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CHAPTER 90: ANIMALS

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ANIMALS; FOWL**§ 90.01 RUNNING AT LARGE PROHIBITED.**

(A) No horse, mule, ass, goat, sheep, swine or any cattle shall be permitted to run at large within the city limits, and all such animals and estrays may be impounded. Such animals tethered out so that they are or go upon the public highway shall be deemed to be running at large.

(Ord. 113, passed 6-19-1918)

(B) No person, being the owner or keeper of pigeons, shall allow the same to run or be at large within the limits of the city.

(Ord. 277, passed 10-2-1950)

(Prior Code, § 5-2-1)

§ 90.02 IMPOUNDMENT.

All animals found at large may be taken up and confined by the Chief of Police or designee, or by any citizen. If taken up by the latter, he or she shall notify the police, who shall provide a place for their safekeeping. A Poundmaster may be appointed by the Council if one is needed.

(Prior Code, § 5-2-2)

§ 90.03 NOTICE; FEE.

If the owner of the animal is known, the Chief of Police or designee shall notify him or her in writing, and if unknown, he or she shall publish a notice once in a newspaper published in the city, stating that the animal, describing it, has been found running at large and taken up. The owner may have the animal by paying cost of his or her keep, the expense of giving the notice, if any, and a fee, in an amount to be determined by Council from time to time, to the Assistant City Administrator or officer taking the animal up.

(Prior Code, § 5-2-3)

§ 90.04 FEES; VIOLATION.

Any person permitting any such animal to run at large, and any person interfering with anyone taking the animal up, or retaking the animal without paying the fee specified in § 90.03 for taking the animal up and the expense incurred, shall be guilty of a misdemeanor and upon conviction thereof shall be punished as in this code provided.

(Prior Code, § 5-2-6) (Ord. 113, passed 6-19-1918)

REGULATED ANIMALS

§ 90.15 DEFINITIONS.

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

ANIMAL SHELTER. Any premises designated by the Chief of Police for the purpose of impounding and caring for animals held under authority of this chapter.

AT LARGE. Off of the premises of the owner and not under the control of the owner or some other person, either by leash or some other effective means of confinement.

CATS. Any animal that is a member of the feline species.

CLERK. Litchfield Assistant City Administrator.

DOGS. Both male and female, and includes any animal of the dog kind.

OFFICER. Any person designated by the city to enforce the provisions of this chapter.

OWNER. Any person, partnership or corporation keeping or harboring a regulated animal or animals.

PERSON. An individual, partnership, company or corporation.

REGULATED ANIMAL. Dog or cat.
(Prior Code, § 5-3-1) (Ord. 571, passed 10-5-1992)

§ 90.16 LICENSE REQUIRED.

No person shall keep or harbor any regulated animal within the limits of the city unless the regulated animal is properly licensed in accordance with the provisions of this chapter.
(Prior Code, § 5-3-2) (Ord. 571, passed 10-5-1992) Penalty, see § 90.99

§ 90.17 TERM; FEE OF LICENSE.

Licenses shall be issued for the lifetime of each regulated animal. License fee shall be an amount set by City Council from time to time for each regulated animal, and license shall be procured from the Assistant City Administrator. No person shall, without first obtaining a permit thereof in writing from the Assistant City Administrator, own, keep, harbor or have custody of any regulated animal over 3 months of age. No more than 2 dogs and/or 2 cats over 3 months of age shall be housed or be kept on any one residential site except as provided in § 90.32. No more than one regulated animal of any age shall be kept in any multiple dwelling.

(Prior Code, § 5-3-3) (Ord. 571, passed 10-5-1992)

§ 90.18 TIME OF PROCURING.

As to newly acquired regulated animals brought into the city, licenses shall be secured within 15 days after the regulated animal is acquired or brought into the city.

(Prior Code, § 5-3-4) (Ord. 571, passed 10-5-1992)

§ 90.19 APPLICATIONS.

Applications for regulated animal licenses shall be made to the Assistant City Administrator. Upon payment of the required license fee, the Assistant City Administrator shall issue a license tag to the owner. The Assistant City Administrator shall keep a record of all licenses issued, the name and address of the owner of the regulated animal, and a description of the regulated animal.

(Prior Code, § 5-3-5) (Ord. 571, passed 10-5-1992)

§ 90.20 TAG ATTACHED TO COLLAR.

The owner of the regulated animal shall cause the license tag to be affixed to the collar of the regulated animal so licensed and shall see that the license tag is constantly worn by the regulated animal.

(Prior Code, § 5-3-6) (Ord. 571, passed 10-5-1992)

§ 90.21 DUPLICATE TAG.

In the event a license tag is lost a duplicate license may be procured from the Assistant City Administrator upon payment of a fee set by City Council from time to time.

(Prior Code, § 5-3-7) (Ord. 571, passed 10-5-1992)

§ 90.22 RUNNING AT LARGE.

It shall be unlawful for the dog or cat of any person who owns, harbors or keeps a dog or cat to run at large. A person who owns, harbors or keeps a dog or cat which runs at large shall be guilty of a misdemeanor. Dogs or cats on a leash and accompanied by a responsible person or accompanied by and under the control and direction of a responsible person, so as to be effectively restrained by command as by leash, shall be permitted in streets or on public land unless the city has posted an area with signs reading "Dogs or Cats Prohibited."

Penalty, see § 90.99

§ 90.23 DANGEROUS REGULATED ANIMAL.

Any dangerous, vicious or diseased regulated animal, whether licensed or not, found anywhere in the city will be handled in accordance with and as provided for in M.S. § 347.50, as it may be amended from time to time.

(Prior Code, § 5-3-9) (Ord. 571, passed 10-5-1992)

§ 90.24 REGULATED ANIMAL POUND ESTABLISHED.

A regulated animal pound is hereby established. This regulated animal pound shall be maintained under the supervision of the Chief of Police. The Council may, if it sees fit, hire or appoint a person to assist the police in impounding regulated animals and a Poundmaster to care for impounded regulated animals. This person shall work under the direct supervision of the Chief of Police. The positions of the regulated animal catcher and Poundmaster may be held by the same person. The duties of the regulated animal catcher and Poundmaster may be assigned to any employee of the city with or without additional compensation as the Council may see fit.

(Prior Code, § 5-3-10) (Ord. 571, passed 10-5-1992)

§ 90.25 IMPOUNDMENT.

Any regulated animal, whether licensed or unlicensed, found running at large within the city may be impounded by the police or the regulated animal catcher. For the purpose of enforcing this chapter, the police or regulated animal catcher are hereby authorized and empowered to enter upon any private premises where there is a regulated animal running at large contrary to this chapter.

(Prior Code, § 5-3-11) (Ord. 571, passed 10-5-1992)

§ 90.26 INTERFERENCE PROHIBITED.

No one shall in any way interfere with the police, regulated animal catcher or the Poundmaster in the performance of their duties.

(Prior Code, § 5-3-12) (Ord. 571, passed 10-5-1992) Penalty, see § 90.99

§ 90.27 TIME OF IMPOUNDMENT.

All impounded regulated animals shall be kept at the pound for a minimum of 72 hours after the posting of the notice as prescribed herein, unless sooner redeemed by the owner. If the regulated animal is not claimed within the time specified and no fees and charges are paid, the police or Poundmaster shall dispose of the regulated animal in a humane manner.

(Prior Code, § 5-3-13) (Ord. 571, passed 10-5-1992)

§ 90.28 NOTICE OF IMPOUNDING.

If the owner of an impounded regulated animal can be identified, the Police Department shall contact the owner by telephone or mail for the purpose of notification. The Police Department shall also contact local radio stations so regulated animal impoundment may be broadcast.

(Prior Code, § 5-3-14) (Ord. 571, passed 10-5-1992)

§ 90.29 REDEMPTION.

Any regulated animal may be redeemed by the owner within the time specified in § 90.27 by payment to the Assistant City Administrator of the license fee, if unlicensed, plus an impounding fee in an amount set by City Council from time to time plus an additional amount per day for each day the regulated animal is confined in the pound.

(Prior Code, § 5-3-15) (Ord. 571, passed 10-5-1992)

§ 90.30 OWNER OBLIGATION FOR PROPER CARE.

(A) No owner shall fail to provide any animal with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

(B) No person shall beat, treat cruelly, torment or otherwise abuse any animal, nor shall any regulated animal be abandoned by its owner.

(Prior Code, § 5-3-17) (Ord. 571, passed 10-5-1992) Penalty, see § 90.99

§ 90.31 OBLIGATION TO PREVENT NUISANCES.

It shall be the obligation and responsibility of the owner or custodian of any animal in the city, whether permanently or temporarily therein, to prevent the animal from committing any act which constitutes a nuisance. It shall be considered a nuisance for any animal to frequently bark or cry at night; to frequent school grounds, parks or public beaches; to chase vehicles; to molest or annoy any person if the person is not on the property of the owner or custodian of the animal; or to molest, defile or destroy any property, public or private. Failure on the part of the owner or custodian to prevent his or her animals from committing an act of nuisance shall be subject to the penalty hereinafter provided. (Prior Code, § 5-3-18) (Ord. 571, passed 10-5-1992) Penalty, see § 90.99

§ 90.32 KENNELS.

(A) *Number of regulated animals constituting kennel.* The keeping of 5 or more regulated animals, or any combination thereof, 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 3 months before this keeping shall be deemed to be a kennel.

(B) *Kennel license required.* No person shall keep or maintain a kennel in the city except upon obtaining a kennel license from the City Council. The fee for this license shall be an amount set by city Council from time to time per year or any part thereof. The license year shall run from January 1 through December 31.

(C) *Application.* Application for a kennel license shall be made on forms provided by the city. The application shall show the following:

- (1) Location of the premises of the kennel;
- (2) Location of all structures for the housing of the regulated animals. If the regulated animals are to be kept primarily within the home or building of residence of the applicant or of any other persons, the application shall so state;
- (3) The maximum number of regulated animals or any combination thereof to be kept on the premises;
- (4) Any dog runs and housing for dogs shall be a minimum distance of 30 feet from any building structure suitable for human habitation;
- (5) The premises for the keeping of dogs shall be fenced and a simple plat showing the location of fencing shall be furnished. The fencing must be of a quality as to contain the dogs;

(6) Method to be used in keeping the premises in a sanitary condition;

(7) Method to be used in keeping the regulated animals quiet; and

(8) The application shall contain an agreement by the applicant that the premises may be inspected by the city at all reasonable times.

(Prior Code, § 5-3-20) (Ord. 571, passed 10-5-1992)

§ 90.33 EFFECTIVE DATE.

Effective date of this subchapter is January 1, 1993.

(Ord. 571, passed 10-5-1992)

§ 90.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) Any owner found guilty of violating any provision of §§ 90.15 through 90.33 shall be punished by a fine not to exceed \$700 and/or a maximum of 90 days in jail.

(Prior Code, § 5-3-19) (Ord. 571, passed 10-5-1992)

CHAPTER 91: HEALTH AND SANITATION; NUISANCES

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GENERAL PROVISIONS

§ 91.001 PUBLIC NUISANCE.

Whoever by his or her 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:

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

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

(C) Is guilty of any other act or omission declared by law or §§ 91.002, 91.003 or 91.004, or any other part of this code to be a public nuisance and for which no sentence is specifically provided.
Penalty, see § 91.999

§ 91.002 PUBLIC NUISANCES AFFECTING HEALTH.

The following are hereby declared to be nuisances affecting health:

(A) Exposed accumulation of decayed or unwholesome food or vegetable matter;

(B) All diseased animals running at large;

(C) All ponds or pools of stagnant water;

(D) Carcasses of animals not buried or destroyed within 24 hours after death;

(E) Accumulations of manure, refuse or other debris;

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

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

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

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

(J) All public exposure of people having a contagious disease; and

(K) Any offensive trade or business as defined by statute not operating under local license.
Penalty, see § 91.999

§ 91.003 PUBLIC NUISANCES AFFECTING MORALS AND DECENCY.

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

(A) All gambling devices, slot machines and punch boards, except as otherwise authorized by federal, state or local law;

(B) Betting, bookmaking and all apparatus used in those occupations;

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

(D) All places where intoxicating liquor is manufactured or disposed of in violation of law or where, in violation of law, people are permitted to resort for the purpose of drinking intoxicating 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 that place; and

(E) Any vehicle used for the unlawful transportation of intoxicating liquor, for promiscuous sexual intercourse, or any other immoral or illegal purpose.
Penalty, see § 91.999

§ 91.004 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

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

(A) All snow and ice not removed from public sidewalks 24 hours after the snow or other precipitation causing the condition has ceased to fall;

(B) All trees, hedges, billboards or other obstructions which prevent people from having a clear view of all traffic approaching an intersection;

(C) All wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;

(D) All obnoxious noises in violation of Minn. Rules Chapter 7030, as it may be amended from time to time, which is hereby incorporated by reference into this code;

(E) The discharging of the exhaust or permitting the discharging of the exhaust of any stationary internal combustion engine, motor boat, motor vehicle, motorcycle, all terrain vehicle, snowmobile or any recreational device except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations;

(F) The using or operation or permitting the using or operation of any radio receiving set, musical instrument, phonograph, paging system, machine or other device for producing or reproduction of sound in a distinctly and loudly audible manner so as to disturb the peace, quiet and comfort of any person nearby. Operation of any device referred to above between the hours of 10:00 p.m. and 7:00 a.m. in a manner so as to be plainly audible at the property line of the structure or building in which it is located, or at a distance of 50 feet if the source is located outside a structure or building, shall be prima facie evidence of violation of this section;

(G) No person shall participate in any party or other gathering of people giving rise to noise, unreasonably disturbing the peace, quiet or repose of another person. When a police officer determines

that a gathering is creating such a noise disturbance, the officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disperse immediately. No person shall refuse to leave after being ordered by a police officer to do so. Every owner or tenant of the premises who has knowledge of the disturbance shall make every reasonable effort to see that the disturbance is stopped;

(H) Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks or public grounds except under conditions as are permitted by this code or other applicable law;

(I) Radio aerials or television antennae erected or maintained in a dangerous manner;

(J) 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;

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

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

(M) Any barbed wire fence less than 6 feet above the ground and within 3 feet of a public sidewalk or way;

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

(O) Wastewater cast upon or permitted to flow upon streets or other public properties;

(P) Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies or other material in a manner conducive to the harboring of rats, mice, snakes or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health or safety hazards from accumulation;

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

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

(S) 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 the substance;

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

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

(V) Reflected glare or light from private exterior lighting exceeding 0.5 footcandle as measured on the property line of the property where the lighting is located when abutting any residential parcel and one footcandle when abutting any commercial or industrial parcel.

Penalty, see § 91.999

§ 91.005 NUISANCE PARKING AND STORAGE.

(A) *Declaration of nuisance.* The outside parking and storage on residentially-zoned property of large numbers of vehicles and vehicles, 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:

(1) Obstructs views on streets and private property;

(2) Creates cluttered and otherwise unsightly areas;

(3) Prevents the full use of residential streets for residential parking;

(4) Introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited;

(5) Decreases adjoining landowners' and occupants' enjoyment of their property and neighborhood; and

(6) Otherwise adversely affects property values and neighborhood patterns.

(B) *Unlawful parking and storage.*

(1) A person must not place, store or allow the placement or storage of ice fish houses, skateboard ramps, playhouses or other similar nonpermanent structures outside continuously for longer than 24 hours in the front yard area of residential property, unless more than 100 feet back from the front property line.

(2) 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 residential property, unless shielded from public view by an opaque cover or fence.

(3) A person must not cause, undertake, permit or allow the outside parking and storage of vehicles on residential property unless it complies with the following requirements:

(a) No more than 4 vehicles per lawful dwelling unit may be parked or stored anywhere

outside on residential property, except as otherwise permitted or required by the city because of nonresidential characteristics of the property. This maximum number does not include vehicles of occasional guests who do not reside on the property;

(b) Vehicles that are parked or stored outside in the front yard area must be on a paved or graveled parking or driveway area; and

(c) Vehicles, watercraft 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. Penalty, see § 92.99

§ 91.006 INOPERABLE MOTOR VEHICLES.

(A) It shall be unlawful to keep, park, store or abandon any motor vehicle which is not in operating condition, partially dismantled, used for repair of parts or as a source of repair or replacement parts for other vehicles, kept for scrapping, dismantling or salvage of any kind, or which is not properly licensed for operation with the state, pursuant to M.S. § 168B.011, subd. 3, as it may be amended from time to time.

(B) This section does not apply to a motor vehicle enclosed in a building and/or kept out of view from any street, road or alley, and which does not foster complaint from a resident of the city. A privacy fence is permissible.

(C) Any motor vehicles described in this section constitute a hazard to the health and welfare of the residents of the community in that these vehicles can harbor noxious diseases, furnish a shelter and breeding place for vermin and present physical danger to the safety and wellbeing of children and citizens; and vehicles containing fluids which, if released into the environment, can and do cause significant health risks to the community. Penalty, see § 91.999

§ 91.007 BUILDING MAINTENANCE AND APPEARANCE.

(A) *Declaration of nuisance.* Buildings, fences and other structures that have been so poorly maintained that their physical condition and appearance detract from the surrounding neighborhood are declared to be public nuisances because they are unsightly, decrease adjoining landowners' and occupants' enjoyment of their property and neighborhood, and adversely affect property values and neighborhood patterns.

(B) *Standards.* A building, fence or other structure is a public nuisance if it does not comply with the following requirements:

- (1) No part of any exterior surface may have deterioration, holes, breaks, gaps, loose or

rotting boards or timbers;

(2) Every exterior surface that has had a surface finish such as paint applied must be maintained to avoid noticeable deterioration of the finish. No wall or other exterior surface may have peeling, cracked, chipped or otherwise deteriorated surface finish on more than 20% of:

(a) Any one wall or other flat surface; or

(b) All door and window moldings, eaves, gutters and similar projections on any one side or surface.

(3) No glass, including windows and exterior light fixtures, may be broken or cracked, and no screens may be torn or separated from moldings;

(4) Exterior doors and shutters must be hung properly and have an operable mechanism to keep them securely shut or in place;

(5) Cornices, moldings, lintels, sills, bay or dormer windows and similar projections must be kept in good repair and free from cracks and defects that make them hazardous or unsightly;

(6) Roof surfaces must be tight and have no defects that admit water. All roof drainage systems must be secured and hung properly;

(7) Chimneys, antennae, air vents and other similar projections must be structurally sound and in good repair. These projections must be secured properly, where applicable, to an exterior wall or exterior roof; and

(8) Foundations must be structurally sound and in good repair.

Penalty, see § 91.999

§ 91.008 DUTIES OF CITY OFFICERS.

For purposes of this section and § 91.009, the Police Department, or Sheriff or person designated by the City Council under § 10.20, if the city has at the time no Police Department, may enforce the provisions relating to nuisances. Any peace officer or designated person shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances. Except in emergency situations of imminent danger to human life and safety, no police officer or designated person shall enter private property for the purpose of inspecting or preventing public nuisances without the permission of the owner, resident or other person in control of the property, unless the officer or person designated has obtained a warrant or order from a court of competent jurisdiction authorizing the entry, as provided in § 10.20.

Cross-reference:

Health Officer specifically, see § 91.013

§ 91.009 ABATEMENT.

(A) *Notice.* Written notice of violation; notice of the time, date, place and subject of any hearing before the City Council; notice of City Council order; and notice of motion for summary enforcement hearing shall be given as set forth in this section.

(1) *Notice of violation.* Written notice of violation shall be served by a peace officer or designated person on the owner of record or occupant of the premises either in person or by certified or registered mail. If the premises is not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept notice of violation, notice of violation shall be served by posting it on the premises.

(2) *Notice of City Council hearing.* Written notice of any City Council hearing to determine or abate a nuisance shall be served on the owner of record and occupant of the premises either in person or by certified or registered mail. If the premises is not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept notice of the City Council hearing, notice of City Council hearing shall be served by posting it on the premises.

(3) *Notice of City Council order.* Except for those cases determined by the city to require summary enforcement, written notice of any City Council order shall be made as provided in M.S. § 463.17, as it may be amended from time to time.

(4) *Notice of motion for summary enforcement.* Written notice of any motion for summary enforcement shall be made as provided for in M.S. § 463.17, as it may be amended from time to time.

(B) *Procedure.* Whenever a peace officer or designated person determines that a public nuisance is being maintained or exists on the premises in the city, the officer or person designated shall notify in writing the owner of record or occupant of the premises of that fact and order that the nuisance be terminated or abated. The notice of violation shall specify the steps to be taken to abate the nuisance and the time within which the nuisance is to be abated. If the notice of violation is not complied with within the time specified, the officer or designated person shall report that fact forthwith to the City Council. Thereafter, the City Council may, after notice to the owner or occupant and an opportunity to be heard, determine that the condition identified in the notice of violation is a nuisance, and further order that if the nuisance is not abated within the time prescribed by the City Council, the city may seek injunctive relief by serving a copy of the City Council order and notice of motion for summary enforcement or obtain an administrative search and seizure warrant and abate the nuisance.

(C) *Emergency procedure; summary enforcement.* In cases of emergency, where delay in abatement required to complete the notice and procedure requirements set forth in divisions (A) and (B) of this section will permit a continuing nuisance to unreasonably endanger public health safety or welfare, the City Council may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the officer or designated person shall determine that a public nuisance exists or is being maintained on premises in the city and that delay in abatement of the nuisance will unreasonably endanger public health, safety or welfare. The officer or designated person shall notify in

writing the occupant or owner of the premises of the nature of the nuisance and of the city's intention to seek summary enforcement and the time and place of the City Council meeting to consider the question of summary enforcement. The City Council shall determine whether or not the condition identified in the notice to the owner or occupant is a nuisance, whether public health, safety or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in division (A) of this section, and may order that the nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the City Council may order summary enforcement and abate the nuisance.

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

Penalty, see § 91.999

§ 91.010 RECOVERY OF COST.

(A) *Personal liability.* The owner of premises on which a nuisance has been abated by the city shall be personally liable for the cost to the city of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the Assistant City Administrator 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 Assistant City Administrator.

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

Penalty, see § 91.999

Cross-reference:

Shade tree diseases, see Chapter 94 of this code of ordinances

§ 91.011 NOISE CONTROL REGULATIONS.

(A) *Unlawful to make loud or unnecessary noises.* It shall be unlawful for any person to make or cause to be made any loud, unnecessary or unusual noise which either annoys, disturbs or affects the comfort, repose, health or peace of others.

(Prior Code, § 5-13-1)

(B) *Unlawful acts.* The following acts set forth in the following divisions are declared to be loud, disturbing and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive:

(1) *Horns, signaling devices and the like.* The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle, except as a danger warning;

(2) *Radios, tape and disc players and the like.* The using, operating or permitting to be played any radio receiving set, tape or disc player, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in a manner, considering the time and place and the purpose for which the sound is produced, as to disturb the peace, quiet or repose of a person or persons of ordinary sensibilities.

(a) The play, use or operation of any radio, tape or disc player, musical instrument, phonograph or other machine or device for the production or reproduction of sound in such a manner as to be plainly audible at a distance of 50 feet from the machine or device shall be prima facie evidence of a violation of this section.

(b) When sound violating this section is produced or reproduced by a machine or device that is located in or on a vehicle, the vehicle's owner is guilty of the violation; provided, however, that if the vehicle's owner is not present at the time of the violation, the person in charge or control of the vehicle at the time of the violation is guilty of the violation.

(c) This section shall not apply to sound produced by the following:

1. Amplifying equipment used in connection with activities which are authorized, sponsored or permitted by the city, so long as the activity is conducted pursuant to the conditions of the license, permit or contract authorizing the activity;

2. Church bells, chimes or carillons;

3. School bells;

4. Anti-theft devices; or

5. Machines or devices for the production of sound on or in authorized emergency vehicles.

(d) With the exception of the machines or devices listed in division (3) below, this section shall apply to all radios, tape and disc players, musical instruments, phonographs and machines and devices for the production or reproduction of sound, whether on public or private property.

(3) *Loudspeakers, amplifiers for advertising.* The using, operating or permitting to be played any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other

machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure;

(4) *Yelling, shouting and the like.* Yelling, shouting, hooting, whistling or singing at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel, motel or other place of residence, or of any persons in the vicinity;

(5) *Animals, birds and the like.* The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity;

(6) *Defect in vehicle or load.* The use of any automobile, motorcycle or vehicle so out of repair, so loaded, or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise which shall disturb the comfort or repose of any persons in the vicinity;

(7) *Loading, unloading, opening boxes.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers;

(8) *Construction or repairing of buildings.* The erection (including excavating), demolition, alteration or repair of any building between the hours of 9:00 p.m. and 6:00 a.m. on weekdays and all day Sunday, except where single individuals or families work on single-family residences for their own occupancy owned by them; except that the Building Inspector may, in cases of emergency, grant permission to repair at any time when he or she finds that the repair work will not affect the health and safety of the persons in the vicinity;

(9) *Noisy parties and gatherings.*

(a) *Prohibition.* No person shall, between the hours of 10:00 p.m. and 7:00 a.m. congregate at or participate in any party or gathering of 2 or more people from which noise emanates of a sufficient volume so as to disturb the peace, quiet or repose of another person. No person shall knowingly remain at such a noisy party or gathering.

(b) *Evidence.* Noise of a volume as to be clearly audible at a distance of 50 feet from the structure or building in which the party or gathering is occurring, or in the case of apartment buildings, in the adjacent hallway or apartment, shall be prima facie evidence of a violation of this section.

(c) *Duty to disperse.* When a police officer determines that a party or gathering is in violation of this section, the officer may order all persons present at the premises where the violation is occurring, other than the owner or tenants of the premises, to disperse immediately. No person shall knowingly remain at the party or gathering.

(d) *Exceptions.* The following are exempt from violation of this section:

1. Activities which are duly authorized, sponsored or licensed by the city, so long

as the activity is conducted pursuant to the conditions of the license, permit or contract authorizing the activity;

2. Church bells, chimes or carillons; and
3. Persons who have gone to a party for the sole purpose of abating the violation.

(10) *Exemptions.*

(a) Upon special request made by contractors, the Council may exempt contractors performing public works operations from time prohibitions set forth within this section; and

(b) Snow plowing and removal equipment, both publicly and privately owned, are exempt from any noise control regulations.

(Prior Code, § 5-13-2) (Ord. 659, passed 3-4-2002) Penalty, see § 91.999

§ 91.012 BURIAL OF DEAD ANIMALS.

(A) Large animals over 100 lbs, except domestic dogs, need to be removed from City limits within 48 hours.

(B) All animals under 100 lbs and domestic dogs must be disposed of in a sanitary manor within 48 hours.

§ 91.013 DUTY OF CODE ENFORCEMENT OFFICER.

It shall be the duty of the Code Enforcement Officer, aided by the Police Department, to inspect premises within the corporate limits of the city, and take such necessary precautions as are necessary to prevent the commission of public nuisances affecting health as defined in § 91.002.

(Prior Code, § 6-1-6) (Ord. 288, passed 12-8-1953)

ANTI-LITTER; POLLUTION**§ 91.020 DEFINITIONS.**

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

AIRCRAFT. Any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air. The word ***AIRCRAFT*** shall include helicopters and lighter-than-air dirigibles and balloons.

CITY. The City of Litchfield, Minnesota.

COMMERCIAL HANDBILL. Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper booklet or any other printed or otherwise reproduced original or copies of any matter of literature:

- (1) Which advertises for sale any merchandise, product commodity or thing;
- (2) Which directs attention to any business, mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales;
- (3) Which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind, for which admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to the meeting, theatrical performance, exhibition or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided, that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition or event of any kind without a license, where the license is or may be required by any law of this state, or under any ordinance of this city; or
- (4) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

GARBAGE. Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

LITTER. Is garbage, refuse and rubbish as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public, health, safety and welfare.

NEWSPAPER. Any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with the federal statute or regulation, and any newspaper filed or recorded with any recording officer as provided by general law; and in addition thereto, shall mean and include any periodical or current magazine, regularly published with not less than 4 issues per year, and sold to the public.

NONCOMMERCIAL HANDBILL. Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.

PARK. A park, reservation, playground, beach, recreation center or any other public area in the city, owned or used by the city and devoted to active or passive recreation.

PERSON. Any person, firm, partnership, association, corporation, company or organization of any kind.

PRIVATE PREMISES. Any dwelling, house, building or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to the dwelling house, building or other structure.

PUBLIC PLACE. Any and all streets, sidewalks, boulevards, alleys or other public ways, and any and all public parks, squares, spaces, grounds and buildings.

REFUSE. All putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

RUBBISH. Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

VEHICLE. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.
(Prior Code, § 6-9-1) (Ord. 432, passed 10-6-1980)

§ 91.021 LITTER IN PUBLIC PLACES.

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the city except in public receptacles, in private receptacles for collection, or in official sanitary landfill disposal sites.

(Prior Code, § 6-9-2) (Ord. 432, passed 10-6-1980) Penalty, see § 91.999

§ 91.022 PLACEMENT OF LITTER IN RECEPTACLES SO AS TO PREVENT SCATTERING.

Persons placing litter in public receptacles or in private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

(Prior Code, § 6-9-3) (Ord. 432, passed 10-6-1980)

§ 91.023 SWEEPING LITTER INTO GUTTERS PROHIBITED.

No person shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building or lot or from any public place or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

(Prior Code, § 6-9-4) (Ord. 432, passed 10-6-1980) Penalty, see § 91.999

§ 91.024 MERCHANTS' DUTY TO KEEP SIDEWALK FREE OF LITTER.

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the city shall keep the sidewalk in front of their business premises free of litter.

(Prior Code, § 6-9-5) (Ord. 432, passed 10-6-1980) Penalty, see § 91.999

§ 91.025 LITTER THROWN BY PERSON IN VEHICLES.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the city, or upon private property.

(Prior Code, § 6-9-6) (Ord. 432, passed 10-6-1980) Penalty, see § 91.999

§ 91.026 TRUCK LOADS CAUSING LITTER.

No person shall drive or move any truck or other vehicle within the city unless the vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place. Nor shall any person drive or move any vehicle or truck within the city, the wheels or tires of which carry onto or deposit in any street, alley or other public place mud, dirt, sticky substances, litter or foreign matter of any kind.

(Prior Code, § 6-9-7) (Ord. 432, passed 10-6-1980) Penalty, see § 91.999

§ 91.027 LITTER IN PARKS.

No person shall throw or deposit litter in any park within the city except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all the litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

(Prior Code, § 6-9-8) (Ord. 432, passed 10-6-1980) Penalty, see § 91.999

§ 91.028 LITTER IN LAKES AND FOUNTAINS.

No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or any other body of water in a park or elsewhere within the city.

(Prior Code, § 6-9-9) (Ord. 432, passed 10-6-1980) Penalty, see § 91.999

§ 91.029 THROWING OR DISTRIBUTING COMMERCIAL HANDBILLS IN PUBLIC PLACES.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the city. Nor shall any person hand out, distribute or sell any commercial handbill in any public place; provided, however, that it shall not be unlawful on any sidewalk, street or other public place within the city for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.

(Prior Code, § 6-9-10) (Ord. 432, passed 10-6-1980) Penalty, see § 91.999

§ 91.030 PLACING COMMERCIAL AND NONCOMMERCIAL HANDBILLS ON VEHICLES.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle; provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

(Prior Code, § 6-9-11) (Ord. 432, passed 10-6-1980) Penalty, see § 91.999

§ 91.031 DEPOSITING COMMERCIAL AND NONCOMMERCIAL HANDBILLS ON UNINHABITED OR VACANT PREMISES.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

(Prior Code, § 6-9-12) (Ord. 432, passed 10-6-1980) Penalty, see § 91.999

§ 91.032 PROHIBITING DISTRIBUTION OF HANDBILLS WHERE PROPERLY POSTED.

No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on the premises in a conspicuous position near the entrance thereof a sign bearing the words “No Trespassing,” “No Peddlers or Agents,” “No Advertisement” or any similar notice, indicating in any manner that the occupants of the premises do not desire to be molested or have their right of privacy disturbed, or to have any handbills left upon the premises.

(Prior Code, § 6-9-13) (Ord. 432, passed 10-6-1980) Penalty, see § 91.999

§ 91.033 DISTRIBUTING COMMERCIAL AND NONCOMMERCIAL HANDBILLS AT INHABITED PRIVATE PREMISES.

(A) *Prohibition.* No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by handling or transmitting the handbill directly to the owner, occupant or other person then present in or upon the private premises; provided, however, that in the case of inhabited private premises which are not posted, as provided in this subchapter, the person, unless requested by anyone upon the premises not to do so, may place or deposit any such handbill in or upon the inhabited private premises, if the handbill is so placed or deposited as to secure or prevent the handbill from being blown or drifted about the premises or sidewalks, streets or other public places, and except the mailboxes may not be so used when so prohibited by federal postal law or regulations.

(B) *Exemption for mail and newspapers.* The provisions of this section shall not apply to the distribution of mail by the United States nor to newspapers (as defined herein), except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

(Prior Code, § 6-9-14) (Ord. 432, passed 10-6-1980) Penalty, see § 91.999

§ 91.034 DROPPING LITTER FROM AIRCRAFT.

No person in an aircraft shall throw out, drop or deposit within the city any litter, handbill or any other object.

(Prior Code, § 6-9-15) (Ord. 432, passed 10-6-1980) Penalty, see § 91.999

§ 91.035 POSTING NOTICES PROHIBITED.

No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamppost, public utility pole or shade tree, or upon any public structure or building, except as may be authorized or required by law.

(Prior Code, § 6-9-16) (Ord. 432, passed 10-6-1980) Penalty, see § 91.999

§ 91.036 LITTER ON OCCUPIED PRIVATE PROPERTY.

No person shall throw or deposit litter on any occupied private property within the city, whether owned by that person or not, except that the owner or person in control of private property may maintain private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

(Prior Code, § 6-9-17) (Ord. 432, passed 10-6-1980) Penalty, see § 91.999

§ 91.037 OWNER TO MAINTAIN PREMISES FREE OF LITTER.

The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that this section shall not prohibit the storage of litter in private receptacles for collection.

(Prior Code, § 6-9-18) (Ord. 432, passed 10-6-1980)

§ 91.038 LITTER ON VACANT LOTS.

No person shall throw or deposit litter on any open or vacant private property within the city, whether owned by that person or not.

(Prior Code, § 6-9-19) (Ord. 432, passed 10-6-1980) Penalty, see § 91.999

§ 91.039 CLEARING OF LITTER FROM OPEN PRIVATE PROPERTY BY CITY.

(A) *Notice to remove.* The Code Enforcement Officer is hereby authorized and empowered to notify the owner of any open or vacant private property within the city or the agent of the owner to properly dispose of litter located on the owner's property which is dangerous to public health, safety or welfare. The notice shall be registered mail, addressed to the owner at his or her last known address.

(B) *Action upon noncompliance.* Upon the failure, neglect or refusal of any owner or agent so notified to properly dispose of litter dangerous to the public health, safety or welfare within 10 days after receipt or written notice provided for in division (A) above, or within 5 days after the date of the notice in the event the same is returned to the post office because of its inability to make delivery thereof, provided the same was properly addressed to the last known address of the owner or agent, the Code Enforcement Officer is hereby authorized and empowered to pay for the disposing of the litter or to order its disposal by the city.

(C) *Charge included in tax bill.* When the city has effected the removal of the litter or has paid for its removal, the actual cost thereof, plus accrued interest at the rate of 8% per annum from the date of the completion of the work, if not paid by the owner prior thereto, shall be charged to the owner of the property on the next regular tax bill forwarded to the owner by the city, and the charge shall be due and payable by the owner at the time of payment of the bill.

(D) *Recorded statement constitutes lien.* Where the full amount due the city is not paid by the owner within 30 days after the disposal of the litter, as provided for in divisions (A) and (B) above, then and in that case, the Assistant City Administrator shall cause to be recorded in the Meeker County Register of Deeds office a sworn statement showing the cost and expense incurred for the work, the date the work was done and the location of the property on which the work was done. The recording of the sworn statement shall constitute a lien and privilege on the property, and shall remain in full force and effect for the amount due in principal and interest, plus cost of court, if any, for collection until final payment has been made. The cost and expenses shall be collected in the manner fixed by law for the collection of taxes and, further, shall be subject to a delinquent penalty of 8% in the event same is not paid in full on or before the date the tax bill upon which the charge appears becomes delinquent. Sworn statements recorded in accordance with the provision hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily, and shall be full notice to every person concerned that the amount of the statement, plus interest constitutes a charge against the property designated or described in the statement, and that the same is due and collectible as provided by law.

(Prior Code, § 6-9-20) (Ord. 432, passed 10-6-1980) Penalty, see § 91.999

§ 91.040 POLLUTION OF LAKE RIPLEY.

(A) *Pollution prohibited.* No sewage, wastes or other deleterious or contaminating substances or matter that will pollute or contaminate water so as to affect public health shall be discharged, deposited or permitted to enter the waters of Lake Ripley.

(Prior Code, § 6-3-1)

(B) *Inspection.* The Code Enforcement Officer or his or her designee, shall have the right to enter upon premises or into buildings within the city limits at all reasonable hours, to inspect sewage disposal systems, septic tanks, sewage drain fields, pipes, tiles and other fixtures and apparatus connected therewith. If it shall be found from the inspection or otherwise that the provisions of this or any section of this code are not being complied with in any respect, the Code Enforcement Officer, the Board of Health or their representatives shall serve notice at once upon the owner and the occupant and the person in charge of the premises, specifying the violation of the provisions of this or any chapter of this code. The notice shall specify the time within which violations must be remedied; whereupon it shall become the duty of the person served upon with the notice to remedy and cease the specified violations.

(Prior Code, § 6-3-2)

(Ord. 298, passed 7-18-1955) Penalty, see § 91.999

ASSESSABLE CURRENT SERVICES, OBLIGATION OF

PROPERTY OWNER OR OCCUPANT**§ 91.050 DEFINITIONS.**

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

CURRENT SERVICE. One or more of the following: snow, ice or rubbish removal from sidewalks; weed or rank vegetative growth elimination from boulevards or street grass plots adjacent to sidewalks or from private property; removal or elimination of public health or safety hazards from private property, excluding any hazardous building included in M.S. §§ 463.15 to 463.26, as may be amended from time to time; installation or repair of water service lines; and the repair of sidewalks. (Prior Code, § 6-10-1) (Ord. 481, passed 5-21-1984)

§ 91.051 SNOW, ICE, DIRT AND RUBBISH.

(A) *Duty of owners and occupants.* The owner and the occupant of any property adjacent to a public sidewalk shall use diligence to keep the walk safe for pedestrians. No owner or occupant shall allow snow, ice, dirt or rubbish to remain on the walk longer than 24 hours after its deposit thereon.

(B) *Removal by city.* The Street Superintendent shall remove from all public sidewalks all snow, ice, dirt and rubbish as soon as possible, beginning 24 hours after any such matter has been deposited thereon or after the snow has ceased to fall. He or she shall keep a record showing the cost of the removal adjacent to each separate lot and parcel and shall deliver the information to the Assistant City Administrator. To this cost shall be added 10% for inspection and an administrative fee as set by resolution of the Council.

(Prior Code, § 6-10-2) (Ord. 481, passed 5-21-1984)

§ 91.052 WEED AND RANK VEGETATIVE GROWTH ELIMINATION.

(A) *Weeds and rank vegetative growth as a nuisance.* Any weeds or rank vegetative growth, whether noxious as defined by law or not, growing upon any lot or parcel of land outside the traveled portion of any street or alley in the city to a greater height than 6 inches or which have gone or are about to go to seed are a nuisance. The owner and the occupant shall abate or prevent the nuisance on the property and on land outside the traveled portion of the street or alley abutting on the property.

(B) *Notice.* On or before June 1 of each year and at other times as ordered by resolution of the Council, the City Council shall publish once in the official newspaper a notice directing owners and occupants of property within the city to destroy all weeds or rank vegetative growth declared by division (A) of this section to be a nuisance, and stating that if not so destroyed within 10 days after publication of the notice, the weeds will be destroyed by the Street Superintendent at the expense of the owner, and that if not paid, the charge for the work will be made a special assessment against the

property.

(C) *Removal by city.* If the owner or occupant of any property in the city fails to comply with the notice within 5 days after publication (receipt), or if no owner, occupant or agent of the owner can be found, the Street Superintendent shall cut and remove the weeds or vegetative growth. He or she shall keep a record showing the cost of the work attributable to each separate lot and parcel and shall deliver that information to the Assistant City Administrator. To this cost shall be added 10% for inspection and an administrative fee as set by resolution of the Council.
(Prior Code, § 6-10-3) (Ord. 481, passed 5-21-1984)

§ 91.053 PUBLIC HEALTH AND SAFETY HAZARDS.

When the city removes or eliminates public health or safety hazards from private property under city ordinance, the administrative officer responsible for doing the work shall keep a record of the cost of the removal or elimination against each parcel of property affected and annually deliver that information to the Assistant City Administrator. To this cost shall be added 10% for inspection and an administrative fee as set by resolution of the Council. This section does not apply to hazardous buildings under the hazardous building law, M.S. §§ 463.15 to 463.26, as may be amended from time to time.
(Prior Code, § 6-10-4) (Ord. 481, passed 5-21-1984)

§ 91.054 INSTALLATION AND REPAIR OF WATER SERVICE LINES.

Whenever the city installs or repairs water service lines serving private property, the Water Superintendent shall keep a record of the total cost of the installation or repair against the property and deliver that information to the Assistant City Administrator annually by August 15 as to each parcel of property on which the cost has not been paid.
(Prior Code, § 6-10-5) (Ord. 481, passed 5-21-1984)

§ 91.055 REPAIR OF SIDEWALKS.

(A) *Duty of owner.* The owner of any property within the city abutting a public sidewalk shall keep the sidewalk in repair and safe for pedestrians. Repairs shall be made in accordance with the standard specifications and permits approved by the Council and on file in the office of the Assistant City Administrator.

(B) *Inspections; notice.* The Street Superintendent shall make such inspections as are necessary to determine that public sidewalks within the city are kept in repair and safe for pedestrians or vehicles. If he or she finds that any sidewalk abutting on private property is unsafe and in need of repairs, he or she shall cause a notice to be served, by registered or certified mail or by personal service, upon the record owner of the property and the occupant, if the owner does not reside within the city or cannot be found therein, ordering the owner to have the sidewalk or alley repaired and made safe within 30 days and

stating that if the owner fails to do so, the Street Superintendent will do so on behalf of the city, that the expense thereof must be paid by the owner, and that if unpaid it will be made a special assessment against the property concerned.

(Prior Code, § 6-10-6) (Ord. 481, passed 5-21-1984)

§ 91.056 REPAIR BY CITY.

If the sidewalk is not repaired within 30 days after receipt of the notice, the Street Superintendent shall report the facts to the Council, and the Council shall by resolution order the Street Superintendent to repair the sidewalk or alley and make it safe or order the work done by contract in accordance with law. The Operations Coordinator shall keep a record of the total cost of the repair attributable to each lot or parcel of property and report the information to the Assistant City Administrator.

(Prior Code, § 6-10-7) (Ord. 481, passed 5-21-1984)

§ 91.057 PERSONAL LIABILITY.

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

(Prior Code, § 6-10-8) (Ord. 481, passed 5-21-1984)

§ 91.058 ASSESSMENT.

On or before September 1 of each year, the Assistant City Administrator shall list the total unpaid charges for each type of current service against each separate lot or parcel to which they are attributable under this chapter. The Council may then spread the charges against property benefitted as a special assessment under M.S. § 429.101, as it may be amended from time to time, and other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding 10, as the Council may determine in each case.

(Prior Code, § 6-10-9) (Ord. 481, passed 5-21-1984)

INOPERATIVE, DISMANTLED AND JUNKED VEHICLES

§ 91.070 PURPOSE.

The purpose of this subchapter is to provide a means wherein the problem of abandoned, wrecked, dismantled, inoperative and junked motor vehicles within the city can be abated.

(Prior Code, § 5-11-1) (Ord. 507, passed 9-22-1986)

§ 91.071 DEFINITIONS.

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

ABANDONED MOTOR VEHICLE. Any motor vehicle, as defined herein, which is left unattended on any public street, alley, public place or public parking lot within the city for a longer period than 24 hours without notifying the City Police Department and making arrangements for the parking of the motor vehicle.

CITY. The City of Litchfield.

JUNKED MOTOR VEHICLE. Any motor vehicle, as defined herein, which does not have lawfully affixed thereto both an unexpired license plate or plates or the condition of which is wrecked, dismantled, partially dismantled, inoperative or discarded.

MOTOR VEHICLE. Any vehicle which is self-propelled and designed to travel along the ground and shall include but not be limited to automobiles, buses, motorbikes, motorcycles, motorscooters, trucks, tractors, go-carts, golf carts, campers and trailers.

PERSON. Any person, firm, partnership, association, corporation, company or organization of any kind.

PRIVATE PROPERTY. Any real property within the city which is privately owned and which is not public property as defined in this section.

PUBLIC PROPERTY. Any street, alley or highway which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and also means any other publicly owned property or facility.
(Prior Code, § 5-11-2) (Ord. 507, passed 9-22-1986)

§ 91.072 STORING, PARKING OR LEAVING DISMANTLED OR OTHER MOTOR VEHICLES DECLARED AN EYESORE AND/OR NUISANCE; EXCEPTIONS.

The presence of an abandoned, wrecked, dismantled, inoperative, junked or partially dismantled motor vehicle or parts thereof on private or public property is a public nuisance which may be abated as such in accordance with the provisions of this chapter. This section shall not apply to any motor vehicle enclosed within a building on private property or to any motor vehicle held in connection with a business enterprise, lawfully licensed by the city and properly operated in the appropriate business zone, pursuant to the zoning laws of the city, or to any motor vehicle in operable condition specifically adapted or designed for operation on drag strips or raceways which is covered with an appropriate cover to screen it from view that remains on private property, or any antique vehicle that constitutes an "eyesore" which is covered with an appropriate cover to screen it from view, or to any motor vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city or authorized by the city.

(Prior Code, § 5-11-3) (Ord. 507, passed 9-22-1986) Penalty, see § 91.999

§ 91.073 STORING, PARKING OR LEAVING DISMANTLED OR OTHER MOTOR VEHICLES ON PUBLIC PROPERTY PROHIBITED.

(A) No person shall park, store, leave or permit the parking, storing or leaving of any abandoned, wrecked, dismantled, inoperative, junked or partially dismantled motor vehicle of any kind, whether attended or not, upon any public property within the city.

(B) Whenever any police officer finds an abandoned motor vehicle or an unattended motor vehicle which is in a wrecked, dismantled, inoperative, junked or partially dismantled condition on public property within the city, he or she is authorized to provide for the removal of the motor vehicle to the police impound lot or a place of safety. A motor vehicle which causes an obstruction and hazard to traffic may be removed at any time under the direction of this Police Department.

(Prior Code, § 5-11-4) (Ord. 507, passed 9-22-1986) Penalty, see § 91.999

§ 91.074 PROHIBITIONS ON PRIVATE PROPERTY.

No person owning, in charge of or in control of any real property within the city, whether as owner, tenant, occupant, lessee or otherwise, shall allow any abandoned, wrecked, dismantled, inoperative, junked or partially dismantled motor vehicle of any kind to remain on the property longer than 14 days.

(A) *Notice to remove.* Whenever it comes to the attention of the Police Department that any person has an abandoned, wrecked, dismantled, inoperative, junked or partially dismantled motor vehicle on his or her property, a notice in writing shall be served upon the person requesting the removal of the motor vehicle in the time specified in this subchapter.

(B) *Responsibility for removal.* Upon proper notice, the owner of the abandoned, wrecked, dismantled, inoperative, junked or partially dismantled motor vehicle and the owner or occupant of the private property on which the same is located, either or all of them, shall be responsible for its removal.

(C) *Notice procedure.* The Police Department shall give notice of removal to the owner or occupant of the private property where it is located. It shall constitute sufficient notice when a copy of same is sent by registered mail to the owner or occupant of the private property at his or her last known address.

(D) *Content of notice.* The notice shall contain the request for removal within 14 days after the mailing of the notice, and the notice shall advise that failure to comply with notice to remove shall be a violation of this chapter.

(Prior Code, § 5-11-5) (Ord. 507, passed 9-22-1986) Penalty, see § 91.999

§ 91.075 RACING VEHICLES OR ANTIQUE VEHICLES.

No owner or occupant of private property shall have an uncovered motor vehicle specially adapted or designed for operation on drag strips or raceways or an uncovered motor vehicle retained on private property for antique collection purposes, “If that antique vehicle has not been restored and is a public eyesore,” all as defined by § 91.073.

(Prior Code, § 5-11-6) (Ord. 507, passed 9-22-1986) Penalty, see § 91.999

§ 91.999 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) Violation of any provision of §§ 91.001 through 91.010, including maintaining a nuisance after being notified in writing by first class mail of a violation of any provision of this chapter, shall be a misdemeanor and punished as provided in § 10.99.

(C) Every person who violates any of the provisions of § 91.011 shall be guilty of a misdemeanor. Every owner or tenant of the premises where a party or gathering in violation of this section occurs, who is present at the party or gathering, is guilty of a misdemeanor. Any person who refuses to disperse from a party or gathering in violation of this section, after being ordered by a police officer to do so, is guilty of a misdemeanor.

(Prior Code, § 5-13-2) (Ord. 659, passed 3-4-2002)

(D) Any person violating any of the provisions of §§ 91.020 through 91.039 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding \$500 or be imprisoned in the Meeker County Jail for a period not exceeding 90 days, or be both so fined and imprisoned. Each day the violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

(Prior Code, § 6-9-21) (Ord. 432, passed 10-6-1980)

(E) Any person who violates the provisions of §§ 91.070 through 91.075 shall be guilty of a

misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$700 or by imprisonment not to exceed 90 days, or both.

(Prior Code, § 5-11-7) (Ord. 507, passed 9-22-1986)

CHAPTER 92: FIRE PREVENTION CODE

Section

- 92.01 Fire Prevention Code adopted
- 92.02 Enforcement
- 92.03 Modifications
- 92.04 Fire limits
- 92.99 Penalty

Cross-reference:

Fire Department provisions, see Chapter 32 of this code of ordinances

§ 92.01 FIRE PREVENTION CODE ADOPTED.

The Minnesota Uniform Fire Code, 3 copies of which are on file in the office of the Assistant City Administrator of the city, and subsequent additions, are hereby adopted as the Fire Prevention Code of the city for regulating and governing conditions hazardous to life and property from fire or explosion and adopting the Fire Prevention Code aforesaid in full and making the Code a part hereof as though fully set out in this subchapter.

(Prior Code, § 3-3-1)

Statutory reference:

Similar provisions, see M.S.A. § 471.62

§ 92.02 ENFORCEMENT.

The Code adopted therein and hereby shall be enforced by the Chief of the Fire Department.
(Prior Code, § 3-3-2)

§ 92.03 MODIFICATIONS.

The Chief of the Fire Department shall have power to modify any of the provisions of the Code hereby adopted upon application in writing by the owner or lessee, or his or her duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Code, provided that the spirit of the Code shall be observed, public safety secured and substantial justice done. The particulars of these modifications when granted or allowed and the decision of the Chief of the Fire Department thereon shall be entered upon the records of the Department, and a signed copy shall be furnished the applicant.

(Prior Code, § 3-3-3)

§ 92.04 FIRE LIMITS.

The fire limits of the city are the limits of the incorporated City of Litchfield hereby established as follows:

(A) All of Blocks 52, 57, 58, 59, 60, 63, 64, 65, 66, 67, 68, 69, 71, 72, 73, 78, 80, and 81;

(B) Lots 1, 2 and 3, of Block 124;

(C) Lots 2, 3, 4 and 5 of Block 1 of Crosby's Addition; and

(D) Lot X.

(Prior Code, § 3-2-1) (Ord. 297, passed 6-6-1955)

§ 92.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) (1) Any person who shall violate any of the provisions of the Fire Prevention Code as hereby adopted in §§ 92.01 through 92.03 or fail to comply therewith; or who shall violate or fail to comply with any order made thereunder; who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permits issued thereunder, and from which no appeal has been taken; or who shall fail to comply with an order made by the authorized official or officials of the city or by the court of competent jurisdiction within the time fixed therein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not more than \$100 or by imprisonment for not more than 90 days.

(2) The imposition of one penalty for any violation of the code or order shall not excuse the violation or permit it to continue; and all these persons shall be required to correct or remedy the violation or defect within a reasonable time. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions or structures, nor shall the same prohibit the use of injunctive procedures or other available remedies issued out of any court of competent jurisdiction, and necessary to secure compliance with the code.

(Prior Code, § 3-3-4) (Ord. 396, passed 12-6-1976)

CHAPTER 93: STREETS AND SIDEWALKS

Section

General Provisions

- 93.01 Unloading on street or sidewalk
- 93.02 Street and sidewalk obstruction
- 93.03 Materials on street or sidewalk

Right-Of-Way Construction Regulations

- 93.20 Election to manage the public right-of-way
- 93.21 Definitions and adoption of rules by reference
- 93.22 Permit requirement
- 93.23 Permit applications
- 93.24 Issuance of permit; conditions
- 93.25 Permit fees
- 93.26 Right-of-way patching and restoration
- 93.27 Supplementary applications
- 93.28 Denial of permit
- 93.29 Installation requirements
- 93.30 Inspection
- 93.31 Work done without a permit
- 93.32 Supplementary notification
- 93.33 Revocation of permits
- 93.34 Mapping data; information required
- 93.35 Location of facilities
- 93.36 Damage to other facilities
- 93.37 Right-of-way vacation
- 93.38 Indemnification and liability
- 93.39 Abandoned facilities; removal of abandoned facilities
- 93.40 Appeal
- 93.41 Reservation of regulatory and police powers

GENERAL PROVISIONS**§ 93.01 UNLOADING ON STREET OR SIDEWALK.**

No person shall unload any heavy material in the streets of the city by throwing or letting the material fall upon the pavement of any street, alley, sidewalk, or other public way, without first placing some sufficient protection over the pavement.

Penalty, see § 10.99

§ 93.02 STREET AND SIDEWALK OBSTRUCTION.

No person shall obstruct any street, alley, sidewalk, or other public way within the city by erecting thereon any fence or building, or permitting any fence or building to remain thereon. Each day that any fence or building is permitted to remain upon the public way shall constitute a separate offense.

Penalty, see § 10.99

§ 93.03 MATERIALS ON STREET OR SIDEWALK.

No person shall encumber any street or sidewalk. No owner, occupant, or person having the care of any building or lot of land, bordering on any street or sidewalk, shall permit it to be encumbered with barrels, boxes, cans, articles, or substances of any kind, so as to interfere with the free and unobstructed use thereof.

Penalty, see § 10.99

RIGHT-OF-WAY CONSTRUCTION REGULATIONS**§ 93.20 ELECTION TO MANAGE THE PUBLIC RIGHT-OF-WAY.**

In accordance with the authority granted to the city under state and federal statutory, administrative, and common law, the city hereby elects pursuant to this chapter to manage rights-of-ways within its jurisdiction.

§ 93.21 DEFINITIONS AND ADOPTION OF RULES BY REFERENCE.

Minn. Rules Ch. 7819, as it may be amended from time to time, is hereby adopted by reference and is incorporated into this code as if set out in full. The definitions included in Minn. Rules part 7819.0100 subds. 1 through 23, as it may be amended from time to time, are the definitions of the terms used in the following provisions of this subchapter.

§ 93.22 PERMIT REQUIREMENT.

(A) *Permit required.* Except as otherwise provided in this code, no person may obstruct or excavate any right-of-way without first having obtained the appropriate permit from the city.

(1) *Excavation permit.* An excavation permit is required to excavate that part of the right-of-way described in the permit and to hinder free and open passage over the specified portion of the right-of-way by placing facilities described therein, to the extent and for the duration specified therein.

(2) *Obstruction permit.* An obstruction permit is required to hinder free and open passage over the specified portion of right-of-way by placing equipment described therein on the right-of-way, to the extent and for the duration specified therein. An obstruction permit is not required if a person already possesses a valid excavation permit for the same project.

(B) *Permit extensions.* No person may excavate or obstruct the right-of-way beyond the date or dates specified in the permit unless the person makes a supplementary application for another right-of-way permit before the expiration of the initial permit, and a new permit or permit extension is granted.

(C) *Delay penalty.* In accordance with Minn. Rules part 7819.1000 subp. 3, as it may be amended from time to time and notwithstanding division (B) of this section, the city may establish and impose a delay penalty for unreasonable delays in right-of-way excavation, obstruction, patching, or restoration.

(D) *Permit display.* Permits issued under this subchapter shall be conspicuously displayed or otherwise available at all times at the indicated work site and shall be available for inspection by the Assistant City Administrator, Utilities Superintendent or other person designated by the Council.
Penalty, see § 10.99

§ 93.23 PERMIT APPLICATIONS.

Application for a permit shall contain, and will be considered complete only upon compliance with the requirements of the following provisions:

(A) Submission of a completed permit application form, including all required attachments, scaled drawings showing the location and area of the proposed project and the location of all known existing and proposed facilities, and the following information:

(1) Each permittee's name, gopher one-call registration certificate number, address and e-mail address if applicable, and telephone and facsimile numbers.

(2) The name, address and e-mail address, if applicable, and telephone and facsimile numbers of a local representative. The local representative or designee shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of registration.

(3) A certificate of insurance or self-insurance:

(a) Verifying that an insurance policy has been issued to the registrant by an insurance company licensed to do business in the state, or a form of self-insurance acceptable to the Assistant City Administrator, Utilities Superintendent or other person designated by the Council;

(b) Verifying that the registrant is insured against claims for personal injury, including death, as well as claims for property damage arising out of the use and occupancy of the right-of-way by the registrant, its officers, agents, employees, and permittees, and placement and use of facilities and equipment in the right-of-way by the registrant, its officers, agents, employees, and permittees, including, but not limited to, protection against liability arising from completed operations, damage of underground facilities, and collapse of property;

(c) Naming the city as an additional insured as to whom the coverages required herein are in force and applicable and for whom defense will be provided as to all coverages;

(d) Requiring that the Assistant City Administrator, Utilities Superintendent or other person designated by the Council be notified 30 days in advance of cancellation of the policy or material modification of a coverage term;

(e) Indicating comprehensive liability coverage, automobile liability coverage, workers compensation and umbrella coverage established by the Assistant City Administrator, Utilities Superintendent or other person designated by the Council in amounts sufficient to protect the city and the public and to carry out the purposes and policies of this chapter.

(4) The city may require a copy of the actual insurance policies.

(5) If the person is a corporation, a copy of the certificate required to be filed under M.S. § 300.06, as it may be amended from time to time as recorded and certified to by the Secretary of State.

(6) A copy of the person's order granting a certificate of authority from the Minnesota Public Utilities Commission or other applicable state or federal agency, where the person is lawfully required to have the certificate from the Commission or other state or federal agency.

(B) Payment of money due the city for:

(1) Permit fees as established by the City Council from time to time, estimated restoration

costs and other management costs;

(2) Prior obstructions or excavations;

(3) Any undisputed loss, damage, or expense suffered by the city because of the applicant's prior excavations or obstructions of the rights-of-way or any emergency actions taken by the city; or

(4) Franchise fees or other charges as established by the City Council from time to time, if applicable.

§ 93.24 ISSUANCE OF PERMIT; CONDITIONS.

(A) *Permit issuance.* If the applicant has satisfied the requirements of this chapter, the Assistant City Administrator, Utilities Superintendent or other person designated by the Council shall issue a permit.

(B) *Conditions.* The Assistant City Administrator, Utilities Superintendent or other person designated by the Council may impose reasonable conditions upon the issuance of the permit and the performance of the applicant thereunder to protect the health, safety, and welfare or when necessary to protect the right-of-way and its current use.

§ 93.25 PERMIT FEES.

Permit fees shall be in an amount established by the City Council from time to time.

(A) *Excavation permit fee.* The city shall establish an excavation permit fee as established by the City Council from time to time, in an amount sufficient to recover the following costs:

(1) The city management costs; and

(2) Degradation costs, if applicable.

(B) *Obstruction permit fee.* The city shall establish the obstruction permit fee as established by the City Council from time to time, and shall be in an amount sufficient to recover the city management costs.

(C) *Payment of permit fees.* No excavation permit or obstruction permit shall be issued without payment of excavation or obstruction permit fees. The city may allow applicant to pay those fees within 30 days of billing.

(D) *Non-refundable.* Permit fees that were paid for a permit that the Assistant City Administrator, Utilities Superintendent or other person designated by the Council has revoked for a breach as stated in § 93.33 are not refundable.

(E) *Application to franchises.* Unless otherwise agreed to in a franchise, management costs may be charged separately from and in addition to the franchise fees imposed on a right-of-way user in the franchise.

(F) All permit fees shall be established consistent with the provisions of Minn. Rules part 7819.100, as it may be amended from time to time.

Penalty, see § 10.99

§ 93.26 RIGHT-OF-WAY PATCHING AND RESTORATION.

(A) *Timing.* The work to be done under the excavation permit, and the patching and restoration of the right-of-way as required herein, must be completed within the dates specified in the permit, increased by as many days as work could not be done because of circumstances beyond the control of the permittee or when work was prohibited as unseasonal or unreasonable under this subchapter.

(B) *Patch and restoration.* The permittee shall patch its own work. The city may choose either to have the permittee restore the right-of-way or to restore the right-of-way itself.

(1) *City restoration.* If the city restores the right-of-way, the permittee shall pay the costs thereof within 30 days of billing. If following the restoration, the pavement settles due to the permittee's improper backfilling, the permittee shall pay to the city, within 30 days of billing, all costs associated with having to correct the defective work.

(2) *Permittee restoration.* If the permittee restores the right-of-way itself, it may be required at the time of application for an excavation permit to post a construction performance bond or a deposit in accordance with the provisions of Minn. Rules part 7819.3000, as it may be amended from time to time.

(C) *Standards.* The permittee shall perform patching and restoration according to the standards and with the materials specified by the city and shall comply with Minn. Rules part 7819.1100, as it may be amended from time to time. The Assistant City Administrator, Utilities Superintendent or other person designated by the Council shall have the authority to prescribe the manner and extent of the restoration, and may do so in written procedures of general application or on a case-by-case basis.

(D) *Duty to correct defects.* The permittee shall correct defects in patching, or restoration performed by the permittee or its agents. The permittee upon notification from the Assistant City Administrator, Utilities Superintendent or other person designated by the Council, shall correct all restoration work to the extent necessary, using the method required by the Assistant City Administrator, Utilities Superintendent or other person designated by the Council. The work shall be completed within five calendar days of the receipt of the notice from the Assistant City Administrator, Utilities Superintendent or other person designated by the Council, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonal or unreasonable under this subchapter.

(E) *Failure to restore.* If the permittee fails to restore the right-of-way in the manner and to the

condition required by the Assistant City Administrator, Utilities Superintendent or other person designated by the Council, or fails to satisfactorily and timely complete all restoration required by the Assistant City Administrator, Utilities Superintendent or other person designated by the Council, the Assistant City Administrator, Utilities Superintendent or other person designated by the Council at his or her option may do the work. In that event the permittee shall pay to the city, within 30 days of billing, the cost of restoring the right-of-way. If the permittee fails to pay as required, the city may exercise its rights under the construction performance bond.

(F) *Degradation fee in lieu of restoration.* In lieu of right-of-way restoration, a right-of-way user may elect to pay a degradation fee as established by the City Council from time to time. However, the right-of-way user shall remain responsible for patching and the degradation fee shall not include the cost to accomplish these responsibilities.

§ 93.27 SUPPLEMENTARY APPLICATIONS.

(A) *Limitation on area.* A right-of-way permit is valid only for the area of the right-of-way specified in the permit. No permittee may do any work outside the area specified in the permit, except as provided herein. Any permittee which determines that an area greater than that specified in the permit must be obstructed or excavated must before working in that greater area make application for a permit extension and pay any additional fees required thereby, and be granted a new permit or permit extension.

(B) *Limitation on dates.* A right-of-way permit is valid only for the dates specified in the permit. No permittee may begin its work before the permit start date or, except as provided herein, continue working after the end date. If a permittee does not finish the work by the permit end date, it must apply for a new permit for the additional time it needs, and receive the new permit or an extension of the old permit before working after the end date of the previous permit. This supplementary application must be submitted before the permit end date.

§ 93.28 DENIAL OF PERMIT.

The city may deny a permit for failure to meet the requirements and conditions of this chapter or if the city determines that the denial is necessary to protect the health, safety, and welfare or when necessary to protect the right-of-way and its current use.

§ 93.29 INSTALLATION REQUIREMENTS.

The excavation, backfilling, patching and restoration, and all other work performed in the right-of-way shall be done in conformance with Minn. Rules part 7819.1100, as it may be amended from time to time and other applicable local requirements, in so far as they are not inconsistent with M.S. §§ 237.162 and 237.163, as they may be amended from time to time.

§ 93.30 INSPECTION.

(A) *Notice of completion.* When the work under any permit hereunder is completed, the permittee shall furnish a completion certificate in accordance Minn. Rules part 7819.1300, as it may be amended from time to time.

(B) *Site inspection.* The permittee shall make the work-site available to city personnel and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.

(C) *Authority of Assistant City Administrator, Utilities Superintendent or other person designated by the Council.*

(1) At the time of inspection, the Assistant City Administrator, Utilities Superintendent or other person designated by the Council may order the immediate cessation of any work which poses a serious threat to the life, health, safety, or well-being of the public.

(2) The Assistant City Administrator, Utilities Superintendent or other person designated by the Council may issue an order to the permittee for any work which does not conform to the terms of the permit or other applicable standards, conditions, or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten days after issuance of the order, the permittee shall present proof to the Assistant City Administrator, Utilities Superintendent or other person designated by the Council that the violation has been corrected. If proof has not been presented within the required time, the Assistant City Administrator, Utilities Superintendent or other person designated by the Council may revoke the permit pursuant to § 93.33.

§ 93.31 WORK DONE WITHOUT A PERMIT.

(A) *Emergency situations.*

(1) Each person with facilities in the right-of-way shall immediately notify the city of any event regarding its facilities which it considers to be an emergency. The owner of the facilities may proceed to take whatever actions are necessary to respond to the emergency. Within two business days after the occurrence of the emergency, the owner shall apply for the necessary permits, pay the fees associated therewith and fulfill the rest of the requirements necessary to bring itself into compliance with this chapter for the actions it took in response to the emergency.

(2) If the city becomes aware of an emergency regarding facilities, the city will attempt to contact the local representative of each facility owner affected, or potentially affected, by the emergency. In any event, the city may take whatever action it deems necessary to respond to the emergency, the cost of which shall be borne by the person whose facilities occasioned the emergency.

(B) *Non-emergency situations.* Except in an emergency, any person who, without first having

obtained the necessary permit, obstructs or excavates a right-of-way must subsequently obtain a permit, and as a penalty pay double the normal fee for the permit, pay double all the other fees required by this code, deposit with the city the fees necessary to correct any damage to the right-of-way and comply with all of the requirements of this chapter.

§ 93.32 SUPPLEMENTARY NOTIFICATION.

If the obstruction or excavation of the right-of-way begins later or ends sooner than the date given on the permit, the permittee shall notify the Assistant City Administrator, Utilities Superintendent or other person designated by the Council of the accurate information as soon as this information is known.

§ 93.33 REVOCATION OF PERMITS.

(A) *Substantial breach.* The city reserves its right, as provided herein, to revoke any right-of-way permit, without a fee refund if there is a substantial breach of the terms and conditions of any statute, ordinance, rule or regulation, or any material condition of the permit. A substantial breach by the permittee shall include, but shall not be limited, to the following:

- (1) The violation of any material provision of the right-of-way permit;
- (2) An evasion or attempt to evade any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the city or its citizens;
- (3) Any material misrepresentation of fact in the application for a right-of-way permit;
- (4) The failure to complete the work in a timely manner; unless a permit extension is obtained or unless the failure to complete work is due to reasons beyond the permittees control; or
- (5) The failure to correct, in a timely manner, work that does not conform to a condition indicated on an order issued pursuant to § 93.30.

(B) *Written notice of breach.* If the city determines that the permittee has committed a substantial breach of a term or condition of any statute, ordinance, rule, regulation or any condition of the permit the city shall make a written demand upon the permittee to remedy that violation. The demand shall state that continued violations may be cause for revocation of the permit. A substantial breach, as stated above, will allow the city, at its discretion, to place additional or revised conditions on the permit to mitigate and remedy the breach.

(C) *Response to notice of breach.* Within 24 hours of receiving notification of the breach, the permittee shall provide the city with a plan, acceptable to the city, that will cure the breach. The permittee's failure to so contact the city, or the permittee's failure to submit an acceptable plan, or the permittee's failure to reasonably implement the approved plan, shall be cause for immediate revocation of the permit.

(D) *Reimbursement of city costs.* If a permit is revoked, the permittee shall also reimburse the city for the city's reasonable costs, including restoration costs and the costs of collection and reasonable attorney's fees incurred in connection with the revocation.

§ 93.34 MAPPING DATA; INFORMATION REQUIRED.

Each permittee shall provide mapping information required by the city in accordance with Minn. Rules parts 7819.4000 and 7819.4100, as it may be amended from time to time.

§ 93.35 LOCATION OF FACILITIES.

(A) *Compliance required.* Placement, location, and relocation of facilities must comply with applicable laws, and with Minn. Rules parts 7819.3100, 7819.5000 and 7819.5100, as they may be amended from time to time, to the extent the rules do not limit authority otherwise available to cities.

(B) *Corridors.* The city may assign specific corridors within the right-of-way, or any particular segment thereof as may be necessary, for each type of facilities that is or, pursuant to current technology, the city expects will someday be located within the right-of-way. All excavation, obstruction, or other permits issued by the city involving the installation or replacement of facilities shall designate the proper corridor for the facilities at issue.

(C) *Limitation of space.* To protect the health, safety, and welfare or when necessary to protect the right-of-way and its current use, the Assistant City Administrator, Utilities Superintendent or other person designated by the Council shall have the power to prohibit or limit the placement of new or additional facilities within the right-of-way. In making those decisions, the Assistant City Administrator, Utilities Superintendent or other person designated by the Council shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of the public interest, the public's needs for the particular utility service, the condition of the right-of-way, the time of year with respect to essential utilities, the protection of existing facilities in the right-of-way, and future city plans for public improvements and development projects which have been determined to be in the public interest.

§ 93.36 DAMAGE TO OTHER FACILITIES.

When the city does work in the right-of-way and finds it necessary to maintain, support, or move facilities to protect it, the Assistant City Administrator, Utilities Superintendent or other person designated by the Council shall notify the local representative as early as is reasonably possible and placed as required. The costs associated therewith will be billed to that registrant and must be paid within 30 days from the date of billing. Each facility owner shall be responsible for the cost of repairing any facilities in the right-of-way which it or its facilities damages. Each facility owner shall be responsible for the cost of repairing any damage to the facilities of another registrant caused during the city's response to an emergency occasioned by

that owner's facilities.

§ 93.37 RIGHT-OF-WAY VACATION.

If the city vacates a right-of-way which contains the facilities of a registrant, the registrant's rights in the vacated right-of-way are governed by Minn. Rules part 7819.3200, as it may be amended from time to time.

§ 93.38 INDEMNIFICATION AND LIABILITY.

By applying for and accepting a permit under this chapter, a permittee agrees to defend and indemnify the city in accordance with the provisions of Minn. Rules 7819.1250, as it may be amended from time to time.

§ 93.39 ABANDONED FACILITIES; REMOVAL OF ABANDONED FACILITIES.

Any person who has abandoned facilities in any right-of-way shall remove them from that right-of-way if required in conjunction with other right-of-way repair, excavation, or construction, unless this requirement is waived by the Assistant City Administrator, Utilities Superintendent or other person designated by the Council.

§ 93.40 APPEAL.

A right-of-way user that has been denied registration; has been denied a permit; has had permit revoked; or believes that the fees imposed are invalid, may have the denial, revocation, or fee imposition reviewed, upon written request, by the City Council. The City Council shall act on a timely written request at its next regularly scheduled meeting. A decision by the City Council affirming the denial, revocation, or fee as imposition will be in writing and supported by written findings establishing the reasonableness of the decision.

§ 93.41 RESERVATION OF REGULATORY AND POLICE POWERS.

A permittees or registrants rights are subject to the regulatory and police powers of the city to adopt and enforce general ordinances necessary to protect the health, safety and welfare of the public.

CHAPTER 94: TREES AND SHRUBS

Section

Shade Tree Diseases

- 94.01 Declaration of policy
- 94.02 Forester
- 94.03 Shade tree disease control program
- 94.04 Nuisances declared
- 94.05 Inspection and investigation
- 94.06 Abatement of shade tree disease nuisances
- 94.07 Procedure for removal of infected trees and wood
- 94.08 Transporting elm wood and oak wood prohibited
- 94.09 Interference prohibited

- 94.99 Penalty

SHADE TREE DISEASES

Due to the emergence of Emerald Ash Borer, now found in Wisconsin it is recommended that cities prepare for this potential devastating tree disease. The below changes to Chapter 34 are presented to address this for the City of Litchfield.

§ 94.01 DECLARATION OF POLICY.

The City Council has determined that the health of elm, oak, and ash trees within the municipal limits is threatened by diseases to those trees, commonly referred to as Dutch elm disease, oak wilt disease, and Emerald Ash Borer (EAB), *Agrilus planipennis* Fairmaire, these diseases are caused by the fungi *Ceratocystis ulmi*, *Ceratocystis fagacearum*, and an exotic beetle, respectively. It is further determined that the loss of elm, oak, and ash trees growing upon public and private property would substantially depreciate the value of property within the city and impair the safety, good order, general welfare and convenience of the public. It is declared to be the intention of the Council to control and prevent the spread of these diseases, and this subchapter is enacted for this purpose.

(Prior Code, § 7-10-1)

§ 94.02 FORESTER.

(A) *Position created.* The position of Forester (tree inspector) is hereby created within the city to carry out the provisions of M.S. Ch. 18G, as it may be amended from time to time.

(B) *Duties.* It is the duty of the Forester to coordinate, under the direction and control of the Council, all activities of the municipality relating to the control and prevention of Dutch elm disease, oak wilt disease, and EAB or other diseases as designated by the Commissioner of Agriculture. He or she shall recommend to the Council the details of the program for the control of these diseases, and perform the duties incident to such a program adopted by the Council.

(Prior Code, § 7-10-2)

§ 94.03 SHADE TREE DISEASE CONTROL PROGRAM.

(A) It is the intention of the Council of the city to conduct a program of plant pest control pursuant to the authority granted by M.S. Ch. 18G, as it may be amended from time to time.

(B) This program is directed specifically at the control of Dutch elm disease, oak wilt disease, and EAB or, other diseases as designated by the Commissioner of Agriculture. The City Forester shall direct the shade tree disease control program and be the contact between the Commissioner of Agriculture and the Council.

(Prior Code, § 7-10-3)

§ 94.04 NUISANCES DECLARED.

(A) *Nuisances identified.* The following things are public nuisances, whenever they may be found within the city:

(1) Any elm tree infected with Dutch elm disease or any oak tree infected with oak wilt disease;

(2) Any dead elm, ash, or oak tree/trees or part/parts thereof, including branches, stumps and firewood or other material from which the bark has not been removed;

(3) Any dead oak tree/trees and part/parts thereof determined to be a hazard to other oak trees as prescribed by Minnesota Department of Agriculture rules and regulations AGR 106(d)(3); and

(4) Any elm tree/trees and part/parts infested by elm bark beetles.

(5) Any ash tree/trees and part/parts infested with Emerald Ash Borer.

§ 94.05 INSPECTION AND INVESTIGATION.

(A) (1) The Forester shall inspect all premises and places within the city to determine whether any

condition described in § 94.04 exists thereon. This inspection shall be done in accordance with the Minnesota Department of Agriculture rules and regulations AGR 106, but in no way prevents the Forester from conducting as many inspections as necessary. He or she shall investigate all reported incidents of infection by Dutch elm fungus, elm bark beetles, Emerald Ash Borer, or oak wilt.

(Ord. 393, passed 4-5-1976)

(2) All hazardous wood being stored on private or public property within the city shall be stored in plain view and shall be stored outdoors and not within any enclosed structure that prohibits easily accessible inspection.

(Ord. 410, passed 5-7-1979)

(B) *Entry on private premises.* The Forester, or his or her duly authorized agents, may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned him or her under this subchapter.

(C) *Diagnosis.* The Forester may, upon finding conditions indicating Dutch elm disease, Emerald Ash Borer, or oak wilt disease infection, send appropriate samples to the State Shade Tree Disease Laboratory for diagnosis or as recommended by the Commissioner of Agriculture.

(Prior Code, § 7-10-5)

§ 94.06 ABATEMENT OF SHADE TREE DISEASE NUISANCES.

In abating the nuisances defined in § 94.04, the Forester shall cause the removed tree or wood to be effectively treated so as to destroy and prevent as fully as possible the spread of the diseases. These abatement procedures shall be carried out in accordance with prescribed methods approved by the Commissioner of Agriculture.

(Prior Code, § 7-10-6)

§ 94.07 PROCEDURE FOR REMOVAL OF INFECTED TREES AND WOOD.

(A) Whenever the Forester finds with reasonable certainty that the infection defined in § 94.04 exists in any tree or wood in any public or private place in the city, he or she shall proceed as follows:

(1) The Forester shall notify the property owner by mail that the nuisance will be abated within a specified time, not more than 20 days from the date of mailing the notice.

(2) In cases of noncompliance by the property owner, within the period specified by the notice, the Forester shall immediately abate the nuisance by using municipal labor or by contracting for the services, and shall report the action to the Council. The Forester may bill the owner of private property for costs incurred for abating a nuisance.

(B) The Forester shall keep a record of trees removed and the cost of all abatements done under this section and shall report monthly to the Assistant City Administrator all work done for which assessments are to be made, stating and certifying the description of the land, lots, parcels involved and the amounts

chargeable to each.

(C) On or before September 1 of each year the Assistant City Administrator shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this subchapter. The Council may then spread the charges or any portion thereof against the property involved as a special assessment under M.S. § 429.101, as it may be amended from time to time, and other pertinent statutes for certification to the County Auditor with collection in the following year along with current taxes. (Prior Code, § 7-10-7)

§ 94.08 TRANSPORTING ELM WOOD, ASH WOOD, AND OAK WOOD PROHIBITED.

It is unlawful for any person to transport within the city any bark-bearing elm, ash, or oak wood without having obtained a permit from the Forester except when transporting to a designated disposal site. The Forester shall grant the permits only in conformity with the state approved removal and wood disposal practices.

(Prior Code, § 7-10-8) Penalty, see § 94.99

§ 94.09 INTERFERENCE PROHIBITED.

It is unlawful for any person to prevent, delay or interfere with the Forester or his or her agents while they are engaged in the performance of duties imposed by this subchapter.

(Prior Code, § 7-10-9) Penalty, see § 94.99

§ 94.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) Any person, firm or corporation who violates §§ 94.08 and 94.09 is guilty of a misdemeanor and may be punished by a fine not to exceed \$300 or imprisonment for 90 days or both.

(Prior Code, § 7-10-10) (Ord. 393, passed 4-5-1976)

CHAPTER 95: PARKS AND RECREATION

Section

Regulation of City Parks

- 95.01 Purpose
- 95.02 Definitions
- 95.03 Prohibited conduct generally
- 95.04 Prohibited conduct regarding vehicles
- 95.05 Fires
- 95.06 Camping and activities prohibited
- 95.07 Closing hours

Lake Ripley

- 95.15 Removal of sand from Lake Ripley

- 95.99 Penalty

Cross-reference:

Pollution of Lake Ripley, see § 91.040

REGULATION OF CITY PARKS

§ 95.01 PURPOSE.

The purpose of this subchapter is to provide rules and regulations for the use of and the conduct in city parks.

(Prior Code, § 7-13-1) (Ord. 508, passed 11-17-1986)

§ 95.02 DEFINITIONS.

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

APPLICANT. Any person or organization seeking a permit to use or conduct an activity in a park

CARELESS. To operate a vehicle or bicycle heedlessly in disregard for the safety of the operator or others.

CITY. The City of Litchfield.

PARK. A park, playground, beach, recreation area or any other area in the city, owned or used by the city, and devoted to active or passive recreation.

PERSON. Any person, firm, partnership, association, corporation, company or organization of any kind.

VEHICLE. Any wheeled conveyance, whether motor-powered, animal-drawn or self-propelled. The term shall include any trailer in tow of any size, kind or description. Exception is made for wheelchairs, baby carriages and vehicles in the service of the city parks.

(Prior Code, § 7-13-2) (Ord. 508, passed 11-17-1986)

§ 95.03 PROHIBITED CONDUCT GENERALLY.

It shall be unlawful for any person in a public park or recreation area to:

(A) Mark, deface, disfigure, injure, tamper with or displace or remove any buildings, bridges, tables, benches, fireplaces, railings, pavings or paving materials, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal;

(B) Dig or remove any soil, rock, sand, stones, trees, shrubs or plants or other wood or materials, or make any excavation by tool, equipment, blasting or other means;

(C) Construct or erect any buildings or structure of whatever kind, whether permanent or temporary, or run or string any public service utility into, upon or across such lands, except on written permit issued by the appropriate authority;

(D) Damage, cut, carve, mark, transplant or remove any plant, or injure the bark, or pick flowers, dig in or otherwise disturb grass areas, or in any other way injure the natural beauty or usefulness of any area;

(E) Throw, discharge or otherwise place or cause to be placed in the waters of any lake, stream, pond or other body of water in or adjacent to any park or any tributary, stream, storm sewer or drain flowing into the water, any substance, liquid or solid, which will or may result in the pollution of the waters;

(F) Take into, carry through or put into any park any rubbish, refuse, garbage or other materials. This refuse and rubbish shall be deposited in receptacles so provided. Where receptacles are not provided, all the rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere;

(G) Rummage or sort through garbage receptacles located in city parks or recreational areas;

(H) Bring in or possess any glass beverage container in any city park;

(I) Bring or have a horse in the parks, except in connection with a written permit issued through the Assistant City Administrator's office. No domestic animals shall be allowed in Central Park;

(J) Walk a domestic animal without a leash, the leash to be no longer than 6 feet. Further, the owner or person having custody of the domestic animal shall be responsible for removal of any animal solid waste; and

(K) Offer items for sale, barter or donation in any park unless pursuant to a permit. Nothing herein shall prohibit operation of concession stands by the city, its designees or concessionaires.
(Prior Code, § 7-13-3) (Ord. 508, passed 11-17-1986) Penalty, see § 95.99

§ 95.04 PROHIBITED CONDUCT REGARDING VEHICLES.

It shall be unlawful for any person in a public park or recreation area to:

(A) Drive any vehicle on any area except the paved park roads or park areas, or such areas as may on occasion be specifically designated as temporary areas;

(B) Park a vehicle anywhere except in a designated area;

(C) Use any park areas, including parking places, for repairing any vehicle, except in an emergency; or

(D) Operate, park or bring in a snowmobile or all-terrain vehicle, or 3-wheel cycle.
(Prior Code, § 7-13-4) (Ord. 508, passed 11-17-1986) Penalty, see § 95.99

§ 95.05 FIRES.

No person shall kindle, build, maintain or use a fire except in places provided for those purposes. Any fire shall be continuously under the care and direction of a competent person from the time it is kindled until it is extinguished.

(Prior Code, § 7-13-5) (Ord. 508, passed 11-17-1986) Penalty, see § 95.99

§ 95.06 CAMPING AND ACTIVITIES PROHIBITED.

It shall be unlawful for any person in a park or recreation area to:

(A) Camp or stay overnight except in areas designated for camping or staying overnight in vehicles or trailers;

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(B) Engage in threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to breach the public peace;

(C) Fail to produce and exhibit any permit he or she claims to have, upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule; or

(D) Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit.

(Prior Code, § 7-13-6) (Ord. 508, passed 11-17-1986) Penalty, see § 95.99

§ 95.07 CLOSING HOURS.

(A) Except in designated camping areas, no person shall enter, remain in or be in any park or recreation area during the hours the park or recreation area is closed.

(B) All parks are closed between the hours of 10:00 p.m. and 6:00 a.m.
(Prior Code, § 7-13-7) (Ord. 508, passed 11-17-1986) Penalty, see § 95.99

LAKE RIPLEY**§ 95.15 REMOVAL OF SAND FROM LAKE RIPLEY.**

The taking and removing of sand or gravel from the lake shore or lake bottom of Lake Ripley is hereby prohibited.

(Prior Code, § 7-7-2) (Ord. 190, passed 5-26-1939) Penalty, see § 95.99

§ 95.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) Any person who violates the provisions of §§ 95.01 through 95.07 shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$700 or by imprisonment not to exceed 90 days, or both.

(Prior Code, § 7-13-8) (Ord. 508, passed 11-17-1986)

CHAPTER 96: CEMETERY

Section

Rules and Regulations of Cemetery

- 96.01 Purpose
- 96.02 Legal Title
- 96.03 Record
- 96.04 Definitions
- 96.05 Burial Information
- 96.06 Flowers and Decoration Regulations
- 96.07 Gravesite Marking
- 96.08 Monument and Marker Regulations
- 96.09 Lot Regulations
- 96.10 Care and Maintenance By City of Litchfield
- 96.11 Planting Regulations
- 96.12 General Regulations

RULES AND REGULATIONS OF CEMETERY

§ 96.01 PURPOSE.

The purpose of this subchapter is to provide rules and regulations for the use of and the conduct in the cemetery.

§ 96.02 LEGAL TITLE.

The City of Litchfield sells only the exclusive right of burial in a specific grave space, or grave spaces, known as burial plots. The legal title to all land in the cemetery remains in the Litchfield Cemetery, and all grave spaces will be held subject to the laws of the State of Minnesota relating to cemeteries. The exclusive right of burial is subject to the rules, regulations and fee schedules in effect at the time of interment.

§ 96.03 RECORD.

A Complete record of all burials, including a diagram of the location of every grave, shall be kept in the files of the City Hall.

§ 96.04 DEFINITIONS

A lot is defined as two burial plots. A half lot is defined as a single burial plot.

In Division 8, our newest division, a lot is defined as a single burial plot.

§ 96.05 BURIAL INFORMATION.**(A) Who May be Buried on the Lots**

- (1) Owner
- (2) Owner's spouse
- (3) Owner's children
- (4) All other burials need consent of the owner
 - The Owner shall be the same as appears on the records of the City of Litchfield.

(B) Lot Usage

- (1) Single burial plots may be used as follows:
 - One vault
 - Two cremation urns
 - One vault and one cremation urn
- (2) Only interment of human remains is permitted

(C) Reports

- (1) Yearly report of all burials, grave openings or vault placements will be given to the City Administrator.

§ 96.06 FLOWERS AND DECORATION REGULATIONS.

(A) Plants, Artificial and Planted Flowers

- (1) Items placed on the ground **MUST** be removed by June 15th.
- (2) Plants, artificial and planted flowers may be placed in approved urns and vases (no glass), in planter stands or upon the grave marker.
 - Will NOT be allowed on the ground in the grass area
 - No separate concrete base or pad permitted
 - **MUST** be removed by October 15th
- (3) Artificial flowers must be securely fastened to stand, urn or vase (no glass).
- (4) No artificial flowers shall be placed upon or attached to any tree, shrub or monument.
- (5) **The City shall have the right to remove and destroy items not removed by enforced dates.**

(B) Planter Stands and Decorative Hooks

- (1) The City **HIGHLY** recommends removing planters and planter stands by October 15th.
- (2) The City will assume no responsibility for damage to or theft of any stands left year round.

(C) Exceptions

- (1) Two years immediately after a burial, shrines, monuments and remembrances may automatically be kept year round.
 - City not responsible for damage or loss of property left at the cemetery in conjunction with this exception.
- (2) Flags and markers placed to acknowledge military service may be kept year round.

§ 96.07 GRAVESITE MARKING.

Most lots in the cemetery are marked by a stone, brick, metal or concrete post, at each corner set level with the ground. Markers of any other description are detrimental to the appearance of the cemetery, are considered unnecessary, and are, therefore prohibited.

§ 96.08 MONUMENT AND MARKER REGULATIONS.

(A) Markers

- (1) Must be laid flush with the ground
- (2) **MUST** have a minimum 4" concrete flashing, no exceptions
- (3) Will be set at the foot end of the lot(s)
- (4) Dimensions:
 - 18" x 24" for a single lot
 - 18" x 42" for a double lot
 - Any other dimensions must be preapproved by the City of Litchfield.
- (5) The City is not responsible for the marker or concrete cracking or chipping.
- (6) Markers may only be installed when ground conditions are appropriate.
- (7) No more than two markers shall be placed upon any single burial plot without prior approval by the City.
 - Includes any military marker

(B) Monuments

- (1) Allowed in Division 8
- (2) Will be placed at the head end of the lot(s)
- (3) Must be set on a concrete pad

§ 96.09 LOT REGULATIONS.

- (A) No fence and no stone or cement coping shall be constructed around any lot.
- (B) No lot shall be graded higher than the general level of the cemetery.
- (C) No mound shall be built over any grave.

§ 96.10 CARE AND MAINTENANCE BY CITY.

- (A) The City of Litchfield shall provide general care for the cemetery which includes maintenance of road ways, mowing grass, trimming and caring for trees and removing fallen leaves. It does not include providing special care such as watering flowers, plants or vases temporarily placed on the graves.
- (B) The City shall have the right to remove trees, shrubs, plants or any structures now located upon any lot, which has or shall become by reason or age or otherwise, unsightly or detrimental to the lot upon which they are located or to any adjoining lot or avenue and shall have the right to remove any such which may be placed on a lot contrary to any of these regulations.
- (C) No person other than City forces shall be allowed to mow any grass within the cemetery.

§ 96.11 PLANTING REGULATIONS.

- (A) No trees or shrubs shall be planted or grown upon any grave or plot in the cemetery without prior written approval by the City.
- (B) Where permitted, the planting of trees, shrubs, flowers or other plants, by lot owners, shall be subject to the approval of the City Administrator, and in harmony with the City plan.
- (C) No trees shall be planted in or around Division 8.

§ 96.12 GENERAL REGULATIONS.

- (A) No person shall drive or operate a vehicle of any kind any place in the cemetery except on designated roadways without the prior approval of the City. The City shall have the authority to designate the route and manner of any such access.
- (B) Any person causing damage to the cemetery lawn or any monument or marker shall either immediately repair the damage to the satisfaction of the City or reimburse the City for the cost of repair of all such damage.

CHAPTER 97: AIRPORT

Section

- 97.01 Purpose
- 97.02 Definitions
- 97.03 Zones; Description of Surfaces and Airspace
- 97.04 Height Limits
- 97.05 Use Restrictions
- 97.06 Nonconforming Uses
- 97.07 Variances
- 97.08 Permits
- 97.09 Hazards, Marking, Lighting
- 97.10 Administration
- 97.11 Appeals and Review

§ 97.01 PURPOSE.

The Council considers it necessary for the purpose of promoting public health, safety, order, convenience, and general welfare by protecting the lives and property of users of the Litchfield Municipal Airport and of owners and occupants of land in its vicinity to adopt airport zoning regulations as authorized by Minnesota Laws 1953, sections 360.061 through 360.074 inclusive.

§ 97.02 DEFINITIONS.

As used in this Chapter, unless the context otherwise requires:

AIRPORT. The Litchfield Municipal Airport.

General Regulations

AIRPORT HAZARD. Any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at the airport or is otherwise hazardous to such landing or taking off of aircraft.

NONCONFORMING USE. Any structure, tree, or use of land which does not conform to a regulation prescribed in this Chapter or an amendment thereto, as of the effective date or such regulation.

STRUCTURE. Any object constructed or installed by man, including but without limitation, buildings, towers, smokestacks, and over-head transmission lines.

TREE. Any object of natural growth.

AIRPORT TURNING ZONES. Comprise all land under the horizontal and conical surfaces not within an approach or transition zone.

AIRPORT TRANSITION ZONES. Comprise all land under the transitional surfaces.

THE AIRPORT REFERENCE POINT. A point selected and marked at the approximate center of the airport landing area as shown and described on the map of zones.

DATUM PLANE. The horizontal plane or surface, which includes the surface point of airport elevation established to be and at one thousand one hundred sixteen feet (1,116') above mean sea level.

§ 97.03 ZONES; DESCRIPTION OF SURFACES AND AIRSPACE.

An airport approach area is established at both ends of the strip.

- A. Approach Surfaces: The approach surface is an inclined plane located directly above the approach area. The dimensions of the approach area are measured horizontally.
1. Length: Such area has a length of ten thousand feet (10,000') beginning two hundred feet (200') outward from the end of each strip and extending outward, ending at a point ten thousand two hundred feet (10,200') from the end of the strip on the extended center line of the strip.
 2. Width: The approach area has a total width at the end adjacent to each strip, and the approach end respectively as follows: Two hundred fifty feet (250') and two thousand two hundred fifty feet (2,250').
 3. Slope: The slope of the approach surface beginning at a point two hundred feet (200') from the end of each strip extended is 20:1 until a height of one hundred fifty feet

(150') is reached; then horizontally until the conical surface is intersected; at this point resuming a 20:1 slope for the remainder of the ten thousand foot (10,000') section.

- B. Horizontal Surface: The horizontal surface is a plane, circular in shape with its height one hundred fifty feet (150') above the datum plane and having a radius from the airport reference point of five thousand (5,000). (See Guide Chart #3)
- C. Conical Surface: The conical surface extends upward and outward from the periphery of the horizontal surface with a slope of 20:1 measured in a vertical plane passing through the airport reference points. Measuring radially outward, from the outer limits of the horizontal surface, the conical surface extends for a horizontal distance of three thousand feet (3,000'). (Re: Chart 4)
- D. Transition Zone: A transition zone is hereby established which shall consist of the area described as follows:
 - 1. Beginning with a line running parallel to, at the same elevation as, one hundred fifty feet (150') from the center line of each strip, and from such line extending upward at a slope of 7:1 until a height of one hundred fifty feet (150') is reached.
 - 2. Beginning at the edge of the approach zone to the strip and extending upward from the top of such approach zone at a slope of 7:1 until a height of one hundred fifty feet (150') is reached.

§ 97.04 HEIGHT LIMITS.

Except as otherwise provided in this Chapter and except as required, necessary and incidental to airport operations or recommended by or in accordance with the rules of the Civil Aeronautics Authority, no structure shall be constructed, altered, or maintained, and no tree shall be allowed to grow so as to project above the landing area or any of the airport's reference imaginary surfaces described above.

§ 97.05 USE RESTRICTIONS.

Notwithstanding the provisions of Section 97.04 hereof, no use may be made of land in an airport approach or turning zone in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing, taking off or maneuvering of aircraft.

§ 97.06 NONCONFORMING USES.

General Regulations

The regulations prescribed in Section 97.04 and 97.05 hereof shall not be construed to require the removal, lowering, or other change or alteration of any nonconforming use, or otherwise interfere with the continuance of any nonconforming use, except as otherwise provided in Section 97.08(B) hereof.

§ 97.07 VARIANCES.

Any person desiring to erect or increase the height of any structure or permit the growth of any tree, or otherwise use his property not in accord with the regulations prescribed in this Chapter may apply to the Board of Adjustment in this Code established for a variance from the regulation in question. Such variance shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of the regulations; provided, any variance may be allowed subject to any reasonable condition that the Board of Adjustment may deem necessary to effectuate the purposes of this Chapter.

§ 97.08 PERMITS.

A. Future Uses: No material change shall be made in the use of land, no structure shall be erected, altered, or moved, and no tree shall be planted in any zone created in Section 97.03 hereof without a permit therefore. Application for such permit shall be made to the Assistant City Administrator, and shall indicate the use for which the permit is desired with sufficient particularity to permit it to be determined whether such use would conform to the regulations herein prescribed. If such determination is in the affirmative, the Assistant City Administrator shall issue the permit applied for.

B. Nonconforming Uses: Before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt or replanted, a permit shall be secured authorizing such replacement, change or repair. No such permit shall be granted that would allow the structure or tree to be made higher or become a greater hazard to air navigation than it was when the applicable regulation was adopted; and whenever the Assistant City Administrator determines that a nonconforming structure or tree has been abandoned or more than eighty percent (80%) torn down, physically deteriorated or decayed: 1) no permit shall be granted that would allow such a structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations; and 2) whether application is made for a permit under this subsection or not, the Assistant City Administrator may by appropriate action compel the owner of the nonconforming structure or tree, at his own expense, to lower, remove, reconstruct, or equip such object as may be necessary to conform to the regulations or, if the owner of the nonconforming structure or tree shall neglect to refuse to comply with such an order after ten (10) days' notice thereof, the engineer may proceed to have the object so lowered, removed, reconstructed or equipped, and assess the cost and expense thereof upon the object or the land whereon it is or was located. Unless such an assessment is paid within ninety (90) days from the service of notice thereof on the agent or owner of such object or land, the sum shall bear interest at the rate of eight percent (8%) per annum until paid; and shall be collected in the same manner as are general taxes. Except as indicated herein, all applications for permits for replacements, change or repair of nonconforming uses shall be granted.

§ 97.09 HAZARDS, MARKING, LIGHTING.

Any permit or variance granted under Section 97.07 and 97.08 may, if such action is deemed advisable to effectuate the purposes of this Chapter and reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the City, at its own expense to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

§ 97.10 ADMINISTRATION.

It shall be the duty of the Assistant City Administrator to enforce this Chapter through appropriate channels. All applications for permits and variances shall be made to the Assistant City Administrator. Those applications which are by this Chapter to be decided by the Assistant City Administrator shall be promptly considered and granted or denied by him; applications for action by the Board of Adjustment shall be forthwith transmitted by the Assistant City Administrator to the Board for hearing and decision.

§ 97.11 APPEALS AND REVIEW.

Any person aggrieved or taxpayer affected by any decision of the Assistant City Administrator made in his administration of this Chapter, or the Council when it is of the opinion that a decision of the Assistant City Administrator is an improper application of airport zoning regulations of concern to the Council may appeal to the Board of Adjustment in accordance with Laws 1953, section 360.071. Any person aggrieved or taxpayer affected by any decision of the Board of Adjustment, or the Council, when it is of the opinion that a decision of the Board of Adjustment is illegal, may secure judicial review of such decision in the manner provided by Laws 1953, section 360.072. (Ord. 303, 3-18-57)

