gathering under the term of the municipality's "set-up" license.

(3) **Liquor consumption and display.** No person shall consume or display any beer on the premises of a licensee who is not also licensed to sell beer or who does not hold a consumption and display permit.

15.410 **Revocation.** The violation of any provision or conditions of this Chapter by a beer 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 Chapter may be revoked or suspended by the Council after written notice to the licensee and a public hearing. The notice shall give at least 10 days' notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The Council may suspend any license pending a hearing on revocation or suspension. No suspension shall exceed 60 days.

15.411 **Penalty.** Any person violating any provision of this Chapter is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than $700.00 or imprisonment in the county jail for not more than 90 days, or both, plus the cost of prosecution in any case.

CHAPTER 16
ADULT ENTERTAINMENT, LICENSES AND FEES

16.101 Ordinance #170 previously adopted by the City Council, regulating adult establishments, shall remain in full force and effect as fully as if set forth herein; a copy of which is included in the Appendix to this City Code.

CHAPTER 17
MISCELLANEOUS PROVISIONS

SECTION 17.1 – CURFEW

17.101 **Restrictions on Minors.** It shall be unlawful for any minor under the age of sixteen (16) years to be in or upon any public street, highway, road, alley, park playground, or public place or public buildings, or in or upon places of entertainment or amusement open to the public in the City of Walnut Grove between the hours of ten o'clock p.m. and five o'clock a.m. It shall be unlawful for any minor who is 16 or 17 years of age to be in or upon any public street, highway, road, alley, park, playground or public places, or public buildings, or in or upon places of entertainment or amusement open to the public in the City of Walnut Grove between the hours of twelve o'clock midnight and five o'clock a.m. The provisions of this section shall not apply to a minor accompanied by his or her parent, guardian or other adult person having care and custody of the minor and to a minor who is upon an emergency errand or other legitimate business directed by his or her parent, guardian or other adult person having the care and custody of the minor or where the presence of said minor in said place or places is connected with and required by some legitimate business, trade, profession or occupation in which said minor is permitted by law to be engaged.

17.102 **Duties of Parents or Guardians.** It shall be unlawful for the parent, guardian or other adult person having charge of a minor under the age of Eighteen (18) years to permit such a minor to be in or upon any public street, highway, road, alley, park, playground or other public grounds, places or public buildings or in or upon places of entertainment or amusement open to the public in the City of Walnut Grove during the hours prohibited by this Chapter; provided however that the provisions of this section shall not apply when the minor is accompanied by his or her parent, guardian or other adult person having the care and custody of the minor, where the minor is upon an emergency errand or legitimate business directed by his or her parent, guardian or other adult person having the care and custody of the minor or where the presence of said minor, in said place is connected with the required by some legitimate business trade, profession or occupation in which said minor is permitted by law to be engaged.

17.103 **Minors in Amusement Places.** No person operating or in charge of any place of amusement, entertainment or refreshment which is open to the public shall permit any minor under the years of 16 to remain in such place during the hours prohibited by this Chapter; provided however, that the provisions of this section shall not apply when such minor is

accompanied by his or her parent, guardian or other adult person, having the care and custody of such minor.

17.104 **Penalty.** Any person violating any provision of this Chapter shall be guilty of a petty misdemeanor and upon conviction thereof shall be punished by a fine not to exceed $100.00.

CHAPTER 18
CEMETERY

18.101 Location – Plat – Prohibition of Other Cemeteries. A cemetery has been established and is continued upon land owned by the City of Walnut Grove and described as follows: Those tracts or parcels of land lying or being in the County of Redwood and State of Minnesota, described as follows: Beginning at the southwest corner of the southwest quarter of the northwest quarter of Section 25, T. 109N, R. 39W, of the 5th principal meridian, thence north along the west line of said southwest quarter of the northwest quarter a distance of twenty (20) rods, thence west 24 rods to the place of beginning, being three acres, and; the northwest two acres of the northwest quarter of the southwest quarter of Section 25, T.109N, R.39W, of the 5th principal meridian described as follows: Beginning at the northwest corner of said northwest quarter of the southwest quarter of Section 25, T.109N, R.29W, then south a distance of 13-1/3 rods, thence east 24 rods, thence north 13-1/3 rods, thence west 24 rods to the place of beginning; subject to existing deeds and rights of burial that have been made and executed and granted by the previous proprietor, the Walnut Grove Cemetery Association, to individual lots or fractions thereof. A plat of the cemetery, as prepared by Edw. E. Hogeland, a professional engineer and land surveyor, and placed on file in the office of the village clerk, is hereby adopted as the official plat of the cemetery which shall be called the Walnut Grove Cemetery. No person shall lay out or establish any cemetery, or use any lot of land within this village for the burial of the dead except in the Walnut Grove Cemetery, or some other tract of land duly designated as a cemetery by ordinance or City Code.

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

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

18.104 Burial Permits. Before any interment shall be made in any cemetery in this village, a burial permit shall be obtained from the local or the state registrar of vital statistics. Within thirty-six hours after the death of any person in the village and before the body is removed for burial within the village cemetery, the undertaker or person having charge of the

interment shall apply for the permit. This application shall be accompanied by a death certificate as prescribed by the State Board of Health. No burial permit shall be issued until the application and death certificate shall have been properly completed and presented. The body of a deceased person shall not be brought into the village cemetery for burial unless accompanied by a death certificate and permit for removal issued by the registrar of the registration district wherein the death occurred.

18.105 Superintendent of Cemetery (City Sexton) – Duties. The City Council shall appoint a superintendent who shall have control and management of the cemetery and be responsible for its maintenance and improvement. He shall have such powers and duties as are prescribed by law or by the city council.

18.106 General Regulations.

(1) No person may discharge any firearm or have possession of any firearm within the cemetery grounds without permission of the superintendent.

(2) No person may remove any object from any place in the cemetery or make any excavation without the consent of the superintendent.

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

(4) No person may drive any vehicle faster than a walk within the cemetery, nor drive over any path or roadway not authorized by the superintendent.

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

(6) No person may enter or leave the cemetery except at the gates provided.

(7) No person may use the cemetery grounds or any road therein as a public thoroughfare nor drive any vehicle throughout the cemetery grounds except for purposes relating to the cemetery.

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

(9) No person may allow any animal to run at large in the cemetery.

(10) No person may loiter at any time, nor be in the cemetery without permission of the cemetery superintendent at any time between the hours of sunset to 7A.M.

(11) Any person desiring to keep flowers, wreaths or plants which said person put on a grave or graves for Memorial Day must remove these flowers, wreaths and plants within a week after Memorial Day. After a week they will be removed by the superintendent and destroyed. Flowers, wreaths and plants left on a grave anytime

during the year will be removed by the superintendent when they become unsightly.

18.107 **Penalty.** Any person violating any provision of this Section is guilty of a misdemeanor and shall be punished by a fine of not to exceed $100.00 or by imprisonment for a period not to exceed 90 days.

APPENDIX

Ordinance 165 – Cable Franchise
Ordinance 172 – Electricity Franchise
Ordinance 180 – Natural Gas Franchise
Ordinance 170 – Regulating Adult Establishments
Ordinance 181 – Opt out of Minnesota Temporary Healthcare Dwelling
Zoning Map
Ordinance 185 – Minnesota Floodplain Ordinance