

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: PARK REGULATIONS

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§ 90.01 AUTHORITY AND SCOPE.

This chapter applies to the city parks.
(1986 Code, § 10.42(1))

§ 90.02 PURPOSE.

The purpose of this section is to provide for public enjoyment of city parks in a manner that will leave the parks unimpaired and to provide reasonable regulations therefore.
(1986 Code, § 10.42(2))

§ 90.03 HOURS AND DAYS OF OPERATION.

The city parks shall be opened each year in accordance with the direction of the City of Roseau Parks and Recreation Department in consultation with the Council. After 10:00 p.m. until 8:00 a.m., no person shall enter or remain in the city parks unless he or she is a member of a registered camping party.(1986 Code, § 10.42(3))

§ 90.04 PERSONAL CONDUCT.

No person shall use a public address system, amplifier or power equipment or otherwise make noise of a volume tending reasonably to arouse alarm, anger or resentment in other park users.
(1986 Code, § 10.42(4))

§ 90.05 PUBLIC SAFETY; HUNTING.

While in the city parks, it is unlawful for any person, unless permitted by the City of Roseau Chief of Police, to:

(A) Possess explosives of any kind;

(B) Possess a firearm, including an air gun, unless the firearm is unloaded both in barrel and magazine and completely contained in a gun case expressly made for that purpose, which is fully enclosed by being zipped, snapped, buckled, tied or otherwise fastened or unless unloaded and contained in the trunk of a car with the trunk door closed;

(C) Possess a bow and arrows, unless either unstrung or completely contained in a case or contained in the trunk of a car with the trunk door closed;

(D) Use or display any other type of weapon, including but not limited to slingshots, switchblade knives and traps.

(1986 Code, § 10.42(5)) Penalty, see § 10.99

§ 90.06 ENVIRONMENTAL PROTECTION.

The environment is for the enjoyment of all. Therefore, no person shall disturb, destroy, injure, damage, molest or remove any city property, including but not limited to wildflowers or vegetation of any kind dead or alive, ruins, wildlife, signs or facilities, except edible fruit and mushrooms and vegetation unavoidably damaged or destroyed by the ordinary uses of these areas as specifically permitted by these rules. Collections for scientific and educational purposes may be made with written consent of the Council previously obtained.

(1986 Code, § 10.42(6))

§ 90.07 FIRES AND REFUSE.

It is unlawful to build a fire except in a fireplace or a fire ring provided for that purpose. However, portable gas or liquid fueled camp stoves or charcoal burners may be used within a camping or picnic area if the use does not create a hazard or danger to the area or to others. Where firewood is provided at no charge, its use shall be within reasonable limits. Where refuse receptacles are provided, they shall only be used for refuse generated at the parks. Refuse is to be removed from areas where receptacles are not provided.

(1986 Code, § 10.42(7)) Penalty, see § 10.99

§ 90.08 PETS.

Pets are permitted, provided that no person shall allow any dog, cat or other pet animal to enter any building or permit any dog, cat or other pet animal to be unrestrained. The animals shall be effectively restrained by a portable enclosure or by leash not exceeding six feet and shall be personally attended, and the animals shall not deprive or disrupt the enjoyment or use of any area by other persons.

(1986 Code, § 10.42(8))

§ 90.09 PICNICKING.

Picnicking is not permitted except in designated picnic areas. No person or group of persons shall unreasonably exclude others from a picnic area or shelter.

(1986 Code, § 10.42(9))

§ 90.10 CAMPING SITE AND TIME RESTRICTION.

Camping is permitted only at assigned sites in designated camping areas. A person may not camp in the city parks for more than 14 days aggregate during the period of May 1 through October 1; provided, however, that the Police Department or Council may, in their discretion, allow camping for such additional days as they may prescribe when conditions of non-use so warrant.

(1986 Code, § 10.42(10))

§ 90.11 CAMPING REGISTRATION.

Each camping party must register.

(A) A senior responsible person of a camping party may register for the group, giving the number in the group. Names may be requested.

(B) Registration must be in person to the city's Park and Recreation Department employee on duty.

(C) The rental period must begin with the day of registration and must be paid in full at registration. The registration may be canceled if the site is not personally occupied the first night.

(D) Camping permits shall expire at 4:00 p.m.

(E) The camping fee shall be in such sum as fixed by the Council from time to time.

(1986 Code, § 10.42(11))

§ 90.12 CAMPING OCCUPANCY.

A campsite may be occupied by:

(A) Any group of six or less using one shelter for sleep;

(B) A family using one shelter and an additional shelter with prior approval of the city's Park and Recreation Department employee on duty. A family consists of a father and/or mother accompanied by any of the following: their parents, their children and their blood relatives.
(1986 Code, § 10.42(12))

§ 90.13 CAMPING RULES.

Any group desiring to occupy more than two campsites must obtain prior approval from the city's Park and Recreation Department employee on duty. The placement of tent stakes or anchors in the ground for the erection of tents is permitted. Digging or excavating is prohibited. In camping areas, the hours between 10:00 p.m. and 8:00 a.m. are for outdoor solitude, and it is unlawful to make noise at a level above that of a quiet conversation.
(1986 Code, § 10.42(13)) Penalty, see § 10.99

§ 90.14 MOTOR VEHICLE USE.

Only motor vehicles which are licensed and which may be driven on Minnesota highways may be operated within the city parks; however, All Terrain Vehicles (ATV) shall be permitted for transportation purposes only on designated trails and roadways. The operator must have a valid driver's license. The motor vehicle may be operated only on designated roads and parking areas. The motor vehicle shall not be operated in excess of posted speeds or in a reckless or careless manner. No person shall leave standing, whether attended or unattended, a motor vehicle, trailer or boat in any manner so as to block, obstruct or limit the use of any road. This ordinance is not applicable to city employees performing normal duties.
(1986 Code, § 10.42(14))

§ 90.15 PROTECTION FROM PEDDLING AND SOLICITING.

It is unlawful for any person to engage in or solicit business of any nature whatsoever from visitors, except for authorized concessions, without prior written consent of the Council.
(1986 Code, § 10.42(15)) Penalty, see § 10.99

CHAPTER 91: FIRE PREVENTION AND PROTECTION

Section

91.01 Minnesota Uniform Fire Code

§ 91.01 MINNESOTA UNIFORM FIRE CODE.

(A) *Adoption.* The most current Edition of the *Minnesota Uniform Fire Code*, as it may be amended from time to time, is adopted as though set forth verbatim herein. One copy of said Code shall be marked City of Roseau Official Copy and kept on file in the office of the City Building Official and open to inspection and use by the public.

(B) *Storage of flammable and explosives material.* No bulk plants for storage of flammable or combustible liquids or bulk storage of liquefied petroleum gas unless in accordance with State law and Fire Protection shall be permitted. No storage of explosives or blasting agents shall be permitted without authority of the Council.

(C) *Storage of gasoline or other combustible liquids.* Unless directly connected to a residential heating system, or in the fuel tank in or upon a motor vehicle, it is unlawful for any person to store more than 30 gallons of gasoline or other combustible liquid upon premises in districts zoned for residential use. (1986 Code, § 10.43) Penalty, see § 10.99

CHAPTER 92: ANIMALS

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Nuisances, see Ch. 93

Park Regulations, see Ch. 90

GENERAL PROVISIONS**§ 92.01 DEFINITIONS.**

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

ANIMAL. A dog and/or a cat.

CAT. Both male and female and includes any animal of the cat kind.

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

OWN. To have a property interest in or to harbor, feed, board or keep.

OWNER. A person who owns an animal hereby regulated.

(1986 Code, § 10.10(1)) (Am. Ord. 126, 2nd Series, passed 11-13-00)

§ 92.02 ADOPTION OF FEES.

(A) All fees for the licensing, impounding and maintenance of animals, including penalties for late application, may be fixed and determined by the Council, adopted by resolution and uniformly enforced.

(B) The fees may from time to time be amended by the Council by resolution.

(C) A copy of the resolution setting forth currently effective fees shall be kept on file in the office of the City Clerk-Treasurer and open to inspection during regular business hours.

(1986 Code, § 10.10(5))

§ 92.03 ANIMAL POUND.

(A) Any animal found in the city without a license tag, running at large or otherwise in violation of this chapter shall be placed in the Animal Pound, and an accurate record of the time of the placement shall be kept on each animal. Every animal so placed in the Animal Pound shall be held for redemption by the owner for a period of not less than five regular business days. A **REGULAR BUSINESS DAY** is one during which the Pound is open for business to the public for at least four hours between 8:00 a.m. and 7:00 p.m. Impoundment records shall be preserved for a minimum of six months and shall show:

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

(B) (1) If unclaimed, the animal shall be humanely destroyed and the carcass disposed of, unless it is requested by a licensed educational or scientific institution under authority of M.S. § 35.71, as it may be amended from time to time.

(2) Provided, however, that if a tag affixed to the animal or a statement by the animal's owner after seizure specifies that the animal should not be used for research, the animal shall not be made available to any such institution but may be destroyed after the expiration of the five-day period. (1986 Code, § 10.10(7))

§ 92.04 NOTICE OF IMPOUNDING.

Upon the impounding of any animal, the owner shall be notified, or if the owner is unknown, written notice shall be posted for five days at the City Hall describing the animal and the place and time of taking. (1986 Code, § 10.10(8))

§ 92.05 RELEASE FROM ANIMAL POUND.

Animals shall be released to their owners, as follows:

(A) If the animal is owned by a resident of the city, after purchase of a license, if unlicensed, and payment of the impounding fee and maintenance;

(B) If the animal is owned by a person not a resident of the city, after payment of the impounding fee and maintenance. (1986 Code, § 10.10(9))

*LICENSES***§ 92.20 LICENSE REQUIRED.**

It is a misdemeanor for the owner of any animal, six months of age or more, to fail to obtain a license therefore from the city.

(1986 Code, § 10.10(3)) Penalty, see § 10.99

§ 92.21 ISSUANCE

All animal licenses shall be issued only upon presentation of a certificate issued by a veterinarian, licensed to practice veterinary medicine in the State of Minnesota, showing rabies immunization of the animal.

(1986 Code, § 10.10(4))

§ 92.22 TAG REQUIRED.

All licensed animals shall wear a collar and have a tag firmly affixed thereto evidencing a current license. A duplicate for a lost tag may be issued by the city upon presentation of the receipt showing the payment of the duplicate license fee. Tags shall not be transferable, and no refund shall be made on any license fee because of leaving the city or death of the animal.

(1986 Code, § 10.10(5))

*REGULATIONS***§ 92.35 RUNNING AT LARGE PROHIBITED.**

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."

(1986 Code, § 10.10(2)) Penalty, see § 10.99

§ 92.36 SEIZURE BY A CITIZEN.

It is lawful for any person to seize and impound an animal so found running at large, provided that said person shall within six hours thereafter notify the Police Department of the seizure. It shall be the duty of the Police Department to place the animal in the City Pound. If the name of the owner of the animal so seized is known to the person who first takes the animal into custody, he or she shall inform the Police Department of the name of the owner and the address if known.
(1986 Code, § 10.10(10))

§ 92.37 IMMOBILIZATION OF ANIMALS.

For the purpose of enforcement of this chapter, any peace officer or person whose duty is animal control may use a so-called tranquilizer gun or other instrument for the purpose of immobilizing and catching an animal.
(1986 Code, § 10.10(11))

§ 92.38 UNLAWFUL ACTS.

It is a misdemeanor for the owner of any animal to:

(A) Fail to have the license tag issued by the city firmly attached to a collar worn at all times by the licensed animal;

(B) Own a dangerous animal;

(C) (1) *Dangerous animals generally.*

(a) *Attack by an animal.* It shall be unlawful for any person's animal to inflict or attempt to inflict bodily injury to any person or other animal whether or not the owner is present. This section shall not apply to an attack by a dog under the control of an on-duty law enforcement officer or to an attack upon an uninvited intruder who has entered the owner's home with criminal intent.

(b) *Destruction of dangerous animal.* The Animal Control Officer shall have the authority to order the destruction of dangerous animals in accordance with the terms established by this chapter.

(c) *Definitions.* For the purpose of this division, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DANGEROUS ANIMAL. An animal which has:

a. Caused bodily injury or disfigurement to any person on public or private property;

b. Engaged in any attack on any person under circumstances which would indicate

danger to personal safety;

- c. Exhibited unusually aggressive behavior, such as an attack on another animal;
- d. Previously bitten one or more persons on one or more occasions; or
- e. Been found to be potentially dangerous and/or the owner has personal knowledge of the same, the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals.

POTENTIALLY DANGEROUS ANIMAL. An animal which has:

- a. Bitten a human or a domestic animal on public or private property;
- b. When unprovoked, chased or approached a person upon the streets, sidewalks, or any public property in an apparent attitude of attack; or
- c. Has engaged in unprovoked attacks causing injury or otherwise threatening the safety of humans or domestic animals.

PROPER ENCLOSURE. Securely confined indoors or in a securely locked pen or structure suitable to prevent the animal from escaping and to provide protection for the animal from the elements. A **PROPER ENCLOSURE** does not include a porch, patio, or any part of a house, garage, or other structure that would allow the animal to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only barriers which prevent the animal from exiting. The enclosure shall not allow the egress of the animal in any manner without human assistance. A pen or kennel shall meet the following minimum specifications:

- a. Have a minimum overall floor size of 32 square feet;
- b. Sidewalls shall have a minimum height of five feet and be constructed of 11-gauge or heavier wire; (Openings in the wire shall not exceed two inches, support posts shall be 1-1/4 inch or larger steel pipe buried in the ground 18 inches or more. When a concrete floor is not provided, the sidewalls shall be buried a minimum of 18 inches in the ground.)
- c. A cover over the entire pen or kennel shall be provided; and (The cover shall be constructed of the same gauge wire or heavier as the sidewalls and shall also have no openings in the wire greater than two inches.)
- d. An entrance/exit gate shall be provided and be constructed of the same material as the sidewalls and shall also have no openings in the wire greater than two inches. The gate shall be equipped with a device capable of being locked and shall be locked at all times when the animal is in the pen or kennel.

UNPROVOKED. The condition in which the animal is not purposely excited, stimulated, agitated or disturbed.

(d) *Designation as potentially dangerous animal.* The Animal Control Officer shall designate any animal as a potentially dangerous animal upon receiving evidence that the potentially dangerous animal has, when unprovoked, then bitten, attacked, or threatened the safety of a person or a domestic animal as stated in division (C)(1)(b) above. When an animal is declared potentially dangerous, the Animal Control Officer shall cause one owner of the potentially dangerous animal to be notified in writing that the animal is potentially dangerous.

(e) *Evidence justifying designation.* The Animal Control Officer shall have the authority to designate any animal as a dangerous animal upon receiving evidence of the following:

1. The animal has, when unprovoked, bitten, attacked or threatened the safety of a person or domestic animal as stated in division (C)(1)(a) above.
2. The animal has been declared potentially dangerous and the animal has then bitten, attacked or threatened the safety of a person or domestic animal as stated in division (C)(1)(a) above.

(f) *Authority to order destruction.* The Animal Control Officer, upon finding that an animal is dangerous hereunder, is authorized to order, as part of the disposition of the case, that the animal be destroyed based on a written order containing one or more of the following findings of fact:

1. The animal is dangerous as demonstrated by a vicious attack, an unprovoked attack, an attack without warning or multiple attacks; or
2. The owner of the animal has demonstrated an inability or unwillingness to control the animal in order to prevent injury to persons or other animals.

(g) *Procedure.* The Animal Control Officer, after having determined that an animal is dangerous, may proceed in the following manner: The Animal Control Officer shall cause one owner of the animal to be notified in writing or in person that the animal is dangerous and may order the animal seized or make orders as deemed proper. This owner shall be notified as to dates, times, places and parties bitten, and shall be given 14 days to appeal this order by requesting a hearing before the Council for a review of this determination.

1. If no appeal is filed, the Animal Control Officer shall obtain an order or warrant authorizing the seizure and the destruction of the animal from a court of competent jurisdiction, unless the animal is already in custody or the owner consents to the seizure and destruction of the animal.

2. If an owner requests a hearing for determination as to the dangerous nature of the animal, the hearing shall be held before the Council, which shall set a date for hearing not more than three weeks after demand for the hearing. The records of the Animal Control or City Clerk's office shall be admissible for consideration by the Animal Control Officer without further foundation. After considering all evidence pertaining to the temperament of the animal, the Council shall make an order as it deems proper. The Council may order that the Animal Control Officer take the animal into custody for destruction, if the animal is not currently in custody. If the animal is ordered into custody for destruction, the owner shall immediately make the animal available to the Animal Control Officer. If the owner does

not immediately make the animal available, the Animal Control Officer shall obtain an order or warrant authorizing the seizure and the destruction of the animal from a court of competent jurisdiction.

3. No person shall harbor an animal after it has been found by to be dangerous and ordered into custody for destruction.

(h) *Stopping an attack.* If any police officer or Animal Control Officer is witness to an attack by an animal upon a person or another animal, the officer may take whatever means the officer deems appropriate to bring the attack to an end and prevent further injury to the victim.

(i) *Notification of new address.* The owner of an animal which has been identified as dangerous or potentially dangerous shall notify the Animal Control Officer in writing if the animal is to be relocated from its current address or given or sold to another person. The notification shall be given in writing at least 14 days prior to the relocation or transfer of ownership. The notification shall include the current owner's name and address, the relocation address and the name of the new owner, if any.

(2) *Dangerous animal requirements.*

(a) *Requirements.* If the Council does not order the destruction of an animal that has been declared dangerous, the Council may, as an alternative, order any or all of the following:

1. The owner provide and maintain a proper enclosure for the dangerous animal as specified in division (C)(1)(c) above;

2. Post the front and the rear of the premises with clearly visible warning signs, including a warning symbol to inform children, that there is a dangerous animal on the property as specified in M.S. § 347.51, as may be amended from time to time;

3. Provide and show proof annually of public liability insurance in the minimum amount of \$300,000;

4. If the animal is a dog and is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash (not to exceed six feet in length) and under the physical restraint of a person 16 years of age or older; (The muzzle must be of a design as to prevent the dog from biting any person or animal, but will not cause injury to the dog or interfere with its vision or respiration.)

5. If the animal is a dog, it must have an easily identifiable, standardized tag identifying the dog as dangerous affixed to its collar at all times as specified in M.S. § 347.51, as it may be amended from time to time, and shall have a microchip implant as provided by M.S. § 347.151, as it may be amended from time to time;

6. All animals deemed dangerous by the Animal Control Officer shall be registered with the county in which this city is located within 14 days after the date the animal was so deemed and provide satisfactory proof thereof to the Animal Control Officer; and

7. If the animal is a dog, the dog must be licensed and up to date on rabies vaccination. If the animal is a cat or ferret, it must be up to date with rabies vaccination.

(b) *Seizure.* As authorized by M.S. § 347.54, as it may be amended from time to time, the Animal Control Officer shall immediately seize any dangerous animal if the owner does not meet each of the above requirements within 14 days after the date notice is sent to the owner that the animal is dangerous. Seizure may be appealed to district court by serving a summons and petition upon the city and filing it with the district court.

(c) *Reclaiming animals.* A dangerous animal seized under division (C)(2)(b) above, may be reclaimed by the owner of the animal upon payment of impounding and boarding fees and presenting proof to animal control that each of the requirements under division (C)(2)(b) above, is fulfilled. An animal not reclaimed under this section within 14 days may be disposed of as provided under division (C)(1)(f) above, and the owner is liable to the city for costs incurred in confining and impounding the animal.

(d) *Subsequent offenses.*

1. If an owner of an animal has subsequently violated the provisions under division (C)(1) above with the same animal, the animal must be seized by animal control. The owner may request a hearing as defined in division (C)(1)(f) above. If the owner is found to have violated the provisions for which the animal was seized, the Animal Control Officer shall order the animal destroyed in a proper and humane manner and the owner shall pay the costs of confining the animal. If the person is found not to have violated the provisions for which the animal was seized, the owner may reclaim the animal under the provisions of division (C)(2)(c) above.

2. If the animal is not yet reclaimed by the owner within 14 days after the date the owner is notified that the animal may be reclaimed, the animal may be disposed of as provided under division (C)(1)(f) above and the owner is liable to the animal control for the costs incurred in confining, impounding and disposing of the animal.

(D) It shall be unlawful for the owner of any animal to fail to keep his/her animal from barking, howling or whining to the extent that the said behavior disturbs the peace of the residents of the City of Roseau.

(1986 Code, § 10.10(12)) Penalty, see § 10.99

§ 92.39 SUMMARY DESTRUCTION.

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

(1986 Code, § 10.10(13))

§ 92.40 RABIES CONTROL.

(A) Every animal which bites a person shall be promptly reported to the Chief of Police or Police Department and shall thereupon be securely quarantined at the direction of the Chief of Police or Police Department for a period of 14 days and shall not be released from the quarantine except by written

permission of the city. In the discretion of the Chief of Police, the quarantine may be on the premises of the owner or at the veterinary hospital of his or her choice. If the animal is quarantined on the premises of the owner, the city shall have access to the animal at any reasonable time for study and observation of rabies symptoms. In the case of a stray animal or in the case of an animal whose ownership is not known, the quarantine shall be at the animal pound, or at the discretion of the Chief of Police the animal may be confined in a veterinary hospital designated by him or her.

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

(C) When an animal under quarantine and diagnosed as being rabid or suspected by a licensed veterinarian as being rabid dies or is killed, the city shall immediately send the head of the animal and rabies data report to the State Health Department for pathological examination and shall notify all persons concerned of the results of the examination.

(D) The city shall issue the proclamation and take the action when rabies is suspected or exists as is required by Minnesota Statutes.
(1986 Code, § 10.10(14))

§ 92.41 REPORTS OF BITE CASES.

It is the duty of every physician or other practitioner to report to the Chief of Police the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.
(1986 Code, § 10.10(15))

§ 92.42 RESPONSIBILITY OF VETERINARIANS.

It is the duty of every licensed veterinarian to report to the Chief of Police his or her diagnosis of an animal observed by him or her as a rabies suspect.
(1986 Code, § 10.10(16))

§ 92.43 POLICE DOGS, SEEING EYE DOGS.

The provisions of this chapter shall not apply to the ownership or use of seeing eye dogs by blind persons or dogs used in police activities of the city, such as canine corps or tracking dogs used by or with the permission of the Police Department.
(1986 Code, § 10.10(17))

§ 92.44 ANIMALS IN HEAT.

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

(1986 Code, § 10.10(18))

§ 92.45 LIMITATION OF ANIMALS PER HOUSEHOLD.

No household shall keep more than four animals (dogs or cats or combinations thereof); provided, however, that this limitation shall not apply to veterinarians or kennel operators licensed by the State of Minnesota, and further any household maintaining a female animal who gives birth to puppies or kittens shall have six months following the birth of the animals to sell or give away the requisite number of animals to cause a reduction in number sufficient to come into compliance with this chapter.

(Am. Ord. 126, 2nd Series, passed 11-13-00)

§ 92.46 ANIMALS AND FOWL; KEEPING, TRANSPORTING, TREATMENT, HOUSING.

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

ANIMALS. Include farm animals and all other animals, reptiles and feathered birds or fowl except dogs, cats, gerbils, hamsters and caged household birds.

FARM ANIMALS. Include cattle, horses, mules, sheep, goats, swine, ponies, ducks, geese, turkeys, chickens, guinea hens and honey bees.

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

- (1) Farm animals kept in that portion of the city zoned for agricultural purposes;
- (2) Animals kept as part of a show licensed under the city code;
- (3) Animals used in a parade;
- (4) Animals kept in a laboratory for scientific or experimental purposes;
- (5) Animals kept in an animal hospital or clinic for treatment by a licensed veterinarian;
- (6) Farm animals kept on the Roseau County Fair Grounds during the Roseau County Fair and related events; or

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(7) During a promotional or civic event when authorized by the Council.

(C) *Animals in transit.* It is unlawful for any person to transport animals unless they are:

- (1) Confined within a vehicle, cage or other means of conveyance;
- (2) Farm animals being transported in a portion of the city zoned for agricultural purposes; or
- (3) Restrained by means of bridles, halters, ropes or other means of individual restraint.

(D) *Treatment.* It is unlawful for any person to treat any animal as herein defined, or any other animal, in a cruel or inhumane manner. For the purpose of this section, **ANIMAL** includes dogs and cats and **CRUEL OR INHUMANE MANNER** includes but is not limited to:

- (1) Failure to provide an animal with sufficient good and wholesome food and water;
- (2) Failure to provide an animal with proper shelter and protection from the weather;
- (3) Failure to provide an animal with needed veterinary care to prevent suffering;
- (4) To beat, treat cruelly, torment or otherwise abuse an animal; or
- (5) Cause, encourage, promote or permit an animal to fight another animal.

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

(1986 Code, § 10.11) Penalty, see § 10.99

CHAPTER 93: NUISANCES

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GENERAL PROVISIONS

§ 93.01 ASSESSABLE CURRENT SERVICES.

(A) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

CURRENT SERVICE. Shall mean one or more of the following: snow, ice, or rubbish removal from sidewalks; weed elimination from street grass plots adjacent to sidewalks or from private property; removal or elimination of public health or safety hazards from private property, excluding any hazardous building included in M.S. §§ 463.15 through 463.26 as they may amended from time to time; installation or repair of water service lines; street sprinkling, street flushing, light street oiling, or other dust treatment of streets; repair of sidewalks and alleys; trimming and care of trees and removal of unsound and insect-infected trees from the public streets or private property; and the operation of a street lighting system.

(B) *Snow, ice, dirt and rubbish.*

(1) *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. Failure to comply with this section shall constitute a violation.

(2) *Removal by city.* The City Superintendent or other person designated by the Council may cause removal from all public sidewalks all snow, ice, dirt and rubbish as soon as possible beginning 24 hours after any matter has been deposited thereon or after the snow has ceased to fall. The City Superintendent or other designated person shall keep a record showing the cost of removal adjacent to each separate lot and parcel.

(C) *Public health and safety hazards.* When the city removes or eliminates public health or safety hazards from private property under the following provisions of this chapter, 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 City Superintendent.

(D) *Installation and repair of water service lines.* Whenever the city installs or repairs water service lines serving private property under Chapter 53 of this code, the City Clerk-Treasurer shall keep a record of the total cost of the installation or repair against the property.

(E) *Repair of sidewalks and alleys.*

(1) *Duty of owner.* The owner of any property within the city abutting a public sidewalk or alley shall keep the sidewalk or alley in repair and safe for pedestrians. Repairs shall be made in accordance with the standard specifications approved by the Council and on file in the office of the City Clerk-Treasurer.

(2) *Inspections; notice.* The Council or its designee shall make inspections as are necessary to determine that public sidewalks and alleys within the city are kept in repair and safe for pedestrians or vehicles. If it is found that any sidewalk or alley abutting on private property is unsafe and in need of repairs, the Council shall cause a notice to be served, by registered or certified mail or by personal service, upon the record owner of the property, 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 city will do so and that the expense thereof must be paid by the owner, and if unpaid it will be made a special assessment against the property concerned.

(3) *Repair by city.* If the sidewalk or alley is not repaired within 30 days after receipt of the notice, the City Clerk-Treasurer shall report the facts to the Council and the Council shall by resolution order the work done by contract in accordance with law. The City Clerk-Treasurer shall keep a record of the total cost of the repair attributable to each lot or parcel of property.

(F) *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 City Clerk-Treasurer, or other designated official, shall prepare a bill and mail it to the owner and thereupon the amount shall be immediately due and payable at the office of the City Clerk-Treasurer.

(G) *Damage to public property.* Any person driving any vehicle, equipment, object or contrivance upon any street, road, highway or structure shall be liable for all damages which the surface or structure thereof may sustain as a result of any illegal operation, or driving or moving of the vehicle, equipment or object or contrivance; or as a result of operating, driving or moving any vehicle, equipment, object or contrivance weighing in excess of the maximum weight permitted by statute or this code. When the driver is not the owner of the vehicle, equipment, object or contrivance, but is operating, driving or moving it with the express or implied permission of the owner, then the owner and the driver shall be jointly and severally liable for any such damage. Any person who willfully acts or fails to exercise due care and by that act damages any public property shall be liable for the amount thereof, which amount shall be collectable by action or as a lien under M.S. § 514.67, as it may be amended from time to time.

(H) *Assessment.* In accordance with Minnesota Statutes, the City Clerk-Treasurer shall list the total unpaid charges for each type of current service and charges under this section against each separate lot or parcel to which they are attributable under this section. The Council may then spread the charges against property benefited as a special assessment under the authority of 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 ten, as the Council may determine in each case.

Penalty, see § 10.99

§ 93.02 SHADE TREE PEST CONTROL

(A) *Declaration of policy.*

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

(B) *Trees constituting nuisance declared.*

The following are public nuisances whenever they may be found within the city:

(1) Any living or standing elm tree or part thereof infected to any degree with the Dutch Elm disease fungus *Ceratocystis Ulmi* (Buisman) Moreau or which harbors any of the elm bark beetles *Scolytus Multistriatus* (Eichh.) or *Hylungopinus Rufipes* (Marsh);

(2) Any dead elm tree or part thereof, including branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle insecticide;

(3) Any living or standing oak tree or part thereof infected to any degree with the Oak Wilt fungus *Ceratocystis fagacearum*;

(4) Any dead oak tree or part thereof which in the opinion of the designated officer constitutes a hazard, including but not limited to logs, branches, stumps, roots, firewood or other oak material which has not been stripped of its bark and burned or sprayed with an effective fungicide;

(5) Any living or standing ash tree or part thereof which harbors emerald ash borer larvae or beetles;

(6) Any dead ash tree or part thereof, which in the opinion of the designated officer constitutes a hazard, including but not limited to logs, branches, stumps, firewood or other ash material from which the bark has not been removed and burned or sprayed with an effective emerald ash borer insecticide; or

(7) Any other shade tree with an epidemic disease.

(C) *Tree Inspector.*

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

(D) *Inspection and application of control measures.*

The tree inspector is authorized to inspect premises and places within the city to determine whether shade tree pests exist thereon and to investigate all reported incidents of shade tree pests. The tree inspector is authorized to take all reasonable measures to prevent the maintenance of public nuisances and may enforce the provisions relating to abatement in this section. Diagnosis of shade tree pests may be by the presence of commonly recognized symptoms; by tests as may be recommended by the commissioner of the Minnesota Department of Agriculture or the commissioner of the Minnesota Department of Natural Resources; or other reliable means. Except in situations of imminent danger to human life and safety, the tree inspector shall not enter private property for the purposes of inspecting or preventing maintenance of public nuisances without permission of the owner, resident, or other person in control of the property, unless the inspector has obtained a warrant or order from the court of competent jurisdiction. No person, firm or corporation shall interfere with the tree inspector or with anyone acting under the tree inspector's authority while engaged in activities authorized by this section.

(E) *Reporting the discovery of shade tree pest.*

Any owner or occupier of land or any person engaged in tree trimming or removal who becomes aware of the existence of a public nuisance caused by a shade tree pest as defined under division (B) of this section shall report the same to the city.

(F) *Abatement of nuisance.*

It is unlawful for any person to permit any public nuisance as defined in division (B) of this section to remain on any premises the person owns or controls within the city. In abating a nuisance, as defined in division (B) of this section, the organism, condition, plant, tree, wood, or material identified as injurious to the health of shade trees shall be removed or effectively treated so as to destroy and prevent as fully as possible the spread of the shade tree pest. The Council may by resolution order the nuisance abated.

(G) *Public notice.*

Before action is taken on a resolution, the Council shall publish notice of its intention to meet to consider taking action to abate the nuisance. This notice shall be mailed to the affected property owner and published once no less than one week prior to the meeting. The notice shall state the time and place of the meeting, the street affected, action proposed, the estimated cost of the abatement, and the proposed basis of assessment, if any, of costs. At the hearing or adjournment thereof, the Council shall hear any property owner with reference to the scope and desirability of the proposed project. The Council shall thereafter adopt a resolution confirming the original resolution with modifications as it considers desirable and provide for the doing of the work by day labor or by contract.

(H) *Record of costs.*

The City Clerk-Treasurer shall keep a record of the costs of abatement done under this section for all work done for which assessments are to be made, stating and certifying the description of the land, lots, parcels involved, and the amount chargeable to each.

(I) *Unpaid charges.*

(1) In accordance with Minnesota Statutes, the City Clerk-Treasurer shall list the total unpaid

charges for each abatement against each separate lot or parcel to which they are attributable under this section.

(2) The Council may then spread the charges or any portion thereof against the property involved as a special assessment as authorized by 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 the following year. In the alternative, the Council may, at its discretion determine that it is in the best interest of the City, and its residents, that the City as a whole bear the expense of abating the nuisances caused by diseased trees. Penalty, see § 10.99

NUISANCES

§ 93.15 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 §§ 93.16, 93.17 or 93.18, or any other part of this code to be a public nuisance and for which no sentence is specifically provided.

Penalty, see § 10.99

§ 93.16 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, 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 § 10.99

§ 93.17 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;

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

Penalty, see § 10.99

§ 93.18 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 Ch. 7030, as they may be amended from time to time which are 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) The participation in a party or gathering of people giving rise to noise which disturbs the peace, quiet or repose of the occupants of adjoining or other property.

(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 rain water, ice or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk;

(M) Any barbed or other wire fences unless approved by the City Building Inspector;

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

(O) Waste water 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. Penalty, see § 10.99

§ 93.19 DUTIES OF CITY OFFICERS.

The Police Department or Sheriff, if the city has at the time no Police Department, shall enforce the provisions relating to nuisances. Any peace officer shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

§ 93.20 ABATEMENT.

(A) *Notice.* Written notice of violation; notice of the time, date, place and subject of any hearing before the Council; notice of 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 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 Council hearing.* Written notice of any 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 Council hearing, notice of Council hearing shall be served by posting it on the premises.

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

(B) *Procedure.* Whenever a peace officer determines that a public nuisance is being maintained or exists on the premises in the city, the officer shall notify in writing the owner of record or occupant of the premises of the 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 shall report that fact forthwith to the Council. Thereafter, the Council may, after notice to the owner or occupant and an opportunity to be heard, 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 Council, the city may seek injunctive relief by serving a copy of the Council order and notice of motion for summary enforcement.

(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 Council may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the officer 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 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 Council meeting to consider the question of summary enforcement. The 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 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 § 10.99

§ 93.21 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 City Clerk-Treasurer or other official shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the City Clerk-Treasurer.

(B) *Assessment.* If the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect-infected trees, the City Clerk-Treasurer shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other the 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 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 ten, as the Council may determine in each case.

Penalty, see § 10.99

WEEDS

§ 93.35 SHORT TITLE.

This subchapter shall be cited as the “Weed Ordinance.”

§ 93.36 JURISDICTION.

This subchapter shall be in addition to any state or county ordinance presently in effect, subsequently added, amended or repealed.

§ 93.37 DEFINITIONS; EXCLUSIONS

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

DESTRUCTION ORDER. The notice served by the Council or designated city official, in cases of appeal, on the property owner of the ordinance violation.

PROPERTY OWNER. The person occupying the property, the holder of legal title or a person having control over the property of another, such as a right-of-way, easement, license or lease.

WEEDS, GRASSES and RANK VEGETATION. Includes but is not limited to the following:

- (1) Noxious weeds and rank vegetation shall include but not be limited to: alum (allium), Buckthorn, Bur Cucumber, Canada Thistle, Corncockle, Cressleaf Groundsel, Curly Dock, Dandelions, Dodder, Field Bindweed, French Weed, Hairy Whitetop, Hedge Bindweed, Hoary Cress, Horsenettle, Johnsongrass, Leafy Spurge, Mile-A-Minute Weed, Musk Thistle, Oxeye Daisy, Perennial Sowthistle, Poison Hemlock, Purple Loosestrife, Quackgrass, Russian Knapweed, Russian Thistle, Serrated Tussock, Shatter Cane, Sorghum, Wild Carrot, Wild Garlic, Wild Mustard, Wild Onion, Wild Parsnip, and shall also include any other noxious weeds as enumerated by Minnesota Rules 1505.0750, as it may be amended from time to time;
- (2) Grapevines when growing in groups of 100 or more and not pruned, sprayed, cultivated or otherwise maintained for two consecutive years;
- (3) Bushes if the species of tall, common, or European barberry, further known as *Berberis*

vulgaris or its horticultural varieties;

(4) Any weeds, grass, or plants, other than trees, bushes, flowers, or other ornamental plants, growing to a height exceeding 6 inches;

(5) Rank vegetation includes the uncontrolled, uncultivated growth of annuals and perennial plants;

(6) The term **WEEDS** does not include shrubs, trees, cultivated plants or crops.

(B) In no event shall cultivated plants or crops include plants which have been defined by the state statute or administrative rule as being noxious or detrimental plants.

§ 93.38 OWNERS RESPONSIBLE FOR TRIMMING, REMOVAL AND THE LIKE.

All property owners shall be responsible for the removal, cutting, or disposal and elimination of weeds, grasses, and rank vegetation or other uncontrolled plant growth on their property, which at the time of the notice, is in excess of 6 inches in height.

§ 93.39 FILING COMPLAINT.

Any person, including the city, who believes there is property located within the corporate limits of the city which has growing plant matter in violation of this subchapter shall make a written complaint signed, dated and filed with the City Clerk-Treasurer. If the city makes the complaint, an employee, officer or Council Member of the city shall file the complaint in all respects as set out above.

§ 93.40 NOTICE OF VIOLATIONS

(A) Upon receiving notice of the probable existence of weeds in violation of this subchapter, a person designated by the Council shall make an inspection of the property in question. The inspector, upon concluding that there is a probable belief that this subchapter has been violated, shall forward written notification in the form of a "Destruction Order" to the property owner as that information is contained within the records of the City Clerk-Treasurer or any other city agency. The notice shall be served in writing by regular first class mail, or given to the property owner in person or posted on the property in question. The notice shall provide that the property owner must eradicate the nuisance within four regular business days after service of the notice.

(B)

(1) The notice shall state that the city will take appropriate remedial action to eradicate or control the weeds upon the expiration of the aforementioned four business days, with a charge to the owner/property for costs.

(2) For properties for which there have been two or more notices issued within the prior 12 month period, the property owner property will not receive another notice. The first two

notices given shall contain a general notice that the city may abate future violations without providing additional specific notice of the violation.

§ 93.41 APPEALS.

- (A) The property owner may appeal by filing written notice of objections with the City Clerk-Treasurer which written notice must be received by the City Clerk-Treasurer within 48 hours (excluding weekends and holidays) of the property owner receiving the Destruction Order notice, if the property owner contests the issued Destruction Order. It is the property owner's responsibility to demonstrate that the matter in question is shrubs, trees, cultivated plants or crops is not otherwise in violation of this subchapter, and should not be subject to destruction under the subchapter.
- (B) An appeal by the property owner shall be brought before the Council and shall be decided by a majority vote of the Council Members in attendance and being at a regularly scheduled or special meeting of the Council.

§ 93.42 ABATEMENT BY CITY.

In the event that the property owner shall fail to comply with the "Destruction Order" within four calendar days and has not filed a notice within 48 hours to the City Clerk-Treasurer of an intent to appeal, the Council or its designee may employ the services of city employees or outside contractors and remove the weeds to conform to this subchapter by all lawful means.

§ 93.43 LIABILITY.

- (A) The property owner is liable for all costs of removal, cutting or destruction of weeds as defined by this subchapter.
- (B)
 - (1) The property owner is responsible for all collection costs associated with weed destruction, including but not limited to, court costs, attorney's fees and interest on any unpaid amounts incurred by the city.
 - (2) If the city uses municipal employees it shall set and assign an appropriate per hour rate for employees, equipment, supplies and chemicals which may be used as determined by the City Superintendent for each abatement.
 - (3) Administrative Fee. Each time the City is required to enforce this ordinance by removing the weeds (nuisance) or employing a contractor to remove the weeds, the property owner will be assessed an administrative fee of \$100.00.
- (C) All sums payable by the property owner are to be paid to the City Clerk-Treasurer and to be deposited in a general fund as compensation for expenses and costs incurred by the city.

(D) All sums payable by the property owner may be collected as a special assessment as provided by M.S. § 429.101, as it may be amended from time to time.

OPEN BURNING

§ 93.61 OPEN BURNING OF LEAVES.

(A) *Burning permitted.* The open burning of leaves, branches and other vegetation material is hereby permitted with a burning permit issued by the City Police Department.

1. The issuance of a burning permit is subject to the following:
 - i. No burning shall take place during an air pollution alert, warning or emergency declared by the Pollution Control Agency and no person shall burn leaves, branches and other vegetative material on a city street or sidewalk.
 - ii. The wind cannot be in excess of 10 Miles per Hour.

(B) *Limit.* Fires must be kept under control. Owners and occupants burning fires will be held liable for all damages and costs caused by violations of this ordinance or violations of state law.

1. On weekdays (Monday – Friday) Open burning must take place after 5:00 PM, and must be extinguished before 7:00 AM the following day.
2. Open fires shall not be started, and must be immediately extinguished at any time upon the request, direction and order (either verbal or written) of the Roseau Fire Department, Roseau Police Department, or by the Minnesota Department of Natural Resources, if any of said entities determines that there is a danger of fire spreading, endangering property, or otherwise creating a hazard or nuisance. No person shall refuse a lawful order to extinguish a fire.
3. Any fire authorized by this section must be constantly attended by a competent person until such fire is extinguished. This person must have a garden hose connected to a water supply or other fire extinguishing equipment readily available for use.

(C) *Fire Danger Alert.* Burning of leaves may not take place during a fire danger alert declared by the Roseau Fire Department, Roseau Police Department, or by the Minnesota Department of Natural Resources.

(D) *Revocation of Permit.* An open burning permit is subject to revocation at the discretion of the Roseau Police Department. Reasons for revocation, include, but are not limited to: a fire hazard existing or developing during the course of the burn; any permit conditions being

violated during the course of the burn; pollution or nuisance conditions developing during the course of the burn; a fire smoldering with no flame; or no attendant being present at the fire.

- (E) *Penalties.* Violations of a provision of this section is a petty misdemeanor. The third violation and all subsequent violations within a one-year period of time are a misdemeanor.

HAZARDOUS CONDITIONS

§ 93.71 PREAMBLE.

(A) *Private Property.* The Council finds that accumulation on private property of unlicensed, unregistered or inoperable motor vehicles, household furniture, furnishings or appliances, or parts or components thereof, or metal, wood, glass, paper, rubber, concrete, or other material, whether organic or inorganic, can facilitate the growth or spread of noxious weeds, the nesting and breeding of rodents, insects, and harmful bacteria, and be a threat of fire. The Council also finds that unless such accumulation is stored in a lawfully operated junk yard (permitted or allowed under provisions of this City Code), housed within a lawfully erected building, or in a container permitted, and contents disposed of, under provisions of City Code, Chapter 51, it is a source of filth, cause of sickness, and an immediate danger to the health, safety and welfare of persons and property in the City. The Council finds that if such unauthorized, unwholesome and dangerous accumulation is permitted to continue to pose a threat it is a hazardous condition and nuisance, must be abated, and that this Section is adopted to protect the residents of the City of Roseau and their property and, in addition, to protect the rights of persons who may be found in violation of its provisions. “Accumulation” as that term is used in this Subparagraph a, means prohibited items in any number or amount.

(B) *Business Premises.* The Council finds that accumulation upon premises to which the public has access or may be exposed of food particles or other material causing discomfort to patrons, or disrepair of seating, floor covering, plumbing, heating, or electrical facilities, or failure to maintain a reasonable standard of cleanliness and absence of noxious odors, can facilitate the nesting and breeding of rodents, insects, and harmful bacteria and is a source of filth, cause of sickness, and an immediate danger to the health, safety and welfare of persons and property in the City. The Council finds that if such unauthorized, unwholesome and dangerous accumulation is permitted to continue to pose such a threat it is a hazardous condition and a nuisance, must be abated, and that this Section is adopted to protect the residents of the City of Roseau and their property and, in addition, to protect the rights of persons who may be found in violation of its provisions. “Accumulation” as that term is used in this Subparagraph B, means prohibited items in any number or amount.

(C) *Causes of Blight and Blighting Factors.* It is hereby determined that the uses, structures, activities and causes of blight and blighting factors described herein, if allowed to exist, will tend to result in blighted and undesirable neighborhoods so as to be harmful to the public health, safety and welfare. It is the intent of the City of Roseau to protect the character and stability of the properties located within the City of Roseau and to avoid blight and blighted conditions. The owners and occupants of real estate shall

comply with the regulations contained herein.

§ 93.72 UNLAWFUL ACTS.

(A) It is unlawful to park or store any unlicensed, unregistered or inoperable motor vehicle, household furniture, furnishings or appliances, or parts or components thereof, or scrap metal, wood, glass, paper, rubber, concrete, or other material, whether organic or inorganic, on private property, unless such accumulation is stored within a lawfully operated junk yard, housed within a lawfully erected building, or in a container permitted, and the contents disposed of, under other provisions of the City Code.

(B) It is unlawful to permit, on premises to which the public has access or may be exposed, any accumulation of food particles or other material causing discomfort to patrons, or disrepair of seating, floor covering, plumbing, heating or electrical facilities, or failure to maintain a reasonable standard of cleanliness and absence of noxious odors.

(C) It is unlawful to permit the exterior of structures and accessory structures, including detached garages, to be maintained other than in a workmanlike state of maintenance and repair.

(D) It is unlawful to permit conditions wherein exterior walls contain holes, breaks, loose or rotting bricks, blocks, panels, boards or timbers, falling or loose stucco, or substantial amounts of peeling paint.

(E) It is unlawful to permit doors and windows to be maintained other than in a state of good repair, meaning said doors and windows must fit reasonably well within their frames and be free of open breaks or holes.

§ 93.73 INVESTIGATION AND NOTICE OF HEARING.

Upon receipt of any complaint of violation of §93.72 of this Section, or on their own initiative, but at least annually during the month of May, the Planning Commission shall investigate the premises and if it is found that there is a hazardous condition and a nuisance on any premises in violation of this Section, the same shall be reported to the City Clerk-Treasurer who shall prepare a Notice of Hearing on Order to Abate Nuisance addressed to owners, tenants, mortgagees and other lien holders, all of whose interests are known to the City Clerk-Treasurer or appear of record, and bearing the legal description of the premises on which the alleged violation appears. The Notice shall state the date, time and place of hearing and describe the violation in general terms.

§ 93.74 SERVICE OF NOTICE.

The Notice shall be served at least twenty days before the date of hearing in the following manner:

(1) If the person to whom it is addressed resides in the City, or can readily be found therein, it shall be served personally on the addressee or left at his/her residence with a person of suitable age and discretion; or

(2) If addressees are not served personally then they should be served by certified mail at their addresses appearing in records (selected by the City Clerk-Treasurer) of Roseau County; and also

(3) By publication of the Notice once in the official newspaper at least ten days prior to the date of hearing.

Inadvertent failure to serve any addressee personally or by certified mail shall not invalidate the proceedings, but publication shall then suffice.

§ 93.75 HEARING, FINDINGS AND DECISION.

(A) The hearing shall be held before the Council at a regular or special meeting and conducted in the same manner as an administrative appeal. All persons desiring to be heard shall be afforded an opportunity to present evidence.

(B) At any time after the hearing is closed, but at least at its next regular meeting, the Council shall decide whether or not the item or items constitute a nuisance in violation of this Section and direct the drawing and serving of Findings of Fact and Decision by certified mail on all addressees. If the Council finds that there is a violation, the decision shall include an Order to Abate Nuisance and specify the date by which abatement shall be completed.

(C) Estimated value, if any, of all offensive items described in §93.72(A) shall be included in the evidence and in the Findings. “Value” for the purpose of this Section means the amount of money, in cash, which can be obtained in a negotiated sale on a known and ready market in the City.

§ 93.76 CITY TO ABATE.

If abatement of the items described in §93.72(A) is not completed by the date stated in the Order to Abate Nuisance, the City may enter upon the premises, remove the offending item or items, and clean up the nuisance.

§ 93.77 CITY DISPOSAL.

If the City abates the nuisance it shall dispose of the items as follows:

(A) Any item or items of value shall be sold locally in a negotiated sale.

(B) Items of no value shall be disposed of in a landfill or other site acceptable to governmental regulatory authority.

§ 93.78 ALLOCATION OF PROCEEDS AND ASSESSMENT.

If the City abates the nuisance all costs thereof, including, but not limited to, cost of sale, if any, shall be aggregated, sale proceeds deducted, and the remainder certified as a special assessment.

§ 93.79 FAILURE TO ABATE NUISANCE ON BUSINESS PREMISES.

If the hazardous condition and nuisance described in §93.72(B) of this Section is not abated within the time limited, all present licenses issued by the City to carry on the business on such premises shall be revoked, and no future license shall be issued therefore until full abatement has been completed.

§ 93.80 SHORT TITLE

This Subchapter shall be cited as “Abandoned, Inoperable and Unregistered Vehicles.

§ 93.81 DEFINITIONS

(A) ***Abandoned Vehicle***. Means any vehicle that has not been moved for thirty consecutive days or more and is apparently deserted.

(B) ***Antique Vehicle***. Means any vehicle twenty-five (25) years of age or older that is of limited production or of high value which may or may not be operable but is properly and currently registered with the State of Minnesota.

(C) ***Highway***. Means any street, alley or public way within the city.

(D) ***Inoperable vehicle***. Means any vehicle that has remained in its current location on the property for over 30 days without moving or exhibiting the ability to move and exhibits any of the following criteria:

1. The vehicle has no value other than nominal salvage value.
2. The vehicle is incapable of being started or kept running for more than a few minutes.
3. The vehicle is in a condition that would prohibit its normal operation. Examples of such condition, without intending to be exhaustive or inclusive of all such conditions, are as follows:
 - a) No headlights
 - b) No tires, missing tires, or multiple flat tires
 - c) Missing, removed, or partially or completely dismantled vehicle parts
 - d) Broken windows, windshield or mirrors
 - e) Vehicle on lifts or blocks, jacks or other structures
 - f) Vegetation or other materials in, on or around the vehicle beyond normal conditions permitted for property maintenance
 - g) Evidence of collision damage to vehicle
 - h) Extensive rust or corrosion of vehicle
 - i) No current Minnesota registration tag

(E) ***Person***. Means any natural person, firm, partnership, association, corporation or other legal entity.

(F) **Private Property.** Means any real property within the city which is privately owned and which is not public property as defined in this section.

(G) **Public Property.** Means any street or highway which shall include the entire width between the boundary lines publicly maintained for the purposes of vehicular travel, and any other property or facility owned by a public entity.

(H) **Unregistered vehicle.** Means any vehicle which is not properly and currently registered with the State of Minnesota.

(I) **Vehicle.** Means every device, in, upon, or by which any person or property is or may be transported or drawn upon a highway or city street and includes recreational vehicles, including ATVs as defined under Minn. Stat. § 168.002, subd. 18 (b) (c) and snowmobiles as defined under Minn. Rule 6100.0500, subd. 7.

(J) **Vehicle Owner.** Means a person who holds legal title to a vehicle or, in the event a vehicle is the subject of an agreement for conditional sale or lease thereof with the right of purchase upon the performance of the conditions stated in the agreement and with the immediate right of possession vested in the conditional vendee or lessee or in the event of mortgagor of such vehicle is entitled to possession, then such conditional vendee, lessee or mortgagor shall be deemed the owner for the purpose of this section.

§ 93.82 DECLARATION OF NUISANCE

The City Council finds and declares that abandoned vehicles, inoperable vehicles, and unregistered vehicles, whether located upon private property or upon public property, and which have continued to exist in that location and/or in that state for a period exceeding 30 days, constitute a safety hazard and a public nuisance detrimental to the health, safety and welfare of the general public, by harboring disease, providing breeding places for vermin, inviting plundering, creating fire hazards and presenting physical dangers to children and others, and by creating scenic blights which degrade the environment and adversely affect land values and the proper maintenance and development of the city.

§ 93.83 EXEMPTIONS

This section shall not apply to the following:

(A) Any vehicle which is kept within a lawfully erected and entirely enclosed building.

(B) One antique vehicle that is 100% screened with a lawfully erected opaque fence which does not allow the vehicle to be seen, while standing at ground level, from any public highway or adjacent property. No inoperable vehicle may be stored in the front yard of any property regardless of fencing.

(C) A vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles,

or on the premises of a place of business engaged in the sale of new or used automobiles, provided, however, that the latter business does not store or display inoperable vehicles.

(D) A vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations for a period of not more than 30 days from the date the vehicle became inoperable.

(E) A vehicle, or parts of a vehicle, used as a commercial display or public art, provided that such displays shall not be erected or constructed in residential zones; provided that they are approved by the Planning Commission; provided that such commercial displays and public art are regularly cleaned, painted, and maintained; and provided that the City (through the Planning Commission) reserves the right to revoke previously issued exemptions and approvals of any such commercial displays and public art in the event they are not regularly cleaned, painted and maintained causing them to fall into disrepair, in which case the city will notify the commercial display or art owner that their exemption has been revoked, and the display or public art shall henceforth be treated as any other inoperative vehicle nuisance.

§ 93.84 STORAGE OF UNREGISTERED VEHICLES

No person shall accumulate, store or allow any unregistered vehicle to be located upon any public property or private property within the city for a period exceeding thirty days.

§ 93.85 COVERING VEHICLES

Covering, tarping or otherwise concealing an abandoned, unregistered or inoperable vehicle, except as allowed under the exemptions within this section, will not be considered to resolve an abandoned, inoperable or unregistered vehicle as a public nuisance.

§93.86 DUTY TO DISPOSE OF ABANDONED, INOPERABLE, OR UNREGISTERED VEHICLES

Any person, not exempted under this Section, shall dispose of any abandoned, inoperable or unregistered vehicle owned by him or her, and, if the vehicle is located upon private property, the owner or person occupying the private property shall dispose of the abandoned, inoperable or unregistered vehicle, if it has existed in that location and/or in that state for more than 30 days, as set forth in this chapter, upon written notice received from the city commanding the disposition thereof.

§ 93.86 NOTICE

(A) If the abandoned, inoperable, or unregistered vehicle displays registration plates or decals from which the last known vehicle owner may be determined in a reasonably expeditious manner, notices as set forth in this chapter shall be sent to the last registered vehicle owner, and, if the vehicle is located upon private property, to the owner or occupant of the private property upon which the vehicle is located.

(B) All notices provided by the section shall be sent by registered or certified mail, return receipt requested, postage prepaid. Notice to one vehicle owner will be considered notice to all vehicle owners and notice to one owner or occupant of private property will be considered notice to all owners and/or occupants of private property upon which the vehicle is located. The date of notice for purposes of this section shall be the day after such notice was deposited with the United States postal service. Notice may be personally served by a city police officer or other law enforcement agent authorized by the City Council upon the vehicle owner, or, if the vehicle is located upon private property, upon an owner or an occupant of the private property above the age of fifteen (15) years, in which case the date of notice shall be the date of personal service.

(C) If the vehicle is located upon public property the notice will be substantially in the form set forth in this subsection.

NOTICE TO REMOVE VEHICLE FROM PUBLIC PROPERTY

TO: Name _____ Date _____
Address _____

A Vehicle Described as: Type _____ Make _____ Model _____
Year _____ Color _____ with registration plates number _____ (the Vehicle) is registered in the name(s) of _____ with the State of _____. The Vehicle is located at _____ outside of an enclosed building and is deemed to be an Abandoned, Inoperable or Unregistered vehicle under Section § 93.86 of the City of Roseau Municipal Code of Ordinances (the Ordinance). You are hereby notified that the Vehicle must be removed, disposed of, or placed in an enclosed building within fourteen (14) days of the day after the date this Notice was deposited with the United States Postal Service. If you fail to remove, dispose of, or place the Vehicle in an enclosed building within the specified period, or within any extension granted by the City Police Chief, the City may cause the towing or removal of the Vehicle without further notice to you, and you may be charged with a violation of the Ordinance and may be subject to penalties pursuant to Section § 93.88 of the City of Roseau Municipal Code of Ordinances. In addition, the costs of towing and storage, including court costs and reasonable attorney’s fees may be assessed against you.

(D) If the vehicle is located upon private property, the notice shall be substantially in the form set forth in this subsection.

NOTICE TO REMOVE VEHICLE FROM PRIVATE PROPERTY

TO: Name _____ Date _____
Address _____

A Vehicle Described as: Type _____ Make _____ Model _____
Year _____ Color _____ with registration plates number _____ (the Vehicle) is registered in the name(s) of _____ with the State of _____. The Vehicle is located at _____ outside of an enclosed building and is deemed to be an Abandoned, Inoperable or Unregistered vehicle under Section § 93.86 of the City of Roseau Municipal Code of Ordinances (the Ordinance). You are hereby notified that the Vehicle must be removed, disposed of, or placed in an enclosed building within fourteen (14) days of the day after the date this Notice was deposited with the United States Postal Service. You may request a hearing on the matter of

whether the above described vehicle is an Abandoned, Inoperable or Unregistered Vehicle in violation of Section § 93.86 of the Ordinance by submitting a written request for such a hearing to the Roseau City Clerk addressed as set forth below, within seven (7) days of the day after the date this Notice was deposited with the United States Postal Service. If you submit such a request for a hearing, a hearing date will be set and you will be advised of the time, date and place of such hearing at least three (3) days in advance of the date of such hearing. The City Clerk shall, upon good cause being shown, grant an extension of the hearing of not more than thirty (30) days if you submit to the City Clerk an affidavit that the Vehicle is being held for sale or for expeditious repair as defined by Section§ 93.87 (B) of this ordinance. To request a hearing, you must hand deliver or deliver by certified mail, return receipt requested, a request for such a hearing in writing to the City Clerk, City of Roseau, 121 Center Street E; Suite 202; Roseau, MN 56751. If you fail to request a hearing within seven (7) days of the day after the date this Notice was deposited with the United States Postal Service, and you do not remove, dispose of, or place this Vehicle in an enclosed building within that specified period, or within any extension granted by the City Clerk after a hearing, the City may seek a judicial warrant to search and to seize the Vehicle and to cause the towing or removal of the Vehicle without further notice to you, and you may be charged with a violation of the Ordinance and may be subject to penalties pursuant to Section § 93.88 of the City of Roseau Municipal Code of Ordinances. In addition, the costs of towing and storage, including court costs and reasonable attorney's fees may be assessed against you.

§ 93.87 HEARING

(A) The person or persons to whom the notice a specified in Section § 93.86 is directed, shall have the right to a hearing before the Planning Commission on the matter of whether the vehicle cited in such notice is an abandoned, inoperable or unregistered vehicle in violation of this chapter. To obtain such a hearing, a written request for such a hearing must be hand delivered or delivered by certified mail, return receipt requested to the City Clerk, City of Roseau, 121 Center Street E; Suite 202; Roseau, MN 56751, within seven days of the day after the date this notice was deposited with the United States Postal Service. In the event that a hearing is so requested, the City Clerk, shall as soon as reasonably practicable, set a time, date and place for the hearing before the Planning Commission, and shall cause the person or persons so requesting the hearing to be provide with written notice of the time, date, and place of the hearing at least three days in advance of the date of the hearing. Enforcement of this chapter shall be stayed pending the hearing and determination by the Planning Commission.

(B) The owner of the vehicle, the owner or occupant of the private property upon which the vehicle is located, may apply for an extension of the time of the hearing by submitting to the City Clerk an affidavit that the vehicle is being held for sale or expeditious repair. Upon receipt of any such application for an extension of time, the City Clerk shall, upon good cause being shown, grant an extension of the hearing of not more than thirty days. As used in this section "expeditious repair" means:

1. That the necessary parts for repair have been ordered but are not available for installation in the vehicles for reasons not within the control of the owner of the vehicle;
2. That the vehicle is scheduled to be repaired by a person whose regular course of business includes the repair of vehicles and the scheduled repair date is within thirty (30) days; or

3. That the vehicle is in such condition of being inoperable as a result of a vehicular accident, and the owner of the vehicle or any third party to whom, or from whom, a claim for the damages sustained in such accident is anticipated, is investigating or preparing a claim for such damages.

§ 93.88 TOWING

(A) Public Property. In the event the notice provided for in Section § 93.86 is not complied with, the City, may cause the towing or removal of the abandoned, inoperable or unregistered vehicle from public property without further notice to the vehicle owner.

(B) Private Property. In the event the notice provided for in Section § 93.86 is not complied with, the city, excepted as provided in subsection (B)(1) of this section, may seek a judicial warrant to search and to seize the abandoned, inoperable or unregistered vehicle and to cause the towing or removal thereof from private property

- A. In the event a request for a hearing before the Planning Commission is made as set forth in Section § 93.87 and the Planning Commission determines the vehicle is an abandoned, inoperable or unregistered vehicle, the Planning Commission shall set a reasonable date by which the vehicle shall be disposed of or enclosed within a building. The date shall be no less than seven fourteen days after the date of the hearing. In the event the vehicle is not disposed of or enclosed within a building by the date set by the Planning Commission, the city may seek a judicial warrant to search and seize the abandoned, inoperable or unregistered vehicle and to cause the towing or removal of the vehicle from private property without further notice to the vehicle owner or to the owner or occupant of the private property.

(C) It shall be the responsibility of the vehicle owner or, the owner of the private property upon which the vehicle is located, if applicable, to deliver a written notice to the City Clerk, and to provide documentation and/or demonstration of operability of the vehicle, and that the vehicle has been properly registered, if the vehicle has been put into operable condition and/or registered with the State of Minnesota following issuance of the notice described in Section § 93.86 hereof. In the event no such written notice and evidence of compliance herewith is received by the City Clerk, it shall be presumed that the vehicle remains abandoned, inoperable or unregistered and the city may immediately cause the towing or removal of the vehicle from public property, or, if locate upon private property, seek a judicial warrant to search and to seize the vehicle and to cause the towing or removal of the vehicle from private property without further notice to the vehicle owner or to the owner or occupant of the private property.

(D) Whenever a vehicle is towed or removed by a towing service pursuant to the provisions of this chapter, the owner of the vehicle and the owner or occupant of the property upon which the abandoned, inoperable or unregistered vehicle is located, if applicable, shall be jointly and severally responsible for all towing and storage charges.

(E) Within forty-eight (48) hours of the removal of the vehicle, the city will send notice to the vehicle owner and any lien holder, if known, and to the owner or occupant of the private property from which the vehicle was removed, if applicable, that the vehicle has been impounded and stored for violation of this section. This notice shall give the location of the vehicle and the costs, if any, incurred by the city for

removal.

(F) Any vehicle towed or removed pursuant to the provisions of this section will be stored and claimed or disposed of in accordance with the applicable provisions of Minnesota Statutes.

CHAPTER 94: STREETS AND SIDEWALKS

Section

- 94.01 Definitions
- 94.02 Application
- 94.03 Scope and orders of officers
- 94.04 Traffic and parking control
- 94.05 Construction and reconstruction of roadway surfacing, sidewalk, curb and gutter
- 94.06 Obstructions in streets
- 94.07 Street openings or excavations
- 94.08 Regulation of tree planting, grass and weeds
- 94.09 Private use of public streets and parking lots
- 94.10 Curb and gutter, street and sidewalk painting or coloring
- 94.11 Motorized vehicles prohibited on sidewalks

- 94.99 Penalty

§ 94.01 DEFINITIONS.

Except as otherwise defined in the city code, or where the context clearly indicates a contrary intent, the words and terms defined in M.S. Ch. 169, as it may be amended from time to time, shall be applicable to this chapter.

(1986 Code, § 7.01)

§ 94.02 APPLICATION.

The provisions of this chapter and Title VII of this city code are applicable to the drivers of all vehicles and animals upon streets, including but not limited to those owned or operated by the United States, the State of Minnesota or any county, town, city, district or other political subdivision.

(1986 Code, § 7.02)

Cross reference:

Traffic Code, see Title VII

§ 94.03 SCOPE AND ORDERS OF OFFICERS.

(A) *Scope.* The provisions of this chapter and Title VII relate exclusively to the streets, alleys and private roads in the city and the operation and parking of vehicles refer exclusively to the operation and parking of vehicles upon the streets, alleys and private roads.

(B) *Orders of an officer.* It is a misdemeanor for any person to willfully fail or refuse to comply with

any lawful order or direction of any police or peace officer invested by law with authority to direct, control or regulate traffic.

(1986 Code, § 7.03) Penalty, see § 94.99

Cross reference:

Traffic Code, see Title VII

§ 94.04 TRAFFIC AND PARKING CONTROL.

(A) *Council action.* No device, sign or signal shall be erected or maintained for traffic or parking control unless the Council shall first have approved and directed the same, except as otherwise provided in this section; provided that when traffic and parking control is marked or sign-posted, the marking or sign-posting shall attest to Council action thereon.

(B) *Temporary restrictions.* The city, acting through the Chief of Police, may temporarily restrict traffic or parking for any private, public or experimental purpose. The Chief of Police may restrict traffic or parking when a hazardous condition arises or is observed.

(C) *Traffic restrictions and prohibitions.* It is a misdemeanor for any person to drive a vehicle contrary to lane restrictions or prohibitions painted on any street or contrary to sign-posted, fenced or barricaded restrictions or prohibitions.

(D) *Parking restrictions and prohibitions.* It is unlawful for any person to park a vehicle, except an emergency vehicle, contrary to lane restrictions or prohibitions painted on any curb or contrary to sign-posted, fenced or barricaded restrictions or prohibitions.

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

(1986 Code, § 7.04) Penalty, see § 94.99

Cross reference:

Traffic Code, see Title VII

§ 94.05 CONSTRUCTION AND RECONSTRUCTION OF ROADWAY SURFACING, SIDEWALK, CURB AND GUTTER.

(A) *Methods of procedure.*

(1) Abutting or affected property owners may contract to construct or reconstruct roadway surfacing, sidewalk or curb and gutter in accordance with this section if advance payment is made therefore or arrangements for payment considered adequate by the city are completed in advance.

(2) No construction or re-construction shall proceed without petition by the methods set forth in the Local Improvement Code of Minnesota Statutes, presently beginning with M.S. § 429.011, as the same

may from time to time be amended.

(B) *Permit required.* It is unlawful to construct or reconstruct a sidewalk, curb and gutter, driveway or roadway surfacing in any street or other public property in the city without a permit in writing from the city. Application for the permit shall be made on forms approved and provided by the city and shall sufficiently describe the contemplated improvements, the contemplated date of beginning of work and the length of time required to complete the same, provided, that no permit shall be required for any such improvement ordered installed by the Council. All applications shall be referred by the City Superintendent or his/her designate, and no permit shall be issued until approval has been received from the City Superintendent or his/her designate. All such applications shall contain an agreement by the applicant to be bound by this chapter and plans and specifications consistent with the provisions of this chapter and good engineering practices shall also accompany the application. A permit from the city shall not relieve the holder from damages to the person or property of another caused by the work.

(C) *Specifications and standards.* All construction and reconstruction of roadway surfacing, sidewalk and curb and gutter improvements, including curb cuts, shall be strictly in accordance with specifications and standards on file in the office of the City Superintendent or his/her designate and open to inspection and copying there. The specifications and standards may be amended from time to time by the city, but shall be uniformly enforced.

(D) *Inspection.* The City Superintendent or his/her designate shall inspect the improvements as deemed necessary or advisable. Any work not done according to the applicable specifications and standards shall be removed and corrected at the expense of the permit holder. Any work done hereunder may be stopped by the City Superintendent if found to be unsatisfactory or not in accordance with the specifications and standards, but this shall not place a continuing burden upon the city to inspect or supervise the work.

(1986 Code, § 7.06) Penalty, see § 94.99

§ 94.06 OBSTRUCTIONS IN STREETS.

(A) *Obstructions.* It is unlawful for any person to place, deposit, display or offer for sale any goods, wares or merchandise or to have, place or maintain any fence, device of any kind, electrical cord or other obstruction upon, over, across or under any street; provided, however, that it shall not be a violation of this division (A) to display or offer for sale goods, wares or merchandise in a street if:

(1) A permit has been granted by resolution of the Council for a community-wide street sale or promotion;

(2) All of the terms and conditions of the permit are strictly adhered to; and

(3) Evidence of insurance coverage, with limits acceptable to the city, is provided to indemnify and save the city harmless from any claim, action or cause of action.

(B) *Fires.* It is unlawful for any person to build or maintain a fire upon a street.

(C) *Dumping in streets.* It is unlawful for any person to throw or deposit in any street any nails, dirt, soil and gravel, glass or glassware, cans, discarded cloth or clothing, metal scraps, garbage, leaves, grass or

tree limbs, paper or paper products, shreds or rubbish, oil, grease or other petroleum products or to empty any water containing salt or other injurious chemical thereon. It is a violation of this section to haul any such material, inadequately enclosed or covered, thereby permitting the same to fall upon streets. It is also a violation of this section to place or store any building materials or waste resulting from building construction or demolition on any street without first having obtained a written permit from the Council.

(D) *Signs and other structures.* It is unlawful for any person to place or maintain a sign, advertisement or other structure in any street without first having obtained a written permit from the Building Inspector. In a district zoned for commercial or industrial enterprises special permission allowing an applicant to erect and maintain signs overhanging the street may be granted upon the terms and conditions as may be set forth in the zoning or construction provisions of the city code.

(E) *Placing snow or ice in a roadway or on a sidewalk.*

(1) It is unlawful for any person, not acting under a specific contract with the city or without special permission from the City Superintendent, to remove snow or ice from private property and place the same in any city street, boulevard or sidewalk.

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

(F) *Continuing violation.* Each day that any person continues in violation of this section shall be a separate offense and punishable as such.

(G) *Condition.*

(1) Before granting any permit under any of the provisions of this section, the Council may impose the insurance or bonding conditions thereon as it, considering the projected danger to public or private property or to persons, deems proper for safeguarding the persons and property.

(2) The insurance or bond shall also protect the city from any suit, action or cause of action arising by reason of the obstruction.

(H) *Electrical cord or device.* Notwithstanding any other provision of this section, it is unlawful to place or maintain an electric cord or device of any kind across, over or upon any portion of any street. (1986 Code, § 7.07) Penalty, see § 94.99

§ 94.07 STREET OPENINGS OR EXCAVATIONS.

It is a misdemeanor for any person, except a city employee acting within the course and scope of his or

her employment or a contractor acting within the course and scope of a contract with the city, to make any excavation, opening or tunnel in, over, across or upon a street or other public property without first having obtained a written permit from the City Superintendent as herein provided.

(A) *Application.* Application for a permit to make a street excavation shall describe with reasonable particularity the name and address of the applicant, the place, purpose and size of the excavation, the name and address of the person who will furnish the equipment for backfilling and compacting, the type of material proposed to be used for backfill and such other information as may be necessary or desirable to facilitate the investigation hereinafter provided for and shall be filed with the City Superintendent.

(B) *Performance of the work.* The excavation shall be made, backfilled and compacted strictly in accordance with standards set down by the City Superintendent, who shall inspect the work.

(C) *Billing and payment.* After completion of the work the permittee shall be billed for permit fees and costs incurred by the city, and payment of the billing shall be due within 30 days. The city may require a deposit of its estimated costs in advance of issuing the permit if the applicant is a nonresident of the State of Minnesota.

(1986 Code, § 7.08) Penalty, see § 94.99

§ 94.08 REGULATION OF TREE PLANTING AND GRASS AND WEEDS.

(A) *City to control tree planting (standards).* The city shall have control and supervision of planting shrubs and trees upon or overhanging all the streets or other public property. The city may establish and enforce uniform standards relating to the kinds and types of trees to be planted and the placement thereof. The standards shall be kept on file in the office of the City Superintendent and may be revised from time to time by action of the Council upon the recommendation of the City Beautification Committee and the City Superintendent.

(B) *Permit required.* It is unlawful for any person to plant, spray, trim or remove trees or other plants which are upon city property, including rights-of-way, without first obtaining permission from the City Superintendent.

(C) *Duty of property owners to cut grass and weeds.* Every owner of property abutting on any street shall cause the grass and weeds to be cut from the line of the property nearest to the street to the center of the street. If the grass or weeds in such a place attain a height in excess of six inches, it shall be prima facie evidence of a failure to comply with this division (C).

(D) *City may order work done.* The city may, in cases of failure to comply with this section, perform the work with employees of the city, keeping an accurate account of the cost thereof for each lot, piece or parcel of land abutting upon the street.

(E) *Assessment.* If the maintenance work is performed by the city as set forth in the foregoing division (D) of this section, the City Clerk-Treasurer shall forthwith upon completion thereof ascertain the cost attributable to each lot, piece or parcel of abutting land. The City Clerk-Treasurer shall, at the next regular meeting thereof, present the certificate to the Council and obtain its approval thereof. When the certificate

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

(1986 Code, § 7.09) Penalty, see § 94.99

§ 94.09 PRIVATE USE OF PUBLIC STREETS AND PARKING LOTS.

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

(B) *Public vehicles.* Free and reserved on-street parking shall be limited to city-owned and operated vehicles.

(C) *Forbidden practices.* It is unlawful for any person to park or otherwise infringe upon a grant of right under this section when clearly and distinctly marked or sign-posted. It is unlawful for any person not granted the right to assert the same or for any grantee of the right to exceed the same under claim thereto.

(D) *Condition.* Before granting any permit under any of the provisions of this section, the Council may impose the insurance or bonding conditions thereon as it, considering the projected danger to public or private property or to persons, deems proper for safeguarding the persons and property. The insurance or bond shall also protect the city from any suit, action or cause of action arising by reason thereof.

(1986 Code, § 7.10) Penalty, see § 94.99

§ 94.10 CURB AND GUTTER, STREET AND SIDEWALK PAINTING OR COLORING.

It is unlawful for any person to paint, letter or color any street, sidewalk or curb and gutter for advertising purposes or to paint or color any street, sidewalk or curb and gutter for any purpose, except as the same may be done by city employees acting within the course or scope of their employment; provided, however, that this provision shall not apply to uniformly coloring concrete or other surfacing or uniformly painted house numbers as the coloring may be approved by the City Superintendent.

(1986 Code, § 7.11) Penalty, see § 94.99

§ 94.11 MOTORIZED VEHICLES PROHIBITED ON SIDEWALKS.

Except as specifically authorized by the Council, it is unlawful for any person to drive or operate a motorized vehicle on any public sidewalk or public property designated for use as a pedestrian walkway or bicycle trail, except when crossing the same for ingress and egress to private property lying on the other side thereof. This ordinance is not applicable to authorized city employees performing maintenance and snow removal duties.

(1986 Code, § 7.12) Penalty, see § 94.99

Cross reference:

Traffic Code, see Title VII

§ 94.99 PENALTY.

Every person violates a section, division, subsection or provision of this chapter when he or she performs an act thereby prohibited or declared unlawful or fails to act when the failure is thereby prohibited or declared unlawful and, upon conviction thereof, shall be punished as follows.

(A) Where the specific section, division, subsection or provision specifically makes violation a misdemeanor, he or she shall be punished as for a misdemeanor; where a violation is committed in a manner or under circumstances so as to endanger or be likely to endanger any person or property, he or she shall be punished as for a misdemeanor; where he or she stands convicted of violation of any provision of this chapter, exclusive of violations relating to the standing or parking of an unattended vehicle, within the immediate preceding 12-month period for the third or subsequent time, he or she shall be punished as for a misdemeanor, and shall be subject to § 10.99.

(B) As to any violation not constituting a misdemeanor under the provisions of division (A) of this section, he or she shall be punished as for a petty misdemeanor, and shall be subject to § 10.99.

(1986 Code, § 7.99)

CHAPTER 95: AIRPORT REGULATIONS; COMMERCIAL OPERATORS

Section

- 95.01 Lease agreement required
- 95.02 Proof of insurance
- 95.03 Location
- 95.04 Rules and regulations
- 95.05 Conformance to Master Plan
- 95.06 Facilities to be kept clean, orderly
- 95.07 Fee schedule

§ 95.01 LEASE AGREEMENT REQUIRED.

(A) It is unlawful for any person to conduct a commercial operation based on the Roseau Municipal Airport without a written lease agreement with the city.
(1986 Code, § 2.82(1))

(B) It is unlawful for any commercial operator to utilize airport facilities or personnel, except to the extent permitted by terms of a written lease agreement as provided for in division (A) of this section.
(1986 Code, § 2.82(7))
Penalty, see § 10.99

§ 95.02 PROOF OF INSURANCE.

Any commercial operator desiring to be based on Roseau Municipal Airport shall submit proof of insurance of his or her commercial operation as required by the State Department of Aeronautics to the City Clerk-Treasurer. Any such policy of insurance shall include a provision requiring the insurer to notify the City Clerk-Treasurer of the city of any cancellation.
(1986 Code, § 2.82(2))

§ 95.03 LOCATION.

All fixed base operators and commercial operators shall maintain their base of operations on sites conforming to the Master Plan of the airport.
(1986 Code, § 2.82(3))

§ 95.04 RULES AND REGULATIONS.

(A) All fixed base operators and commercial operators shall comply with mandatory rules, regulations and requirements of the city, the Minnesota Department of Aeronautics and the Federal Aviation Administration.

(1986 Code, § 2.82(4))

(B) All commercial operators, their agents and servants shall be subject to such further rules and regulations as the city may from time to time promulgate by resolution. Any such additional rules and regulations shall be posted at a conspicuous place at the Roseau Municipal Airport.

(1986 Code, § 2.82(9))

§ 95.05 CONFORMANCE TO MASTER PLAN.

(A) All commercial operations shall be conducted in such a manner as will not detract from the general airport appearance or operations, and all operations shall conform to the Master Plan of the airport.

(1986 Code, § 2.82(5))

(B) All buildings involved in a commercial operation shall be constructed and owned by the city and shall conform to the Master Plan of the airport.

(1986 Code, § 2.82(6))

§ 95.06 FACILITIES TO BE KEPT CLEAN, ORDERLY.

All buildings and facilities of commercial operation shall be kept neat in appearance, and the ground shall be kept clean and orderly. All flammable and toxic substances shall be controlled in such a manner as to insure the public safety and welfare.

(1986 Code, § 2.82(8))

§ 95.07 FEE SCHEDULE.

A fee schedule for commercial operations on the Roseau Municipal Airport shall be set by the Council from time to time as it may deem appropriate.

(1986 Code, § 2.82(10))