

CITY CODE FOR THE CITY OF WELCOME

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CHAPTER 1

GENERAL PROVISIONS

Be it ordained by the City Council of the City of Welcome:

Sec. 1.01 CITATION

This code, which represents a revision and codification of the ordinances of the City of Welcome, Minnesota, shall be known as the “Welcome City Code of 2001” and may be referred to by that name in all proceedings and actions. Reference to a portion thereof may be by Chapter, section or subsection by using the following symbols:

For chapter:	“Ch.” plus the chapter number
For section:	“Sec.” plus the section number
For subsection:	Indicating section as above, immediately followed by subsection number in parentheses.

Sec. 1.02 PURPOSE

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

Sec. 1.03 ORGANIZATION AND DESIGNATION A PART OF CODE

The organization of this code is an integral part thereof, and chapter, article and subarticle titles, section numbers and section headnotes are hereby made a part of this code, and may be amended and revised in the same manner as are the provisions of this code.

Sec. 1.04 EFFECT OF ORGANIZATION AND DESIGNATION

The organization of this code and chapter, article and subarticle titles, section numbers and section headnotes may be considered in ascertaining the intent of the City Council in enacting provisions of this code, but in case of conflict the provisions of any section control over organization and designations, and specific designations control over general designations.

Sec. 1.05 GROSS REFERENCES, TABLE OF CONTENTS, APPENDIX AND INDEX

The table of contents, all appendices, the index and other supplemental materials no expressly made a part of this code are included merely to assist the user of the code and do not form any part of it.

Sec. 1.06 CONSTRUCTION OF WORDS AND PHRASES

In construing this Code, the following canons of interpretation are to govern, unless their observance would involve a construction inconsistent with the manifest intent of the City Council, or be repugnant to the context of the relevant provisions of this Code:

- (1) Words and phrases are construed according to rules of grammar and according to their common and approved usage; but technical words and phrases and such others as have acquired a special meaning or are defined in this Code are construed according to such special meaning or definition.
- (2) The singular includes the plural, and the plural includes the singular.
- (3) Words in the masculine, feminine or neuter gender include all other genders.
- (4) Words used in the past or present tense include the future.
- (5) General words are restricted in meaning by particular words.

Sec. 1.07 GRAMMAR AND PUNCTUATION

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

Sec. 1.08 IRRECONCILABLE PROVISIONS

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

- (1) If a special provision is in irreconcilable conflict with a general provision, the special provision will prevail and be construed as an exception to the general provision unless the general provision has been enacted later and shows a manifest intention of the Council that the general provision shall prevail.
- (2) If enacted at different times, the latest in date of enactment will prevail.
- (3) If part of the same provision or set of provisions, the provision or portion or clause thereof last in position shall prevail.

Sec. 1.09 AMENDMENTS

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

Sec. 1.10 DEFINITIONS

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

1. "City" means the City of Welcome, Martin County, Minnesota.
2. "Code" means the Welcome City Code of 2001 as amended.
3. "Administrative Clerk/Treasurer" means the Administrative Clerk/Treasurer of the City of Welcome, Martin County, Minnesota.
4. "Clerk and/or City Clerk" means the Administrative Clerk/Treasurer of the City of Welcome, Martin County, Minnesota.
5. "Treasurer" means the Administrative Clerk/Treasurer of the City of Welcome, Martin County, Minnesota.
6. "Council" means the City Council of the City of Welcome, Martin County, Minnesota.
7. "Person" means any person, association, partnership, or corporation.

Sec. 1.11 OPTIONAL PLAN "A" IN EFFECT

In accordance with Minnesota Statutes 1971, sections 412.541 to 412.571 and other applicable provisions of law, and an election had as required thereunder, the City shall be governed under the plan of government known in such statutes as Optional Plan "A". As provided by the statutes, the City shall be governed by a City council composed of a mayor and four members of the council, elected as required by law.

Sec. 1.12 SEVERABILITY OF PROVISIONS

Every chapter, section, subsection or other part thereof this code shall be severable. If any part of any chapter, sections, subsection or other part thereof is found by a court of competent jurisdiction to be unconstitutional and void, the remaining parts of the chapter, section, subsection or other part thereof to be so essentially and inseparably connected with, and so dependent upon, the void part that the court cannot presume the council would have enacted the remaining valid parts without the void ones, or unless the court finds the remaining valid parts, standing alone, are incomplete and are capable of being executed in accordance with the intent of the council."

Sec. 1.13 ADOPTION OF CODE

This code revision, consisting of Chapters 1 through 10, inclusive, enacts a revision and codification of the ordinances of the City of Welcome, to be known as the Welcome City Code of 2002 as the same is printed and as follows for purposes of enactment.

Sec. 1.14 REPEAL OF ORDINANCES

All ordinances heretofore passed and adopted by the City Council of the City of Welcome are hereby repealed except the following ordinances which are special or limited in application or which are otherwise retained in their original form and renumbered and made part of the Welcome City Code as specified:

Chapter 6	Date: November 4, 1975 Replaced by Welcome City Code of 2002, Sections 3.04 (Electrical Service).
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Ordinance Number 88	Date: November 4, 1975 Replaced by Welcome City Code of 2002, Sections 305 (Gas Service).
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Ordinance Number 106	Date: November 1, 1999 Replaced by Welcome City Code of 2002, Sections 306 (Television Cable).
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Sec. 1.15 EFFECT OF CODIFICATION ON RETAINED ORDINANCES

The ordinances listed for retention and renumbering as stated in section 1.14 are hereby confirmed and ratified in all respects, and their renumbering for purposes of inclusion in the Welcome City Code of 2002 shall not operate to change their effect in any respect.

CHAPTER 2

ADMINISTRATIVE SECTION

Sec. 2.01 COUNCIL MEETINGS

Regular Meetings. Regular meetings of the City Council shall be held as set by Council.. All meetings of the Council shall be held at the City council room and shall be open to the public.

Sec. 2.02 COUNCIL COMPENSATION

Compensation of Mayor and Members of Council. The Mayor shall be paid the sum of \$70.00 for each regular meeting attended and the sum of \$70.00 for any special meetings and board of review meetings attended. Each member of the council shall be paid the sum of \$50.00 for each regular meeting attended and the sum of \$50.00 for any special meeting and board of review meeting attended.

Sec. 2.03 OFFICERS AND EMPLOYEES

Subd. 1. Office of Administrative Clerk-Treasurer. Pursuant to the authority granted by Minnesota Statutes 1974, section 412.591, the office of clerk and treasurer in the City are hereby combined in the Office of Administrative Clerk-Treasurer. The Administrative Clerk-Treasurer shall be appointed by the council, receive such compensation as the council may fix, and serve at the pleasure of the council.

Duties. The Administrative Clerk-Treasurer shall act as the clerk and bookkeeper of the City; be the custodian of its seal and records; sign its official papers, post, publish, and keep records of notices, ordinances, resolutions, and council proceedings as may be required by law; receive and safely keep all moneys belonging to the City; maintain a record of all moneys received and disbursed; and perform such other duties as are prescribed by law and as the council may require.

Subd. 2. Other Officers and Employees. The council may designate such other employees and agents as are necessary or helpful to the efficient governance of the City and operation and maintenance of its public facilities.

Subd. 3. Bonds. The provisions of the laws of the State relating to official bonds shall be complied with. The premiums on such bonds shall be paid by the City.

Sec. 2.04 PUBLIC SAFETY

Subd. 1. FIRE DEPARTMENT

(1) Fire Chief. A fire chief shall be elected by the fire department and approved by the council, receive such compensation as the council may fix, and serve at the pleasure of the council. The fire chief shall have full control of and over the fire department and serve such other duties and keep such records as are prescribed by law or as council may require.

(2) Assistant Fire Chiefs. Assistant fire chiefs shall be voted upon by the fire department, receive such compensation as the council may fix, and serve at the pleasure of the council. The assistant fire chiefs shall act as assistant to the fire chief and, in the absence of the fire chief, shall have all the powers, authority, and duties conferred upon the fire chief.

(3) Fire Department. The fire department shall consist of such persons as the fire department shall recruit and perform such duties relating to the extinguishments and prevention of fires and protection of life and property from fire as may be required by the fire department.

Subd. 2. CIVIL DEFENSE

Civil Defense Director. The fire chief shall perform the duties of the civil defense director. These duties include coordinating civil defense activities in the City with the state civil defense plan and program. To have the responsibility for the organization, administration and operation of civil defense activities in the City, subject to requirements of law and such direction and control as the council may provide.

Subd. 3. POLICE DEPARTMENT

Chief and Officers. The chief and officers will be employees of the Police Department of Sherburn and Welcome, Minnesota as created by the 1998 Joint Powers Agreement for Law Enforcement. The head of the department shall be known as the chief of police and the number of additional members of the department, together with their ranks and titles, shall be determined by the Police Commission.

Sec. 2.05 STREETS AND UTILITIES

Subd. 1. PUBLIC WORKS DIRECTOR

Public Works Director. A Public Works Director shall be appointed by the council, receive such compensation as the council may fix, and serve at the pleasure of the council. The Director shall have charge of and supervise all roads, bridges, streets, alleys, sidewalks and other public thoroughfares within the City and carry out all ordinances and orders of the council relative to such public thoroughfares. The Director shall have the care and custody of the machines, tools, and implements of the City used for working upon such thoroughfares and shall maintain a complete inventory of such machines, tools, and implements and perform such other duties and maintain such other records as the council may require.

Subd. 2. WATERWORKS

Public Works Department. A member of the Public Works Department shall be appointed by the council, receive such compensation as the council may fix, and serve at the pleasure of the council. The Director shall have charge of and supervise the construction and maintenance of all water mains and connections thereto and of the municipal water plant and all facilities relating thereto. The Director shall perform such other duties and maintain such records as the council may require.

Subd. 3. WASTEWATER TREATMENT PLANT

Public Works Department. A member of the Public Works Department shall be appointed by the City Council, receive such compensation as the council may fix, and serve at the pleasure of the Council. The worker shall have charge of and supervise the construction and maintenance of all public sewers and connections thereto and of the municipal sewage works and all facilities relating thereto. The worker shall perform such other duties and maintain such records as the Council may require.

Sec. 2.06 ELECTIONS

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

Subd.2. Officers Elected. The following officers shall be elected for the terms and in the years shown:

<u>Officer</u>	<u>Number of Years in Term</u>	<u>Year Elected</u>
Mayor year.	2	Every even numbered
2 Council Members numbered	4	Alternating even years beginning in 1976.
2 Council Members numbered	4	Alternating even years beginning in 1978.

Subd.3. Affidavits of Candidacy. Candidates for election to any office in the City shall file with the City Clerk an affidavit of candidacy not more than six weeks nor less than four weeks before the election. Five or more qualified voters may file an application on behalf of any qualified candidate, provided that service of a copy of the application shall be made on the candidate and proof of service endorsed on the application before filing. The affidavit or application shall state the residence of the candidate, that the candidate is a qualified voter in the City, the office sought by the candidate, and a statement that the candidate has not filed for any other office at the same election. No affidavit or application may be filed unless accompanied by a \$2.00 filing fee.

Subd. 4. Withdrawal of Candidates. Any candidate may withdraw by filing an affidavit of withdrawal with the clerk until 5 o'clock p.m. of the last day for withdrawal of candidacy.

Subd. 5. Designation of Candidates on Ballot. Ballots shall contain no party designation of any candidate. Names of candidates shall be rotated on the ballot so that the name of each candidate appears substantially on equal number times at the top, at each intermediate place, and at the bottom in the group of candidates for that office.

Subd. 6. Secret Ballot. Voting shall be by secret ballot as required by law.

Audit. There shall be an annual audit of the City's financial affairs by the Public Examiner or a public accountant in accordance with minimum auditing procedures prescribed by the Public Examiner.

CHAPTER 3

UTILITIES

Sec. 3.01 WATER SYSTEM

- Subd. 1. Connections. Any person desiring a connection with the municipal water system of the City shall apply to the City Council, or such person as the council may designate, for permission to make connection. No person, other than an employee of the City, or person authorized by the employee shall make any connections to, repair, or otherwise tamper with, the water main system without obtaining permission therefore.
- Subd. 2. Rules, Regulations, and Rates Part of Contract. Rules, regulations and rates which have been adopted or which may be adopted in the future governing service from the municipal water system are hereby deemed a part of the contract with every person supplied with water from the system, and every person taking water shall be considered to have consented to be bound thereby.
- Subd. 3. Separate Connections. Unless special permission is granted by the council, each premise shall have a separate and distinct service connection.
- Subd. 4. Penalty. Any person violating any provision of Subd. 1 to Subd. 3 shall be guilty of a petty misdemeanor.

Sec. 3.02 WATER METERS

- Subd. 1. Meter Required. All water furnished through the municipal water system shall be measured by water meters furnished by the City for that purpose, unless special permission is granted by the City Council for unmetered service.
- Subd. 2. Meter Installation. The initial installation of the meters shall be installed at the expense of the customer, with inspection by a duly authorized representative of the City. Replacement meters are furnished and installed by the City at the expense of the City.

The standard size water meter for residential homes shall be 5/8 inch. The standard size water meter for commercial businesses will be 1 inch. Residents and/or owners will pay the additional cost incurred by the City for any upgrade in size.

- Subd. 3. Service Deposit and Refund. No water service will be provided, until a renter has deposited with the City Clerk a deposit against damage to the meter and/or unpaid water service provided to the premises. Any renter discontinuing water service may obtain a refund of the deposit, upon application to the clerk, minus any charges for damage to the meter or for unpaid payments due for water service provided to the premises.
- Subd. 4. Meter Damage. The City shall maintain and repair the meter, except that the customer shall be liable for the cost of repairing any meter damaged by freezing, fire, hot water, neglect, or willful action.
- Subd. 5. Reading Meters. For the purpose of reading meters, duly authorized representatives of the City may enter upon any premises at a reasonable hour.
- Subd. 6. Inoperative or Unread Meter. Should a meter become inoperative during any quarter, the amount the patron shall pay for water that quarter shall be the same as the amount paid for the preceding quarter, except that if such amount will not reasonably reflect the amount of water actually used during the quarter, the council or its authorized representative, may establish such other charge as shall be reasonable.

Where for any reason a meter cannot be read at the time established for reading meters, the council, or its authorized representative, may make a reasonable estimate of the charge for the service during the quarter.

- Subd. 7. Rates and Meter Rental. The rate charged for water furnished to any premises shall be fixed by resolution of the council.
- Subd. 8. Penalties, Shutting Off Service, and Collection Charges. Customers may be charged such additional amounts as a penalty as the council may determine by resolution for charges not paid when due and payable.

Upon delivered written notice to the customer, service may be shut off 5 days after delivery of such notice, and not again restored until all unpaid balances, penalties, and costs of shutting off and restoring service have been paid.

Unpaid balances may be deducted from any deposits, and the council may proceed against a customer in any court of competent jurisdiction for the recovery of all charges and penalties, together with costs and reasonable attorney's fees.

Subd. 1. Definitions. As used in Subd. 1 to Subd. 8, the following shall have the meaning given to them:

- a. “Sewage works” means all facilities for collecting, pumping, treating, and disposing of sewage.
- b. “Public Works Department” means the person or persons duly authorized by the City to inspect and approve the installation of building sewers and their connections to the public sewer system.
- c. “Sewage” means water-carried wastes from residences, business buildings, institutions or industrial establishments.
- d. “Sewer” means a pipe or conduit for carrying sewage.
- e. “Public Sewer” means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- f. “Sanitary Sewer” means a sewer which carries sewage and to which storm surface and ground waters are not intentionally admitted.
- g. “Industrial Wastes” means the liquid wastes from industrial processes as distinct from sanitary sewage.

Subd. 2. Use of Public Sewers Required.

- a. It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the City, or in an area under the jurisdiction of the City, any human or animal excrement, garbage, or other waste which ordinarily would be regarded as sewage or industrial wastes.
- b. It shall be unlawful for any person to discharge to any natural outlet within the City or in any area under the jurisdiction of the City any sanitary sewage, industrial waste, or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of Subd. 1 to Subd. 5.
- c. Except as hereinafter provided, it shall be unlawful for any person to construct or maintain any privy, privy vault, septic tank, cesspool or other facilities intended or used for the disposal of sewage.
- d. The owner of any house, building or property used for human occupancy, employment, recreation, or other purposes situated within the City and abutting any street, alley, or right-of-way in which there is now located or may in the future be located a public sewer is hereby required, at the expense of the owner, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of Subd.1 to Subd. 8 within six months after date of official notice to do so, provided that said public sewer is within 100 feet of the property line.

Subd. 3. Building Sewers and Connections.

- a. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining permission from the City Clerk. Contractors shall furnish a Certificate of Insurance to the clerk showing that he has public liability insurance in an amount of not less than \$100,000.00 and showing that such person or the insurance company will hold the City harmless from all claims, demands or actions and will reimburse the City for any expenses the City may be put to, including costs and attorney's fees.
- b. There shall be two classes of building sewers:
 - i. Residential or commercial service building sewers, and
 - ii. Industrial building sewers for service to establishments producing industrial waste. In either case, the owner or an agent of the owner shall provide any plans, specification, or other information considered pertinent in the judgment of the City.
- c. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner or the person installing the building sewer for the owner shall indemnify the City for any loss or damage that may directly or indirectly be occasioned by the installation.
- d. A separate and independent building sewer shall be provided for every building as otherwise authorized by the council.
- e. An old building sewer, or portions thereof, may be used in connection with new or existing buildings only when found on examination and test by the Public Works Department to meet all requirements of Subd. 1 to Subd. 8.
- f. The building sewers shall be constructed using materials meeting current statutory or administrative regulations. The manner of construction of any sewers shall be in compliance with State regulations.
- g. The size and slope of the building sewers shall be subject to the approval of the Public Works Department, but in no event shall the diameter be less than four inches.
- h. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Public Works Department. Pipe laying and backfill shall be performed in accordance with ASTM specifications (Designation C12) except that no backfill shall be placed until the work has been inspected by the Public Works Department.
- i. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer. No water operated sewage ejector shall be used.
- j. The connection of the building into the public sewer shall be made at the "Y" branch designated for that property, if such branch is available at a suitable location. Any connection not made at the designated "Y" branch

in the main sewer shall be made only as directed by the Public Works Department.

- k. The connection between the building drain and the building sewer shall be made only with an approved adapted, as in Subd. 5.
- l. The applicant for the building sewer shall notify the Public Works Department when the building sewer is ready for inspection and connection the public sewer. The connection shall be made under the supervision of the Public Works Department prior to the filling of the trench.
- m. All excavations for building sewer installation shall be guarded with barricades and lights which adequately protect the public from hazard. Streets, sidewalks, pathways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

Subd. 4. Connections. Approved house service connections shall be one of the following:

- a. Type 1. Vitrified clay “Y” branches installed in the main sewer at the time of construction. Connections to existing “Y” branches shall be made with an approved compression coupling. The connections shall be completely watertight. Connection to any damaged “Y” branch may be allowed only with the approval of the Public Works Department.

Type 2. Connections of the saddle type installed in the main sewer. Connections of this type shall be made in a smooth, round hole. The fitting used in the connection shall be made in such a manner as to insure that no protrusion of the fitting into the main sewer pipe shall result. The connector shall fit perfectly the contour of the inside of the sanitary sewer and shall be specifically designed to fit the particular size main sewer pipe into which the connection is made. The space provided shall be completely filled with joint material. The space between the shoulder of the fitting and the face of the main sewer pipe shall be one-eighth inch thick and this space shall also be completely filled with joint material.

The joint material used for the Type 2 house service connection shall be completely watertight and shall be capable of withstanding any condition of stress or strain likely to be encountered in normal sanitary sewer construction or maintenance. Concrete encasement alone will not be considered watertight.

- b. Type 1 connections may be used in existing sanitary sewers when “Y” branches previously installed are readily and conveniently available. If existing “Y” branches cannot be found readily or are not located properly for providing the needed service, Type 2 connection shall be made. When new sanitary sewers are constructed, Type 1 connection may be used in cases where the connections to the house is made during construction and

before backfilling of the sanitary main sewer trench. Type 2 connections shall be made in all cases where house services are installed subsequent to construction and backfilling operations.

Subd. 5. Use of the Public Sewers.

- a. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, sub-surface drainage, cooling water, or unpolluted industrial process waters into any sanitary sewer.
- b. No person shall discharge or cause to be discharged into any sewer, any effluent of septic tanks, any harmful waters or wastes, whether liquid, solid or gas, capable of causing obstruction to the flow in sewers, damage or hazard to structures, equipment and personnel of the sewage works, or other interference with the proper operation of the sewage works.
- c. The admission into the public sewers of any waters or wastes having harmful or objectionable characteristics shall be subject to the review and approval of the Public Works Department, who may prescribe limits on the strength and character of these waters and wastes. Where necessary, in the opinion of the Public Works Department, the owner shall provide at the expense of the owner such preliminary treatment as may be necessary to treat these wastes prior to discharge to the public sewer. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Public Works Department and of the State Board of Health, and no construction of such facilities shall be commencing until approval is obtained in writing. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- d. When required by the Public Works Department, the owner of any property served by a building sewer carrying industrial wastes shall install and maintain at his expense a suitable control manhole in the building sewer to facilitate observation sampling and measurements of the wastes. All measurements, tests, and analysis of the characteristics of waters and wastes shall be determined in accordance with "Standards Methods for the Examination of Water and Sewage" and shall be determined at the control manhole or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.
- e. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Public Works Department, they are necessary for the proper handling of liquid wastes containing grease in excessive amount, or any flammable wastes, sand, and other harmful ingredients except that interceptors shall not be required for private living quarters or dwelling units. Where installed, they shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

- Subd. 6. Powers and Authority of Inspectors. The Public Works Department and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of Subd. 1 to Subd. 9.
- Subd. 7. Protection from Damage. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works.
- Subd. 8. Enforcement and Penalties.
- a. Any person violating provision of Subd. 1 to Subd. 8 except Subd. 7, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correct thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations.
 - b. Any person who continues any violation beyond the time limit provided for in subsection 1 shall be guilty of a misdemeanor. A separate offense shall be deemed committed each day of which a violation shall continue.
 - c. Any person violating any provision of Subd. 8 shall be guilty of a misdemeanor.

Sec. 3.04 ELECTRICAL SERVICE

- Subd. 1. Permission and authority are hereby granted for the period of 25 years from and after June 1, 2002 as herein provided to the Federated Rural Electric Association of Jackson, Minnesota (hereinafter called the "Grantee"), its successors and assigns, for the right to construct, reconstruct, maintain and operate a power plant for the generation of electricity within the village and a local distribution and transmission system for the transmission of electric energy to, through or from said village, to enter upon the public streets, alleys, highways, bridges and public places within the corporate limits of the City of Welcome, Minnesota as the same are now or may be hereafter located and extended; to maintain, construct, reconstruct and operate therein, thereon, thereunder and thereover, a system for the transmission, distribution, sale or use of electric energy, consisting of poles, wires, conduits or any other plan or system of construction and distribution in its judgment necessary, incidental or practicable to the end in view, and to engage in the business of manufacturing, distributing, selling and furnishing electrical energy for all purposes to said city and its inhabitants and all other persons whom it may choose to serve in the vicinity of said city.

- Subd. 2. The construction of said lines shall be in accordance with the specifications of the National Electric Safety Code in force at the time of such construction. All poles, wires, conduits and appurtenances connected shall be erected, adjusted and maintained in such a manner as not to endanger persons or property, nor to unreasonably interfere with any improvements the city may deem proper to make, or to unnecessarily hinder or obstruct the free use of the streets, avenues, alleys or private or public property. The Grantee shall be permitted to trim trees whenever and wherever necessary for the safe and efficient operation of its electric distribution or transmission lines, such trimming to be done under the supervision and direction of the council; and the Grantee will conform to and obey all reasonable rules and regulations prescribed by the council.
- Subd. 3. Whenever the Grantee in erecting, constructing or maintaining such poles, conduits or other appliances shall take up any pavement or make any excavation in the streets, alleys or public places of said city, the same shall be at one refilled and pavements replaced to the satisfaction of the city officials.
- Subd. 4. This ordinance shall be full force and effect from and after it's passage and approval, and the acceptable thereof by the Grantee by notice in writing, filed with the City Clerk within 30 days thereafter.

Sec. 3.05 GAS SERVICE

- Subd. 1. Permission and authority are hereby granted for the period of 25 years from and after May 23, 1989 as herein provided to the Peoples Natural Gas Company, Division of UtiliCorp United, its lessees, successors and assigns a non-exclusive authority for a period of twenty-five (25) years to erect, maintain, and operate, a gas distribution system and any and all necessary mains, pipes, services and other appurtenances thereunto appertaining in, upon, over, across and along the streets, alleys, bridges, and public places of the said City, and for the transmission, distribution, and sale of nature and/or mixed gas for lighting, heating, industrial and all other uses and purposes in said City and for the purpose of transmitting, transporting and conveying such gas into, through, or beyond the immediate limits of said City to other cities, towns, and customers, and prescribing the terms and conditions under which the said Company is to operate. The said Company hereinafter referred to as the Grantee.
- Subd. 2. Whenever the Grantee, in the construction or maintenance of it's system or in the installation of any extension thereto, shall cut into or take up any pavement or shall make any excavation in any street, avenue, alley, or public place, within the corporate limits of the City, the same shall be done in a manner so as not to unreasonably interfere with the use of such thoroughfares by the public. The Grantee shall use such safeguards as

may be necessary to prevent injury to persons or property during such construction work and upon its completion, all payment shall be replaced in as good condition as it was before taken up. All excavations shall be refilled and all obstructions shall be removed at the expense of the Grantee and to the satisfaction of the Grantor. In the event that the Grantee shall fail to comply with the provisions of this Section after having been given reasonable notice, the Grantor may do such work as may be needed to properly repair said thoroughfare and the cost thereof shall be repaid to the Grantor by the Grantee.

Subd. 3. The Grantee in constructing and maintaining said gas distribution system, and in entering and using said streets, highways, avenues, alleys, and public places in the City, and in laying and installing its mains, services, piping, and related appurtenances and equipment, shall not in any manner interfere with or injure any improvement which said City now has or may hereafter have upon any of its streets, alleys, highways, or public places.

Subd. 4. If the Grantee shall be in default in the performance of any of the terms and conditions of this ordinance and shall continue in default for more than thirty (30) days after receiving notice from the City of such default, the said City may, by ordinance duly passed and adopted, terminate all rights granted under this Ordinance to the Grantee. The said notice of default shall specify the provision or provisions in the performance of which it is claimed the Grantee is in default. Said notice shall be in writing and served in the manner provided by the laws of the State of Minnesota for the service of original notices in civil actions.

Subd. 5. The Grantee agrees that in the event that the Minnesota personal property tax is hereafter eliminated and not replaced by a compensating tax, the Grantee shall pay to the Grantor such sums in place of personal property taxes as Grantor may then lawfully impose by ordinance duly adopted. Provided, however, said substitute taxes shall in no event exceed the level of personal property taxes previously paid by the Grantee.

Sec. 3.06 TELEVISION CABLE FRANCHISE

Subd. 1. Definitions.

For the purpose of this contract following terms, phrases, words, abbreviations and their derivations shall have the meaning herein given. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number.

a. "Franchiser" is the City of Welcome, Minnesota. The franchiser may also be referred to as the "City".

- b. “Franchisee” is the Terril Telephone Company, Terril, Iowa. The franchisee may also be referred to as “Company”.
- c. “Board” is the Minnesota Cable Communications Board.
- d. “FCC” is the Federal Communications Commission of the United States.
- e. “Cable Television System” means a system composed of, without limitation, antenna, cables, wires, lines, ducts, powers, wave guides, or other conductors, converters, equipment of facilities, designed, constructed or wired for the purpose of producing, receiving, amplifying and distributing by coaxial cable audio and/or visual radio, television, electronic or electrical signals to and from person, subscribers and locations in the franchise area.
- f. “CATV” or “Cable System” means a cable television system as hereinabove defined.
- g. “Council” means the governing body of the City of Welcome.
- h. “Subscriber” means any person receiving basic CATV service or expanded CATV service.
- i. “Expanded CATV Service” means any communications service in addition to basic CATV service provided by the Company either directly or as a carrier for their subsidiaries, affiliates or any other person engaged in communications service including, but not limited to, pay TV, burglar alarm service, data or other electronic transmission services, facsimile reproduction services, meter reading service and home shopping services.

Subd. 2. Grant of Authority.

There is hereby granted to the company the right and privilege to engage in the business of operating a CATV system in the City of Welcome for the purpose of providing basic CATV service and such aspects of expanded CATV service as the Company may from time to time deem advisable.

There is, therefore, hereby granted to the Company the right and privilege to erect, install, construct, repair, replace, reconstruct, maintain and retain in, over, under, upon, across and along any street and public place, now laid out or dedicated and all extensions thereof and additions thereto in the franchise area, such property of

the Company as may be necessary and appurtenant to the CATV systems; and in addition, so to use, operate, and provide similar facilities or properties rented or leased from other persons, including, but not limited to, any public facility to other grantee franchised or permitted to do business in the City.

Subd. 3. Non-Exclusive Grant.

The right to use and occupy street and public places for the purpose of this contract shall not be exclusive, and the city reserves the right to grant a similar use in said street or public places to other persons.

Subd. 4. Term of Franchise.

- a. The franchise shall have a renewal term of ten (10) years. The franchise and rights herein granted shall take effect immediately after the final passage hereof and shall continue to be in full force and effect for a term of ten (10) years beginning November 1, 1999.
- b. This franchise may be renegotiated at such times during the term of the franchise as may be mutually agreed upon by City and the Company.
- c. If the Company desires to renew the franchise, it shall notify the City at least six (6) months prior to the normal termination date herein. Upon receiving such notice, the City and the Company shall begin negotiations for the renewal of the franchise unless the City determines not to reissue the franchise to the Company or it desires to consider additional applications for a franchise.

Subd. 5. Conditions of Street Use.

Streets may be occupied on the following conditions:

- a. The Company shall locate all structures, lines, equipment, and property of the Company within the franchise area so as to cause minimum interference with the proper use of streets and the rights and reasonable convenience of property owners who adjoin said streets. The CATV system shall be constructed and operated in compliance with City constructions and electrical codes. The Company shall install and maintain the property of the Company in such manner that it will not interfere with any installations of the City.

- b. The Company shall keep accurate maps and records of all of its facilities and furnish copies of such maps and records as requested by the City.
- c. The Company shall, at its own expense and in a manner approved by the City, restore any street or paved area which the Company disrupts, to as good a condition as immediately before the street was disrupted.
- d. The Company shall not place any poles in any street in such manner as to interfere with the usual travel on such street.
- e. The Company shall obtain a permit from the proper municipal authority prior to commencing constructions of any cable communications system, including the opening or disturbance of any street, sidewalk, driveway or public place. The City shall cooperate with the Company and shall not unreasonably withhold issuance of a permit.
- f. Company shall maintain all structures, lines and equipment in a neat and orderly condition. If any reconstruction or rewiring is performed, the Company shall remove all old cable and debris.

Subd. 6. Safety Requirement.

The Company shall observe the following safety requirements:

- a. The Company shall at all times employ ordinary care and use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.
- b. The Company shall maintain all structures, lines and equipment in, over, under and upon the street wherever located, in a safe condition, and in good order and repair.

Subd. 7. Operational Standards.

- a. The Company shall operate and maintain, the cable television system in full compliance with performance standards established by the Federal Communications Commission. The Company shall conform to all state laws and rules regarding cable communications not later than one (1) year after the effective date of the law or rule.
- b. The system shall deliver to the subscriber's terminal a signal that is capable of producing black and white or colored picture without

visual material degradation and quality within the limitations imposed by the technical state of the art.

- c. The system shall transmit or distribute signals without causing objectional cross-modulation in the cables or interfacing with other electrical electronic networks or with the reception of other television or radio receivers in the area not connected to the network.

Subd. 8. Indemnification of City

- a. The Company shall at all times hold the City harmless from all claims, liability, or damage of every kind and description therein collectively referred to as “claims”, including court costs and reasonable attorney’s fees, which may arise out of the sold negligence of the company in the ownership, construction, maintenance and operation of the cable television systems; provided, that the City shall give the Company written notice within ten (10) days of any claims filed against it. The Company shall have the right to control the defense, settlement or compromise of any claims arising hereunder and the City shall cooperate fully with the Company therein.
- b. The Company shall maintain in full force and effect during the life of this franchise, public liability insurance in a solvent insurance company authorized to do business in the State of Minnesota, in the amount of:
 - 1. \$300,000.00 for bodily injury or death to one person.
 - 2. \$500,000.00 for bodily injury or death resulting from one accident.
 - 3. \$100,000.00 property in any one occurrence.
- c. The Company shall provide a certificate of insurance coverage together with evidence of payment of the requiring premium upon the request of the City.

Subd. 9. Transfer of Franchise.

The Company shall not transfer the franchise except upon prior written approval of the City, which approval shall not be unreasonably withheld. Provided, the Company may pledge or mortgage the franchise or it’s stock to lending institutions for the purpose of securing financing for the Company or it’s parent, subsidiary or affiliate, all without consent.

Subd. 10. Termination.

Upon termination or forfeiture of the franchise, the Company shall upon written request of the City and within a reasonable time, remove its cable, wire and all other appliances relating to the cable television system from the streets, alleys and other public places within the municipal boundaries of the City. If the Company refuses or fails to do so, the City shall cause said facilities to be removed by low bidder as soon as is reasonably possible and invoice the Company for the actual cost of the removal. Should the Company fail or refuse to make prompt payment, the City may institute a proper legal action for the recovery of any monies owned under this provision by the Company, plus reasonable costs and attorney's fees incurred herein.

Subd. 11. Non-Exclusive Right to Purchase.

Upon expiration of the franchise term or upon revocation of the franchise, or upon other termination of the franchise as provided, or upon receipt of an application for approval of any assignment of the franchise to a party not affiliated with, owned or controlled by the Company, the City shall have a non-exclusive right to purchase the system. The City's "non-exclusive right to purchase the system" shall mean that the City shall be notified if the system is to be sold and shall be given a non-exclusive right to negotiate with the Company for the purchase of the system but that the non-exclusive right to purchase the system does not include the Company's obligation to sell to the City except if the City's offer is accepted by the Company. This provision does not accrue to any interest by the City in the Company's property and does not apply to any assignment, pledge or mortgage of the franchise for borrowing and financing purposes, or assignments to a party affiliated with, owned or controlled by the Company. The failure of the Company to elect to sell to the City shall not be just cause to deprive the Company of its right to transfer herein.

Subd. 12. Violation of Agreement.

- a. If the Company has substantially violated any provision of this franchise or attempted to evade any of the provisions of the franchise ordinance or practiced any fraud or deceit upon the City, the City shall have the right to terminate and cancel the franchise and all rights and privileges included therein. Conditions or circumstances for the City's termination of the franchise shall include, but not necessarily be limited to the following:

1. The Company default in the performance of any of its obligations under the franchise and failure to act on the default within thirty (30) days after receiving written notice of the default from the City, or,

2. If a petition is failed by the Company under the bankruptcy act, or any other insolvency or creditors right laws, state or federal, or the Company is adjudged a bankrupt insolvent under any insolvency or creditors right laws, state or federal.

- b. When the provisions of paragraph a above have been violated, the City shall provide the Company with a written notice of the cause for termination and its intention to terminate the franchise. The Company shall be allowed a minimum of thirty (30) days subsequent to the receipt of the notice in which to correct the violation.
- c. The Company shall be provided with an opportunity to be heard at a public hearing, for the governing body of the City prior to termination of the franchise. If the City determines to terminate the franchise, the Company shall have a period of thirty (30) days beginning the next day following the date of the conclusion of the public hearing at which the termination of the franchise is considered, within which to file an appeal with the Minnesota Cable Communications Board, pursuant to Minnesota Statutes, Section 238.14. Further, if the Minnesota Communications Board refuses to take jurisdiction, said appeal may be made directly to the District Court of Martin County, Minnesota. During such thirty (30) day period and until the Board or Court determines the appeal, if an appeal is taken, the franchise shall remain in full force and effect unless the term thereof expires sooner. If the Board or Court approves of the action of the City, the franchise shall terminate when the Board Order or Court Order becomes final. If the Board or Court disapproves of the City, the franchise shall, until Board Order or Court Order becomes final, remain in full force and effect, and once the Order becomes final, the franchise shall remain in full force and effect during the term thereof unless terminated sooner in accordance with law. Any appeal to the Board or Court shall be determined to be a contested case to which the Board shall not be a party.

Subd. 13. Performance Bond.

When the franchise becomes effective and at all times thereafter, until the Company has liquidated all its obligations with the City, the Company shall furnish a bond to the City in the amount of

\$10,000.00 in such form and such sureties as shall be acceptable to the City conditioned upon the faithful performance of the Company according to the terms of the franchise and upon the further condition that if the Company shall fail to comply with any law, ordinance or regulation governing the franchise, there shall be recoverable, jointly and severally, from the principal and the surety of the bond any damage or loss suffered by the City as a result, including the full amount of any compensation, indemnification, or cost of removal, or abandonment of any property of the Company, plus a reasonable amount for attorney's fees and costs, up to the full amount of the bond, and with said bond further guaranteeing payments by the Company of claims, liens, and taxes due the City which arise by reason of the construction, operation or maintenance of the cable communications system. The rights reserved by the City with respect to the bond are in addition to all other rights the City may have under the franchise or any other law. The City may, from year to year, in its sole discretion, reduce the amount of the bond.

Subd. 14. Complaints.

- a. All complaints by City and/or subscribers received by the Company regarding the quality of the Company's cable television service, equipment malfunction, billing disputes and any other matters relative to its cable television system, shall be investigated by the Company within twenty-four (24) hours of receipt of verbal notice to the Company, duly setting forth the complaint. Should the Company determine the complaint is valid, it shall, if reasonably possible, use its best efforts to satisfy the complaint within seventy-two (72) hours. If a complaint is not resolved within seventy-two (72) hours, the complainant may bring the matter to the City for action as provided in this franchise.
- b. The Company shall maintain either a long distance toll-free telephone number or shall accept collect calls, all for the reception of complaints. Further, the Company shall maintain a repair service capable of responding to the subscriber complaints and requests for service within twenty-four (24) hours after receipt of the complaint or request.
- c. Whenever it is necessary to shut off or interrupt services for the purpose of making repairs, adjustments or installation, the Company shall do so during the periods of minimum use of the system by subscribers.

- d. Unless such interruption described above is unforeseen and immediately necessary, the Company shall give reasonable notice thereof to the subscribers affected. Further, all costs incurred in making such repairs, adjustments or installations to the Company's cable television system shall be borne by the Company, unless otherwise provided for in the subscriber contract.

Subd. 15. Basic Channel Lineup.

The Company shall carry the following channels effective the 1st day of November, 1999, or before with additions or substitutions as necessary during the life of the contract:

WELCOME CHANNEL LINEUP

Channel		
2	Pioneer	PBS-educational
3	WGN - Chicago	sports, movies and series
4	WCCO – Minneapolis	CBS
5	KSTP – Minneapolis	ABC
6	WFTC – Minneapolis	FOX
7	WTBS – Atlanta	sports, movies and series
8	USA	sports, movies and series
9	KMSP – Minneapolis	UPN
10	CNN	24 hr. news
11	KARE – Minneapolis	NBC
13	KEYC – Mankato	CBS
16	HBO	movies
18	Cinemax	movies
22	Showtime	movies
23	ESPN	sports
24	KLGT – St. Paul	WB
25	Lifetime	women's programming
26	NICK	preschool, teens
27	VHS	music
28	FOX Family	western, documentaries
29	TNN	Country music, sports
30	CNBC	financial news
31	FM	local information
32	TNT	NBA, movies
33	TDC	science, nature
34	MSC	sports
35	WEATHER	local and national weather
36	HISTORY	history channel
37	TCM	movies 20's thru 80's
38	DISNEY	Disney movies

Subd. 16. Basic Rate.

A subscriber rate for the basic service shall be \$23.95 per month effective the 1st day of January, 2000. Further, there shall be no increase in the basic rated for a period of twenty-four (24) months after the effective date hereof.

Subd. 17. Premium Channels and Rates.

Subscriber service shall also include the following premium channels with monthly charges as follows:

HBO	\$9.50 per month
Cinemax	\$9.50 per month
Showtime	\$9.50 per month

Installation/reconnection charges shall be at the rate of \$30.00. Additional outlet installation shall be at a time and material charge.

Subd. 18. Public Access Channel.

- a. The Company shall provide to each of its subscribers who receive all, or any part, the total services offered on the system, reception on at least one specially designated access channel. A specifically designated access channel may be used by local educational authorities or the local government and the general public on a first-come non-discriminatory basis.
- b. The Company shall establish rules pertaining to the administration of the specifically designated access channel. The operating rules shall be filed with the City within ninety (90) days after any such channel is put into use.
- c. The Company will provide to any responsible person the following equipment for use on the public access channel:

Video Cassette Recorder
 Color Camera
 Tripod
 Video Cassettes
 Carrying Cases

Subd. 19. Drops.

The Company shall provide two (2) free drops to the City. It is understood that one of these drops shall be to City Hall, the other shall be to the public school. It is further understood that there shall be free installation and service on these drops and that the free service shall be limited to the basic cable service only. The City understands that additional outlets may be installed from the basis service to various locations in the school and/or City Hall.

Subd. 20. Franchise Fee.

The Company shall pay to the City a yearly franchise fee equal to 3% of its gross revenues per year from all cable services in the City of Welcome, Minnesota.

Subd. 21. Subscriber Privacy.

No signals of a class TV cable communications channel may be transmitted from a subscriber terminal for purposes of monitoring individual viewing patterns or practices without the express written permission of the subscriber. The request for such permission shall be contained in a separate document with a prominent statement that the subscriber is authorized the permission in full knowledge of its provisions. Such written permission shall be for a limited period of time not to exceed one (1) year which shall be renewable at the option of the subscriber. No penalty shall be invoked for a subscriber's failure to provide or renew such authorization. The authorization shall be revocable at any time by the subscriber without penalty of any kind whatsoever. Such permission shall be required for each type or classification of class IV cable communications actively planned for the purpose.

- a. No information or data obtained by monitoring transmission of a signal from a subscriber terminal, including, but not limited to, lists of names and addresses of the subscriber or any lists that identify the viewing habits of subscribers may be sold or otherwise made available to any party other than the Company and its employees for internal business use, or to the subscriber subject of that information, unless the Company has received specific written authorization for the subscriber to make the data available.
- b. Written permission from the subscriber shall not be required for the systems conducting system wide or individually addressed electronic sweeps for the purpose of verifying system integrity or monitoring for the purpose of billing. Confidentiality of such information shall be subject to the provisions set forth in IV MCAR, Section 4.202 W.1.

Subd. 22. Rate Change.

- a. The Company may, from time to time, change its basic subscriber rate except for the first twenty-four (24) month after the contract goes into effect, so as to insure a fair and reasonable return on its investments; provided, that the Company shall give the City Clerk written notice of any proposed rate increase at least sixty (60) days prior to its proposed effective date. The Council may hold a hearing (at which hearing, the Company shall be afforded due process of law) to determine whether the Company's proposed rate increase will be fair and compensatory. The Company agrees to cooperate with the City in connection with such public proceedings and, upon request, to supply the City with data as may be required by the Council for determining the fairness of the proposed rate increase. The pendency of such proceedings shall not prevent the proposed rate increase from going into effect as scheduled, but if the City ultimately determines that a different rate than that proposed by the Company is a proper rate, such different rate shall be applicable from the first day of the month following the date of the City's action; provided that if the City takes no action approving, denying, or adjusting the proposed rate increase within ninety (90) days of the date the Company initially notified the City of such proposed rate increase, then the rate increase shall go into effect as if the City has approved the rate of increase.
- b. Nothing contained herein shall prevent the Company from challenging before any Court of appropriate jurisdiction the reasonableness of any action of the City in fixing rate different from those initially set by the Company.
- c. The City shall have access to the Company's financial records for the cable system for the City of Welcome, at all reasonable times and places.

Subd. 23. Service.

The Company shall extend-service to all residents of the City of Welcome who request service and who subscribe with the Company.

CHAPTER 4

PUBLIC WAYS AND HIGHWAY REGULATIONS

Sec. 4.01 CONSTRUCTION AND INSTALLATION OF SIDEWALKS, CURBS AND GUTTERS

- Subd. 1. Permission. No person shall construct any sidewalk, curb or gutter on any street, avenue or other public property in the City without first having obtained permission from the City Council. Applicant shall provide sufficient description of the contemplated improvement, the contemplated date of beginning work and the length of time for completion of work. Permission will not be required for any improvement ordered to be installed by the City.
- Subd. 2. Specifications for Construction. All sidewalks, curbs and gutters constructed upon any street, avenue, or other public property in the City shall be constructed according to plans and specifications adopted by the council and on file in the office of the City Clerk. Before any construction is begun, the City shall establish grades and assist in determining locations for such sidewalks, curbs, and gutters.
- Subd. 3. Inspection and Supervision. The council shall require the inspection of work on sidewalks, curbs and gutters as is necessary to insure that all work is done according to specifications. Any work not done according to specifications shall be corrected or removed at the cost of the owner thereof and, if still being done when discovered, shall be stopped by the Public Works Department.
- Subd. 4. Penalty. Any person violating the provisions of Subd. 1 to Subd. 3 shall be guilty of a misdemeanor.
- Subd. 5. Petition to Construct Sidewalk. Sidewalks shall be ordered constructed by the City Council upon receipt of a petition in legal form, signed by not less than one half of the owners of the properties which would abut upon such sidewalk when completed.
- Subd. 6. Clerk to Determine Sufficiency of Petition. Upon receipt of a petition to construct a sidewalk, the City Clerk shall ascertain whether or not the petition is sufficient and in legal form, and shall transmit the petition and a report of the legality and sufficiency of the petition to the council at its next meeting at which the petition can legally be considered.
- Subd. 7. Resolution Ordering Construction. If the petition is reported to be legal and sufficient, the council shall pass a resolution ordering all the owners of real property abutting on the proposed sidewalk as specified in the

petition to construct the said sidewalk within a time not to exceed ninety days to be specified in the resolution ordering construction. A copy of the resolution shall be delivered to each resident property owner abutting on the proposed sidewalk and mailed to the last known post office address of all nonresident property owners.

- Subd. 8. Specifications and Inspection. All sidewalks shall be constructed according to standard specifications, adopted by the council and on file in the office of the City Clerk, and on the grade established by the City.
- Subd. 9. Report of Sidewalks Constructed. Upon the expiration of the time specified in the resolution to construct any sidewalk, the City Clerk shall make a written report to the council giving separately the names of the owners of all real property abutting upon the proposed sidewalk, as specified in the resolution, who have constructed the portion of the walk upon which their property abuts and those who have not done so, with a legal description of the property in the latter case.
- Subd. 10. Construction by City and Assessment of Costs. Whenever any portion of a sidewalk ordered constructed is not built by the property owner or owners within the time specified in the resolution, the council may hold a hearing and order constructions of the completed portion of the sidewalk as a local improvement in the manner required by law.
- Subd. 11. Penalty. Any person who interferes with a City employee or other authorized person in the performance of any services under Subd. 12 to Subd. 17 shall be guilty of a misdemeanor, but prosecution shall be brought for such violation only on the direction of the council.
- Subd. 12. Upkeep of Sidewalks. The owner of any property within the City abutting a public sidewalk shall keep the sidewalk in repair and safe for pedestrians.
- Subd. 13. Specifications for Repair. Repairs to sidewalks shall be made in accordance with standard specifications adopted by the City Council and on file in the office of the City Clerk.
- Subd. 14. Inspection of Sidewalks. The Public Works Department shall make such inspections as are necessary to determine that public sidewalks within the City are kept in repair and safe for pedestrians.
- Subd. 15. Order for Repair. If the Public Works Department finds that any sidewalk abutting on private property is unsafe for pedestrians, he shall cause a notice to be served, by registered mail or by personal service, upon the record owner of the property and the occupant, if the owner does not reside within the City or cannot be found therein, ordering the owner to

have the sidewalk repaired and made safe within 20 days and stating that if the owner fails to do so, the Public Works Department will do so on behalf of the City, that the expense thereof must be paid by the owner and that if unpaid it will be made a special assessment against the property.

- Subd. 16. Repairs by City. If the sidewalk is not repaired within 20 days after receipt of the notice, the Public Works Department shall report the facts to the council. The council shall by resolution order the street commissioner to repair the sidewalk and make it safe for pedestrians or order the work done by contract in accordance with the law. The Public Works Department shall keep a record of the total cost of the repair attributable to each lot or parcel of property and report such information to the City Clerk.
- Subd. 17. Cost to be Assessed. The owner of the property on which or adjacent to which a sidewalk has been repaired shall be personally liable for the cost of such repairs. When the work has been completed and the cost determined, the clerk shall prepare a bill and shall mail it to the owner and thereupon the amount shall be immediately due and payable at the office of the clerk.
- Subd. 18. Manner of Assessment. On or before October 1st of each year the clerk shall list the total unpaid charges for sidewalk repairs against each separate lot or parcel. The council may then spread the charges against property benefited as a special assessment under Minnesota Statutes section 429.101 and other pertinent statutes for certification to the county auditor and collection the following year along with current taxes.
- Subd. 19. Penalty. Any person who interferes with a City employee or other authorized person in the performance of any services under Subd.12 to Subd. 18 shall be guilty of a misdemeanor, but prosecution shall be brought for such violation only on the direction of the council.

Sec. 4.02 SNOW AND ICE REMOVAL

- Subd. 1. Removal of Snow or Ice Required. The owner or occupant of any buildings, grounds or premises within the City shall keep the sidewalks abutting that property free from snow and ice.
- Subd. 2. Removal of Snow or Ice by City. If snow or ice is not removed from a sidewalk within 24 hours after the snow or ice is deposited thereon, the Public Works Department may have the snow or ice removed at the expense of the property owner. The Public Works Department shall keep a record of the cost of snow or ice removal attributable to the lot or parcel of property and report such information to the City Clerk. The Council shall, by resolution, determine the cost to be charged to the property

owner. The clerk 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 clerk.

- Subd. 3. Manner of Assessment. On or before October 1st of each year the clerk shall list the total unpaid charges for snow or ice removal against each separate lot or parcel. The council may then spread the charges against property benefited as a special assessment under Minnesota Statutes section 429.101 and other pertinent statutes for certification to the county auditor and collection the following year along with current taxes.
- Subd. 4. Penalty. Any property owner who does not comply with snow and/or ice removal within 24 hours shall be guilty of a misdemeanor. Any person who interferes with a City employee or other authorized person in the performance of any services under Subd.1 to Subd. 3 shall be guilty of a misdemeanor. Prosecution shall be brought for such violations only on the direction of the council.
- Subd. 5. Declaration of a Snow Emergency. A snow emergency shall be declared automatically upon the falling of three (3) or more inches of snow within the city. The Public Works Director shall have the authority to declare a snow emergency at any other time that he determines that weather conditions require a snow emergency declaration. When conditions require a snow emergency to be declared by the Public Works Director, it shall be publicly announced by means of broadcast on radio station KSUM, Fairmont, Minnesota.
- Subd. 6. Prohibited Parking. During a snow emergency parking shall be prohibited on all streets and highways until such a time as the snow has been removed the entire width of the street or highway. Parking will be allowed again when the parking areas of the street or highway have been cleared.
- Subd. 7. Public Parking Area. The City shall clear and maintain access to a public parking area within the City during a snow emergency for the use and convenience of the public to park vehicles which otherwise would be parked on the street.
- Subd. 8. Failure to Comply. Violators of this ordinance will be subject to a parking ticket and/or impoundment of the vehicle.
- Subd. 9. Penalties. Parking tickets will be payable at the City Hall of Welcome, Minnesota within five (5) days of issuance. If the parking ticket is not paid within the days allowed, one reminder notice will be sent. If not paid then, the ticket will be turned over to the Police Department Attorney for

collection. The dollar amount of parking tickets shall be set by city council resolution from time to time.

- Subd. 10. Impoundment of Vehicle. If a vehicle is not moved within 24 hours of issuance of a Parking Ticket, the Police Department may issue orders to tow the vehicle for impoundment. If circumstances warrant, the vehicle may be removed for impoundment at the time the Parking Ticket is issued. No person shall recover any vehicle removed in accordance with this section without signing a receipt for its return and shall pay the Parking Ticket, plus cost of removal and storage.

Sec. 4.03 HIGHWAY TRAFFIC REGULATION ACT

- Subd. 1. Highway Traffic Regulation Act Incorporated by Reference. The regulatory provisions of Minnesota Statutes Chapter 169, one copy of which is on file in the office of the City clerk, are hereby adopted as a traffic ordinance regulating the use of highways, streets and alleys within the City insofar as such provisions are applicable thereto, and, except as otherwise provided by this Code, are hereby adopted and made a part of this Code as if fully set forth herein.

- Subd. 2. Penalty. Any person violating any provision of the statute incorporated by Subd. 2 shall be guilty of such an offense and shall be subject to such penalty as is prescribed by such statute. Any penalty prescribed by such statute shall control over any other penalty which may otherwise be provided in this Code.

Sec. 4.04 OPERATION OF VEHICLES

- Subd. 1. Speed Limit of 30 M.P.H. No person shall operate a motor vehicle upon the highways, streets and alleys of the City at a speed greater than 30 miles per hour, unless otherwise posted with a lower speed limit.
- Subd. 2. Exhibition Driving Prohibited. No person shall operate a motor vehicle upon the highways, streets and alleys of the City in such a manner as to create or cause unnecessary engine noise, tire squealing, or to skid or slide upon acceleration or stopping, or in such a manner as to race or simulate a race or unnecessarily sway or turn abruptly or to impede the normal flow of traffic.
- Subd. 3. U-Turns. No person shall turn a motor vehicle so as to proceed in the opposite direction upon any of the highways, streets and alleys of the City unless at an intersection and only then if not prohibited by a sign posted at the intersection.

- Subd. 4. Stop Signs. No person operating a motor vehicle shall fail to bring such vehicle to a full stop before entering or crossing any through street or highway at any stop intersection, properly designated and posted as such by action of the City or its duly authorized representatives.
- Subd. 5. Penalty. Any person violating any provisions of Subd. 1 to Subd. 4, Subd. 6, and Subd. 7 shall be guilty of a misdemeanor.
- Subd. 6. School Buses. It is unlawful to enter Fourth Street between Dugan and Campbell Streets while school buses are loading and unloading.
- Subd. 7. Truck Routes. Dugan Street a/k/a County State Aid Highway No. 25, Mill Street, First Street, and Guide Street shall be designated as 9 ton per axle weight truck routes unless otherwise posted. The rest of the streets in the City of Welcome shall be 4 ton per axle weight unless otherwise posted.

Sec. 4.05 PARKING AND REPAIR OF VEHICLES ON STREET

- Subd. 1. Angle Parking. The council shall designate by resolution the streets on which any person parking a motor vehicle shall park the vehicle at an angle of 45 degrees to the curb or sidewalk at the right hand side of the street.
- Subd. 2. Parallel Parking. On all highways, streets, and alleys of the City, except those designated for angle parking under Subd. 1, no person shall park or stop a motor vehicle unless parallel to and with the right wheels of the vehicle within twelve inches of the curb, or, on streets without a curb, parallel to the sidewalk or sidewalk line, with the right wheel of the vehicle as near to the sidewalk or sidewalk line as is conveniently possible. No person shall park a vehicle in such a manner as to interfere with the free flow of traffic.
- No person shall park a motor vehicle with the rear end thereof toward the adjoining curb, sidewalk, or sidewalk line.
- Subd. 3. Disabled Vehicles. Parking regulations contained in Subd. 1 and Subd. 2 shall not apply to the driver of any vehicle which is disabled in such a manner and to such an extent that it is impossible to avoid stopping and temporarily leaving the vehicle upon the street, but every police officer of the City is authorized to require the person in charge of such disabled vehicle to move the vehicle to a place of safety, and upon neglect or failure to do so, or in case the vehicle is unattended or has been abandoned, the officer is authorized to provide for the removal of the vehicle to the nearest convenient garage or other place of safekeeping.

Sec. 4.06 TRUCKS

Subd. 1. Truck Routes. Trucks, semi-tractors, semi-trailers, or tractor-trailer combinations will be allowed only on designated truck routes. The City shall post signs designating the truck routes.

Exceptions will be made for delivery and service vehicles such as moving vans, garbage trucks, power company vehicles, etc. when in the normal course of business within the city limits. They shall remain on the nearest truck route to their destination as long as possible and return to the nearest truck route after the performance of their duty.

Subd. 2. Truck Parking. Trucks, semi-tractors, semi-trailers, or tractor-trailer combinations will not be allowed to park on city streets within the City of Welcome with the following exceptions:

- a. In an emergency in order to change tractors.
- b. When the vehicle is actually engaged in the loading or unloading of passengers or materials, or for a period of not more than thirty (30) minutes.

Subd. 3. Parking More than Twenty-Four Hours. No person shall stop, park or stand a motor vehicle on any highway street or alley of the City for more than twenty-four consecutive hours.

Subd. 4. Repair of Vehicle on Streets. No person shall repair any motor vehicle on any highway, street or alley of the City, except to make such emergency repairs as are necessary to enable removal of the vehicle of the street, highway, or alley.

Subd. 5. Penalty. Any person violating any provision of Subd. 1 to Subd. 4 shall be guilty of a petty misdemeanor on the first two offenses and a misdemeanor on further offenses.

Sec. 4.07 RECREATIONAL VEHICLES

Subd. 1. Definitions. For the purpose of Subd.1 to Subd.11 the terms defined herein shall have the meaning given to them.

1. “Person” includes an individual, partnership, corporation, the state and its agencies and subdivisions and any body of persons, whether incorporated or not.
2. “Recreational Vehicle” , later to be referred to as RV, includes three wheel RVs; four wheel RVs, snowmobiles, and all terrain vehicles.

3. "Owner" means a person, other than a lien holder, having the property in or title to a RV and entitled to the use or possession thereof.
4. "Operate" means to ride in or on and control the operation of a RV.
5. "Operator" means every person who operates or is in actual physical control of a RV.

Subd. 2. Operation of RV's. Except as herein specifically permitted and authorized, no person shall operate an RV within the City:

1. On the portion of any right of way of any public highway, street, road, trail, or alley used for motor vehicle travel, except the most right hand lane, (except in passing) which is used for vehicle traffic in the same direction, other than on freeways, interstate, trunk, county state aid or county highways. Snowmobiles may also be operated upon the ditch bottom where lawfully so posted on the outside bank of trunk, county state aid and county highways where such highways are so confined within the corporate limits.
2. On a public sidewalk provided for pedestrian travel.
3. On boulevards within any public right of way.
4. On private property of another without specific permission of the owner or person in control of the property.
5. On any other public place except as may be specifically permitted by other provisions of the code.

Subd. 3. Operation on Bridges. An RV may be operated upon a bridge, other than a bridge that is part of the main traveled lanes of a freeway or interstate highway, when required for the purpose of avoiding obstructions to travel when no other method of avoidance is possible, provided the RV is operated in the extreme right hand lane, the entrance to the roadway is made within 100 feet of the bridge, and the crossing is made without undue delay.

Subd. 4. Crossing of Streets. An RV may make a direct crossing of a street or highway, except an interstate highway or freeway, provided:

1. The crossing is made at an angle of approximately 90 degrees to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing.
2. The RV is brought to a complete stop before crossing the shoulder or main traveled way.
3. The driver yields the right of way to all on-coming traffic, which constitutes an immediate hazard.
4. In crossing a divided street or highway, the crossing is made only at an intersection of such street or highway with another public street or highway.

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

Subd. 5. Traffic Ordinances Apply. City traffic ordinances shall apply to the operation of snowmobiles upon streets and highways, except for those relating to required equipment, and except those which by their nature have no applications.

Subd. 6. Right of Way. No RV shall enter any intersection without yielding the right of way to any vehicles or pedestrians at the intersection or so close to the intersection as to constitute an immediate hazard.

Subd. 7. Persons Under 18.

- a. No person under 14 years of age shall operate an RV on streets or the roadway surface of highways or make a direct crossing of a trunk, county state aid, county highway or city street as the operator of an RV. A person 14 years of age or older, but less than 18 years of age, may operate an RV on streets and highways as permitted under Subd.1 to Subd.11 make a direct crossing of such streets and highways only if he has in his immediate possession a valid safety certificate issued by the commissioner of natural resources as provided by Minnesota Statutes 1974, section 84.872.
- b. It is unlawful for the owner of an RV to permit the RV to be operated contrary to the provisions of this section.

Subd. 8. Method of Operation. It is unlawful for any person to operate an RV within the City:

- a. At any place while under the influence of alcohol or drugs as defined in Minnesota Statutes 1974, section 169.121.
- b. At a rate of speed greater than 15 miles per hour upon City streets and highways;
- c. At any place in a careless, reckless, or negligent manner or heedlessly in disregard of the rights or safety of others, or in a manner so as to endanger or be likely to endanger or cause injury or damage to any person or property;
- d. During the hours from 11:00 p.m. to 7:00 a.m. of any day;
- e. Closer than 300 feet of any church on Sunday morning;
- f. So as to tow any person or thing in a public street or highway except through use of a rigid tow bar attached to the rear of a snowmobile;
- g. Within 100 feet of any pedestrian, skating rink, or sliding areas where the operation would conflict with use or endanger other persons or property.

Subd. 9. Equipment Required. It is unlawful for any person to operate an RV any place within the City unless it is equipped with the following:

1. Standard mufflers which are properly attached and which reduce the noise of operation of the motor to the minimum necessary for operation. No person shall use a muffler cutout, by-pass, straight pipe, or similar device on an RV motor.
2. Brakes adequate to control the movement of and to stop and hold the RV under any condition of operation.
3. A safety or so-called "deadman" throttle in operating condition. A safety or "deadman" throttle is defined as a device which, when pressure is removed from the engine accelerator or throttle, causes the motor to be disengaged from the driving track.
4. When operated between the hours of one-half hour after sunset and one-half hour before sunrise at times of reduced visibility, at least one clear lamp attached to the front, with sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during the hours of darkness under normal atmospheric conditions. Such headlamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming RV operator. It shall also be equipped with at least one red tail lamp having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of 50 feet to the rear during hours of darkness under normal atmospheric condition.

Subd. 10. Emergency Operation. Notwithstanding any prohibitions in this ordinance, a snowmobile may be operated on a public thoroughfare in an emergency during the period of time when, and a location where, snow upon the roadway renders travel by automobile impractical.

Subd. 11. Chasing Animals. No person shall intentionally drive, chase, run over or kill any animal with an RV.

Subd. 12. Penalty. Any person violating any provision of Subd.1 to Subd.11 shall be guilty of a misdemeanor.

Sec. 4.08 RECREATIONAL CONVEYANCES

Subd. 1. Definitions.

Recreational Conveyances means a non-motorized mechanical vehicle or device to transport a rider or riders, which is not necessitated by the physical disability of the rider and includes, but not limited to, roller skates, skateboards, roller blades, scooters, and coasters, but is not intended to apply to bicycles.

Subd. 2. Operation of a Recreational Conveyance.

- a. No person shall ride a recreational conveyance upon and/or along the sidewalks, streets, parks and parking lots in the following locations:
 - (1). Dugan Street from Second Street south to the railroad tracks.
 - (2) From Dugan Street east on Second Street to Highway 263.
 - (3) On First Street west to Hulseman Street.
- b. Persons riding upon a recreational conveyance upon a public street shall proceed in a direction against the flow of automobile traffic. Persons riding a recreational conveyance shall proceed in single file and as close to the curb as is practicable considering any parked motor vehicles or other obstructions along the sides of the streets. Persons riding a recreational conveyance upon a public street shall obey all intersection control devices, including but not limited to, stop signs, yield signs and semaphore lights, and shall obey all posted speed limits.
- c. It is unlawful for any person to ride a recreational conveyance in a reckless or unsafe manner on a public sidewalk or a public street. No person shall ride or propel a recreational conveyance in such manner as to endanger or be likely to endanger any person or property or in any manner which does not exhibit due care for the safety of other persons.
- d. A person operating a recreational conveyance upon a sidewalk, or across a roadway on a crosswalk, shall yield the right-of-way to any pedestrian and shall give an audible signal when necessary before overtaking and passing any pedestrian. A person lawfully operating a recreational conveyance on a sidewalk, or across a roadway on a crosswalk, shall have all the rights and duties applicable to a pedestrian under the same circumstances.
- e. No ramps or jumps of a temporary or permanent nature shall be constructed on public property or upon the public right-of-way by private individuals.
- f. A violation of this Ordinance is a misdemeanor. Whenever a law enforcement officer observes a violation of this Ordinance, said observation shall be sufficient probable cause to support the

seizure of the recreational conveyance as evidence of the violation and said evidence shall be held until the disposition of the charge of violating this Ordinance.

CHAPTER 5

PUBLIC PROTECTION AND OFFENSES

Sec. 5.01 GARBAGE, TRASH, REFUSE & VEHICLES

- Subd. 1. Sanitary Limits. The sanitary limits of the City shall include all the territory within the corporate limits thereof.
- Subd. 2. Accumulation of Garbage and Trash Prohibited. No person shall allow to accumulate on any premises in his possession or under his contract any quantity of trash or rubbish, or any garbage, manure offal or other like substance subject to rot, decay or putrefication, nor shall any person place the same without permission or contrary to law or this code, upon the premises of another or in any waters or upon any public places within the City.
- Subd. 3. Abatement of Accumulated Garbage and Trash. When the board of health finds any accumulation of trash or rubbish or garbage, manure offal or other like substance within the City, the board and/or its official representative shall give written notice to the person having authority over such accumulation to cleanse, remove, or abate the same within such time as the board determines necessary to protect public health and safety.
- Subd. 4. It is unlawful for any person to park or store any unlicensed, unregistered, or inoperable vehicle, household furnishing or appliance on private or public property, unless housed within a lawfully erected building, or in a junkyard specifically authorized and permitted by action of the council after application.
- Parking one (1) such vehicle on a private driveway shall not constitute a violation of this section, unless the vehicle has been parked longer than three (3) months.
- Subd. 5. Penalty. Any person violating the provisions of Subd. 2 to Subd. 4 or who refuses or neglects to comply with any notice issued by the board of health under Subd. 3 shall be guilty of a misdemeanor.
- Subd. 6. Any police officer may issue directions to have any vehicle in violation of Subd. 4 removed if no response is made within seven (7) days of receiving notification. The vehicle shall not be released until the fees for towing and storage are paid in addition to any fine imposed for violation of this ordinance.

Sec. 5.02 ENVIRONMENTAL CONTROL-WEEDS OR GRASS

- Subd. 1. Prohibited Weeds and Grass. No owner, occupant, or agent of any lot or parcel of land in the City shall allow any weeds or grass growing upon any such lot or parcel of land to grow to a greater height than seven (7) inches or allow such weeds or grass to go to seed.
- Subd. 2. Removal by City. If an owner, occupant, or agent fails to comply with the height limitation, and after notice given by the City Administration has not within ten days of such notice complied, the City shall cause any weeds or grass exceeding the height restriction to be cut.
- Subd. 3. Cost of Removal. The expense of removal of any weeds or grass by the City shall be a lien against the real estate from which they were removed. The rate per hour to be set by council resolution periodically and on file at City Hall.
- Subd. 4. Special Assessment. The council shall certify to the County Auditor of Martin County a statement of the amount of the cost incurred by the City. Such amount, together with interest, shall be entered as a special assessment against such lot or parcel of land and be collected in the same manner as real estate taxes.
- Subd. 5. Penalty. Any person who violates Subd. 1 shall be guilty of a petty misdemeanor.

Sec. 5.03. BURNING AND DUMPING

- Subd. 1. Open Burning. Open burning of solid waste is prohibited in the city except that the burning of dried leaves shall be permitted within the city between September 15 and December 1 and between March 15th and May 15th, subject to the following:
- a. Burning of dried leaves shall not be permitted upon any public property or public right-of-way.
 - b. Burning shall be permitted only between 8:00 a.m. and 8:00 p.m.
 - c. An adult shall be in constant attendance during the burning of any dried leaves.
 - d. The burning of dried leaves shall not be permitted closer than twenty-five (25) feet from any structure or other combustible materials.
 - e. Any residue materials shall be removed after the fire has been extinguished so as to prevent any residue from entering the storm or sanitary sewer systems of the city.
 - f. Adequate protective measures must be taken.

- g. No burning of dried leaves shall take place during an air pollution alert, warning, or emergency declared by the state pollution control agency.
- Subd. 2. Dumping in Streets. It is unlawful for any person to throw or deposit in any street or any other public place any solid waste including nails, dirt, glass, tin cans, metal scraps, garbage, shreds or rubbish, grass clippings, or to empty any water containing salt or other injurious chemical thereon.
- Subd. 3. Penalty. Any person who violates the provisions of Subd. 1 or Subd. 2 shall be guilty of a petty misdemeanor.

Sec. 5.04 COMBUSTIBLE MATERIALS

- Subd. 1. Combustible Refuse and Material. No person shall store or place, or permit the accumulation of, any combustible refuse or other combustible materials whether on property owned or controlled by such person or the property of another, or upon public property, in such a way as to create a fire hazard, nor shall any person build or light any bonfire or burn any trash, leaves or other combustible materials in such a way as to create a fire hazard.
- Subd. 2. Penalty. Any person violating the provisions of Subd. 1 shall be guilty of a misdemeanor.

Sec. 5.05 DOGS, CATS AND OTHER ANIMALS

- Subd. 1. Definitions. As used in this Chapter, unless the context otherwise indicates, the following words shall be defined to mean:
 - a. Owner – Any person, group of persons, or legal entity owning, keeping or harboring a dog or dogs
 - b. Harborer – The harborer of a dog shall be any person who has custody of any dog or permits any dog to be kept or to stay on or about the harborer’s premises.
 - c. At large – A dog shall be termed at large when it is not under restraint, as defined herein.
 - d. Restraint – A dog is under restraint if it is controlled by a leash not exceeding eight feet in length or if it is within the boundaries of the owner’s or harborer’s premises.
 - e. Repealed.
- Subd. 2. Licensing: No person shall own, keep, or harbor a dog unless such dog is licensed as provided herein.
- Subd. 3. License Application Written application shall be made in writing at City Hall. The application shall state the name and address of the owner of the

dog, the name, breed, age, sex, and color of the dog and be accompanied by a certificate of vaccination from a qualified veterinarian certifying that the dog has been vaccinated against rabies, or has received a booster shot within a 24 month period immediately preceding the application. No license will be issued to any dog that has not been properly vaccinated.

- Subd. 4. License Fee. The annual license fee shall be \$5.00 for each dog. The license fee shall be paid at the time of application.
- Subd. 5. Term of License. All dog licenses shall be issued for one year beginning With the first day of August of each year. Application for license may be Made 30 days prior to the first day of January of each year. A license must be obtained within 30 days for any dog brought into and kept in the City after January 1st of each year.
- Subd. 6 Dogs Not Requiring a License. No license shall be required of dogs Less than 3 months of age.
- Subd. 7 Tag and Collar. All dogs shall be harnessed or collared. The clerk shall Upon issuance of a license provide the applicant with a metallic tag, which Shall be dated and numbered. The tag must be securely fastened to the dog collar at all times.
- Subd. 8. Restraint of Dogs. No dog shall be permitted to be at large within the city Limits. All dogs shall be under restraint at all times.
- Subd. 9. Impounding. The police, or any duly appointed person, may take and impound any animal which is not being kept, confined, or restrained in a manner consistent with the requirements of this ordinance. The police, or any duly appointed person, may enter upon private premises where it appears that there is reasonable cause to believe that an animal is not being kept, confined, or restrained as herein required.
- Subd. 10. Notice to Owner. Upon the impounding of animal wearing a current license tag, the police shall make every effort to notify the owner or harbinger of such impoundment, and of any conditions whereby the owner or harbinger may regain custody of the animal.
- Subd. 11. Reclaiming Impounded Animals. Any animal impounded hereunder may be reclaimed by the owner or harbinger within five days after receiving notice of such impoundment, excluding Saturday, Sunday, and legal holidays. A fee of \$25 plus all pound fees shall be paid prior to the release of the animal. If the impounded animal was not properly licensed when it was impounded, a \$50 fee, plus all pound fees shall be paid prior to the

release of the animal. A license shall be issued and the fee for same shall be paid prior to the release from impoundment.

- Subd. 12. Dogs Which Cannot Be Impounded. If an animal is rabid, or otherwise Diseased, vicious, or dangerous, and cannot be impounded after a reasonable effort or without serious risk to others, such animal may be Immediately destroyed.
- Subd. 13. Disposing of Impounded Animal. If an animal taken up and impounded has not been reclaimed within the time period herein, or if the owner cannot be located, then within five days, the person in charge of the pound shall give three days notice of the time and place where said animal will be sold by posting in the office of the person in charge of the pound. Should the person in charge of the pound be unable to sell the animal, that person shall otherwise dispose of the animal. If the owner of the animal is known, the owner will be charged the cost of disposal as well as all pound fees.
- Subd. 14. Rabies Vaccination. It shall be unlawful for any person to own, possess, or harbor a dog within the city limits if the dog has not been vaccinated for rabies within the time required under standard veterinary practices. Proof of vaccination shall be required at the time of licensing.
- Subd. 15. Biting Dogs to Be Quarantined. Whenever any dog has bitten a person, the owner after being notified shall immediately surrender such animal to be quarantined in the pound for a period of 14 days after the occurrence. All pound fees incurred during the quarantined period will be paid by the Owner before the animal will be released. Upon reasonable suspicion that the dog may be rabid, the dog shall be subjected to the necessary tests by a doctor of veterinary medicine for the purpose of determining if it is infected with rabies at the expense of the owner.
- Subd. 16. Cats or Animals of Allied Genera. It shall be the obligation and responsibility of any animal of this class to prevent such animal from molesting, defiling, or destroying any property, public or private.
- It shall be unlawful for any owner of an animal of this class to permit or allow said animal to roam or engage in activities which otherwise constitute a nuisance.
- Subd..17. Certain Animals Regulated. It shall be unlawful to keep or harbor in the city any of the following animals, or animals of allied genera; horses, cows, sheep, goats, swine, chickens, animals of the genus reptilia or allied genera which are venomous, or other animals that the keeping in captivity of which is prohibited by law.

- Subd. 18. Animals Deemed Dangerous. After the quarantine, if the dog is determined to be free from rabies, the owner may reclaim the animal after all fees are paid. If upon investigating, the bite is determined to be unprovoked, the dog will be deemed a dangerous animal. The owner of such an animal will pay a yearly license fee of \$50 as well as provide proof of liability insurance for the animal in the minimum amount of \$200,000. Proof of insurance will be required before the animal will be released from quarantined.
- Subd. 19. Limitation of Ownership. It is unlawful for any person to own, keep, care for, have custody of, or knowingly permit at any time more than three dogs and/or cats in or about their residence, or any other location under the persons control within the city without obtaining a kennel license. A residence or other location may contain up to three dogs and/or cats without a kennel license. This section shall not apply to the following:
- a. one litter of pups or kittens under 90 days of age, born to a licensed dog or cat.
 - b. residence of newly annexed areas, provided that the owners have the animals licensed within 30 days after annexation occurs, and until such time as one or more illegal animals dies, or for some other reason is not owned or possessed by the resident anymore.
 - c. a licensed veterinarian
 - d. a city or humane society owned or operated animal shelter.
- Subd. 20. Kennels. A person who wishes to put up a kennel in a properly zoned area of the city may do so upon meeting certain criteria. It shall be unlawful to operate a kennel without meeting the following requirements:
- a. obtain a kennel license from the Minnesota Board of Animal Health
 - b. approval from the city council.
 - c. pay an annual kennel fee to the city in the amount of \$300.00
 - d. have written permission from surrounding neighbors when applicable
- Subd. 21. Owner Responsibility for Sanitation. Owners of a dog are at all times responsible for the sanitation of their animal, whether on their own property, the property of others, or public property. It is unlawful for any owner or other person in charge of the dog to be in a park, upon public property or private property not owned by said person, and to allow the dog to defecate and then fail to clean up the defecation immediately shall be fined \$35.00.
- Subd. 22. Nuisance Animal. Any animal that is at large or generates three

repeated complaints of barking shall be deemed a nuisance. The City Council after being advised by the police of the number of times a complaint is received on the same animal for the same violation may request the owner of the animal to dispose of the animal. If the owner declines to comply with the council's request, the council will notify the owner in writing of the following:

- a. the date and times of the violations for the last 3 months.
- b. the nature of the violations.
- c. the number of warnings for the violation.
- d. the number of citations issued for the violations

The owner shall be notified that if another violation occurs, the council will send a letter with the citation requesting the court to order the animal removed from the city.

Sec. 5.06 DISORDERLY CONDUCT AND DISTURBANCE OF THE PEACE

Subd. 1. Disorderly Conduct and Disturbance of the Peace. No person, knowing, or having reasonable grounds to know, that it will, or will tend to, alarm, anger, or disturb others or provoke an assault or breach of the peace, shall do any of the following:

- a. Engage in brawling or fighting;
- b. Disturb an assembly or meeting, not unlawful in its character;
- c. Engage in noisy, boisterous or riotous conduct tending reasonably to annoy or disturb others;
- d. Engage in offensive, obscene or abusive language or in boisterous and noisy conduct tending reasonable to arouse alarm, anger or resentment in others.

Subd. 2. Penalty. Any person violating any provision of Section 5.07, Subd. 1 shall be guilty of a misdemeanor.

Sec. 5.07 OBSCENE AND LEWD BEHAVIOR.

No person shall do any of the following knowing, or having reasonable grounds to know, that it will, or tend to, cause the result stated:

- a. Appear in public nude, or in a state of dress, in any public place in a manner that offends public decency.
- b. Exhibit any private part of the body, or participate in a sexual act in public, in a manner that corrupts public morals or offends public decency.

- c. It shall be unlawful for any licensee of liquor, beer or wine to permit or allow any person or persons from being upon the licensed premises when such person does not have his or her buttocks, anus, breast, an genitals covered with a non-transparent material.

Sec. 5.08 OBSCENE DISPLAYS.

No person shall do any of the following knowing, or having reasonable grounds to know, that it will, or tend to cause the result stated:

- a. Display or sell sexually explicit pictures or writings in a manner that corrupts public morals or offends public decency.
- b. Take part in or show any sexually explicit play, movie or other performance in a manner that may corrupt public morals or offend public decency.

Sec. 5.09 PENALTY.

Any person violating any provision of Section 5.07 to 5.08 shall be guilty of a misdemeanor and justification for revocation or suspension of a liquor, wine, or beer license.

Sec. 5.10 CURFEW FOR MINORS.

No minor under the age of 16 years shall loiter, idle or be upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement, entertainment, or refreshment, vacant lots or other unsupervised places, including the driving of cars or being passengers thereof, between the hours of 10:00 p.m. and 5:00 a.m. The provisions of this section shall not apply to any minor accompanied by the parent or guardian of the minor or other adult person having the care and custody of the minor or when the minor is upon an errand directed by his or her parent, guardian or other adult person having the care and custody of the minor. This curfew shall not apply to any students who are lawfully attending, going to or returning from school, church, or community-sponsored social activities, athletic and musical events.

Sec. 5.11 PERMITTING MINOR TO VIOLATE CURFEW.

No parent, guardian, or other adult person having the care and custody of a minor under the age of 16 years shall permit such minor to loiter, idle or be in or upon the public streets, highways, roads, alleys, parks, playgrounds, public places and public buildings, places of amusement, entertainment or refreshment, vacant lots or other unsupervised places, including the driving of cars or being passengers thereof, between the hours of 10:00 p.m. and 5:00 a.m. The provisions of this section shall not apply when the minor is accompanied by his or her parent or

guardian, or other adult person having the care and custody of the minor, or when the minor is upon an errand directed by his or her parent, guardian or other adult person having the care and custody of the minor. This curfew shall not apply to any students who are lawfully attending, going to or returning from school, church, or community-sponsored social activities, athletic and musical events.

Sec. 5.12 PERMITTING MINOR TO REMAIN ON PREMISES AFTER CURFEW.

No person operating or in charge of any place of amusement, entertainment or refreshment , vacant lots or other unsupervised places shall permit any minor under the age of 16 years to enter or remain in such places during the hours prohibited by Section 5.11. The provisions of this section shall not apply when the minor is accompanied by his or her parent, guardian or other adult person having the care and custody of the minor, or when the minor enters the premises upon an errand directed by his or her parent, guardian or other adult person having the care and custody of the minor, and the minor is permitted to remain upon the premises only such time as is necessary for the purposes of the errand.

Sec. 5.13 DESIGNATING SCHOOL NIGHTS.

The chief of police, upon request of the school officials, may designate certain nights and hours thereof during the school year as “School Nights” at such time as said schools shall be engaged in athletic, musical, dramatic or social activities for the benefit or entertainment of its students. The provisions of Sections 5.11 and 5.12 shall not apply to any student under the age of 16 years, or to his or her parent, guardian or other adult person having the care and custody of such minor, who is lawfully going to, attending or returning from any such school function during the duly designated hours on any “School Night”, but only for such period of time as is reasonably necessary for the student to go to, attend, or return from the function. In all other respects the penalties for violation thereof shall apply on any such “School Night.”

Sec. 5.14 PENALTY.

Any minor under the age of 16 years who shall violate the provisions of Section 5.11 shall be deemed a delinquent child as defined in Minnesota Statutes 1974, Section 260.015. Any parent, guardian or other adult person having the care and custody of a minor child under the age of 16 years and any person operating or in charge of any place of amusement, entertainment or refreshment, vacant lots or other unsupervised places who violates any provision of Sections 5.12 and 5.13 shall be guilty of a misdemeanor.

Sec. 5.15 NOISE.

Unlawful to make loud noise or unnecessary noise. It shall be unlawful for any person to make or cause to make any loud, unnecessary noises or unusual noise that annoys, disturbs, or affects the comfort, repose, health or peace of others.

Sec. 5.16 UNLAWFUL ACTS. The following acts set forth in the following subdivisions are declared to be loud, disturbing, and unnecessary noises in violation of this ordinance, but said enumeration's shall not be deemed to be exclusive.

- Subd. 1. Horns, Signaling Devices, Etc. The repeated sounding of any horn, or signaling device on any automobile, motorcycle, or other vehicle, except as a danger warning.
- Subd. 2. Radios, Tape and Disc Players, Etc. The using, operating, or permitting to be played any radio receiving set, or disc player, musical instrument, phonograph, in such a manner, considering the time and place and the purpose for which the sound is produced, as to disturb the peace, quiet and repose of a person or persons of ordinary sensibilities.
- a. The play, use or operation of any radio, tape or disc player, musical instrument, phonograph, or other machine or device for the production or reproduction of sound in such a manner, as to be plainly audible at a distance of one (1) city block from the machine or device shall be prima facie evidence of a violation of this section.
- b. When sounding violating this section is produced or reproduced by a machine or device that is located in or on a vehicle, the vehicle's owner is guilty of the violation, provided, however that if a vehicle's owner is not present at the time of the violation, the person in charge or control of the vehicle at the time of the violation is guilty of the violation.
- Subd. 3. Construction or Repairing of Buildings. The erection (including excavation), demolition, alteration, or repair of any building between the hours of 9:00 p.m. and 6:00 a.m. on weekdays and all day Sunday, except where single individuals or families work on single family residences for their own occupancy. City officials may, in cases of emergency, grant permission to repair at any time when they find that such repair work will not effect the health and safety of the persons in the vicinity.
- Subd. 4. Pile Drivers, Hammers, Etc. The operation between the hours of 9:00 p.m. and 6:00 a.m. of any pile driver, power shovel, pneumatic hammer, derrick, power or electrical hoist, or other appliance the use of which is accompanied by loud or unusual noise.
- Subd. 5. Noisy Parties and Gatherings.

a. Prohibition. No person shall congregate at, or participate in any party or gathering from which noise emanates of a sufficient volume so as to disturb the peace, quiet, or repose of another person. No person shall knowingly remain at such a noisy party or gathering.

b. Evidence. Noise of such volume as to be clearly heard at a distance of one (1) city block from the structure or building in which the party or gathering is occurring, or in the case of an apartment building, in the adjacent hallway or apartment shall be prima facie evidence. Any complaint from a person that is verified by an officer shall be prima facie evidence of a violation of this subdivision.

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

Subd. 6. Loud Speaker, Amplifiers for Advertising. The using, operating, or permitting to be placed any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is case upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

Subd. 7. Yelling, Shouting, Etc.. Yelling or shouting at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, or other place of residence, or of any person in the vicinity.

Subd. 8. Animals, Birds, Etc.. The keeping of any animal which is causing frequent or long continued noise that shall disturb the comfort or repose of any persons in the vicinity.

Subd. 9. Sound Trucks for Advertising Purposes. The use of sound trucks or any other vehicle equipped with sound amplifying devices for the purposes of advertising any program, project, or meeting of any public agency, private business, religious organization, civic group, political party, or charitable organization.

Sec. 5.17 EXEMPTIONS.

The following are exempt from violation of this section:

Subd. 1. Activities which are duly authorized, sponsored, or licensed by the city, so long as the activity is conducted pursuant to the conditions of the license, permit, or contract.

- Subd. 2. Person(s) who have gone to a party for the sole purpose of abating the violation.
- Subd. 3. Amplifying equipment used in connection with activities which are authorized, sponsored or permitted by the city, so long as the activity is conducted pursuant to the conditions of the license, permit, or contract.
- Subd. 4. Church bells, chimes, or carillons.
- Subd. 5. School bells.
- Subd. 6. Anti-theft devices.
- Subd. 7. Machines or devices for the production of sound on or in authorized emergency vehicles.

Sec. 5.18 PENALTIES.

Any person who is found guilty of violating any provision of this ordinance is guilty of a misdemeanor and shall be punished by a fine not to exceed \$150.00 or imprisonment, plus the cost of prosecution.

CHAPTER 6

BUSINESS REGULATION

Sec. 6.01 INCORPORATION OF STATE STATUTES BY REFERENCE.

The provisions of Minnesota Statutes Chapter 340A, relating to the definition of terms, licensing, consumption, sales, conditions of licensees, hours of sale, and all other matters pertaining to the retail sale, distribution and consumption of non-intoxicating malt liquor and the retail sale, distribution and consumption of intoxicating liquor, both on-sale and off-sale, are adopted by reference herein and made a part of this ordinance as if fully set out herein.

Sec. 6.02 3.2 MALT LIQUOR LICENSE.

- Subd. 1. No person shall sell or otherwise dispose of or keep or offer for sale, for on-sale or off-sale, any 3.2 malt liquor unless a license is therefore first obtained from the City.
- Subd. 2. Classification of 3.2 Malt Liquor Licenses. Licenses shall be of three (3) kinds:
- a. Off-sale licenses.
 - b. On-sale licenses.
 - c. Special temporary licenses.
- Subd. 3. Fee and Term.
- a. Fee. The fees to be paid to the City for off-sale, on-sale and temporary special licenses for 3.2 malt liquor shall be as determined by resolution of the council.
 - b. License Duration. All 3.2 malt liquor licenses must be issued for one (1) year, except that for the purpose of coordinating the time of expiration of licenses in general, licenses may be issued for a shorter period of time, in which case a prorata license fee must be charged.
- Subd. 4. Temporary on-sale 3.2 malt liquor licenses shall be granted for periods not exceeding seven (7) successive calendar days and sales may be made upon public parks, in school buildings, or other public places, specifically designated by the council, or upon property owned or leased by the applicant and approved by the council. No more than three (3) such licenses shall be granted to any applicant during any calendar year.

Subd. 5. Eligibility for Temporary Licenses. A club or charitable, religious, or non-profit organization may be issued a temporary on-sale license for the sale of non-intoxicating malt liquor.

Subd. 6. Transfer. Each license required by this section shall be issued to the applicant only. Each license shall be issued for the location described in the application only. No license may be transferred to another person or another place without approval of the council.

Sec. 6.03 INTOXICATING LIQUOR LICENSES

Subd. 1. It is unlawful for any person, organization, corporation or club, except wholesalers or manufacturers, to the extent authorized under state law, to directly or indirectly sell or keep for sale, any intoxicating liquor without first having received a license to do so approved by the council.

Subd. 2. Classification of Intoxicating Liquor Licenses. Intoxicating liquor licenses issued by the City shall be of the following kinds:

- a. On-sale liquor license.
- b. Special club license.
- c. Off-sale liquor license.
- d. Temporary on-sale license.
- e. Special Sunday on-sale license.

Subd. 3. Application, Investigation, Investigation Fee, Etc.

- a. Application for intoxicating liquor licenses shall be in the form prescribed by the council and may contain any information that the council may require.
- b. At any time an additional investigation is required, because of a change of ownership or control of a corporation or because of an enlargement, alteration or extension of the premises previously licensed, or in connection with any license renewal where the council deems additional investigation to be necessary, the intoxicating liquor licensee shall pay additional investigation fees in an amount to be determined by resolution of the council, subject to the limits set out in state law.

Subd. 4. License Fees. Intoxicating liquor license fees shall be as determined by resolution of the Council. Each license shall be issued for a period of one (1) year, except that for the purpose for coordinating the time of expiration of licenses in general, licenses may be for a shorter period of time in

which case a prorata license fee must be charged. No refund of any fees shall be made except as authorized by state law.

- Subd. 5. General Eligibility Requirements. In addition to all other restrictions imposed by law or ordinance, no intoxicating liquor license shall be granted to, renewed, or held by any person:
- a. Who if a corporation does not have a manager who is eligible pursuant to the provisions of this chapter and state law;
 - b. Who is the spouse of a person ineligible for a license pursuant to the provisions of this chapter or state law or who, in the judgment of the council, is not the real party in interest or beneficial owner of the business operated or to be operated under the license;
 - c. Special club licenses shall be issued only to duly incorporated clubs.
- Subd. 6. Number of Licenses. The council shall issue no more than two (2) intoxicating on-sale liquor licenses, and shall issue no more than one (1) intoxicating off-sale license. The number of special club licenses shall be the number prescribed by state law.
- Subd. 7. On-sale intoxicating liquor licenses shall be issued only to restaurants or exclusive liquor stores and shall permit on-sale of intoxicating liquor only.
- Subd. 8. Off-sale intoxicating liquor licenses shall be issued only to exclusive liquor stores and shall permit off-sale of liquor only.
- Subd. 9. Special Temporary Intoxicating Liquor License. The City may issue to a club or charitable, religious or other non-profit organization, in existence for at least three (3) years, or to a political committee registered under Section 10A.14 of the Minnesota Statutes, a temporary license for the on-sale of intoxicating liquor in connection with a social event within the municipality sponsored by the licensee. The license may authorize the on-sale of intoxicating liquor for not more than four (4) consecutive days and may authorize on-sales on premises other than the premises the licensee owns or permanently occupies. The license may provide that the licensee may contract for intoxicating liquor catering services with the holder of a full year on-sale intoxicating liquor license issued by the municipality. The licenses are subject to a license fee as imposed by the council. Licenses issued under this subdivision are subject to all laws and ordinances governing the sale or intoxicating liquor. Licenses under this subdivision are not valid unless first approved by the Commission of Public Safety. No more than three (3) temporary licenses for the sale of alcoholic beverages to any one organization or registered political

subcommittee, or for any one location, shall be issued within a twelve (12) month period.

Sec. 6.04 GENERAL PROVISIONS

- Subd. 1. No licensing under this article shall prevent a peace officer from entering upon or inspecting the public portion of the premises of the license under this article during business hours without a search warrant.
- Subd. 2. The business records of any licensee owning an intoxicating liquor license, including federal and state tax returns, shall be available for inspection by duly authorized representatives of the City of the council at all reasonable times. Any licensed premises may be inspected by the health officer at such time or times as necessary or advisable to maintain clean and sanitary conditions.
- Subd. 3. Enlargement, Alteration or Extension of Premises. Any proposed enlargement, alteration or extension of premises licensed for sale of intoxicating liquor herein shall be reported to the council at or before the time application is made for a building permit for such changes, and the licensee shall give such information as is required by the ordinances, and shall be subject to the approval of the council.
- Subd. 4. Transfer. Each license required herein shall be issued to the applicant only. Each license shall be issued for the location described in the application only. No license may be transferred to another person or another location without the approval of the council.
- Subd. 5. No person shall mix or prepare intoxicating liquor for consumption in any public place except in a public place for which a temporary on-sale license has been issued. No persons shall consume alcoholic beverages upon public sidewalks or streets of the City, except if said premises is the subject of a temporary license issued by the City.
- Subd. 6. No minors shall be employed to sell or to serve 3.2 malt liquor in any establishment holding a license pursuant to this chapter.
- Subd. 7. No person having a license for the sale of 3.2 malt liquor shall permit consumption of intoxicating liquor upon his license premises or permit any person to bring the same thereon unless the premises is otherwise licensed so as to permit consumption of intoxicating liquor on the premises.
- Subd. 8. No minors shall be employed in a room where 'on-sales' of intoxicating liquor are made and no such person shall be allowed to be or remain in such room unless accompanied by his parent or guardian, except that

minors may be employed as musicians or to perform the duties of a busboy or dishwashing services.

- Subd. 9. No sale of intoxicating liquor or 3.2 malt liquor shall be made, either off-sale or on-sale, during the days and hours when such sales are prohibited by the Minnesota statutes.
- Subd. 10. The premises which is the subject of any license granted herein shall be vacated by the public within thirty (30) minutes of the required closing times as provided by state law.
- Subd. 11. Suspension and Revocation. The council may either suspend or revoke any license granted herein upon a finding that the licensee has failed to comply with any applicable statute, regulation or ordinance relating to sale of intoxicating liquor and intoxicating malt liquor and subject to the licensee's rights to a hearing and process pursuant to Minnesota statutes.
- Subd. 12. Licenses, Liability Insurance or Showing of Financial Responsibility. No retail license may be issued, maintained or renewed unless the applicant or licensee demonstrates proof of financial responsibility for appropriate liability insurance pursuant to the requirements of the Minnesota statutes, and subject to the exceptions provided therein.

Sec. 6.05 VIOLATIONS AND PENALTIES

Any person violating any provision of this ordinance or the Minnesota statutes shall be subject to the penalties set out in the Minnesota statutes incorporated herein, and where no penalty is specified in the state statutes, the violation shall be a misdemeanor.

Sec. 6.06 CONTROL OF TRANSIENT MERCHANTS, PEDDLERS, AND HAWKERS

- Subd. 1. Definitions. The following terms shall have the meanings given to them:
- a. "Transient merchant" means any person, both as principal and agent, who engages in, does, or transacts any temporary or transient business in the City, either in one locality, or by traveling about from place to place in the City, selling goods, wares, or merchandise and who also, for the purpose of carrying on such business, hires, leases, occupies or uses a building, structure, vacant lot, or railroad car for a business office or the exhibition or sale of such goods, wares or merchandise.
 - b. "Peddlers" means any person who sells tangible goods, wares and merchandise from house to house, store to store, or place to place.

c. “Hawkers” means any person who offers goods, wares or merchandise, for sale on the streets, sidewalks or in other public places attracting the attention of persons by exposing the goods, wares or merchandise in a public place, or by placards, stables or audible or visible signals.

Subd. 2. Permission Required. Prior to conducting business in the City, every transient merchant, peddler or hawker shall secure the permission of the chief of police to conduct his business.

Subd. 3. Penalty. Any person violating any provision of Sections 6.06, Subd. 1 to Subd. 2 shall be guilty of a misdemeanor.

CHAPTER 7

ZONING

Sec. 7.01 TITLE AND APPLICATION

- Subd. 1. Authority. This Ordinance is enacted pursuant to the authority granted by the Municipal Planning Act, Minnesota Statutes, Sections 462.351 to 462.365 as amended.
- Subd. 2. Title. This Ordinance shall be known as the “Welcome Zoning Ordinance” except as referred to herein, where it shall be known as “this Ordinance”.
- Subd. 3. Intent and Purpose. It is the intent of this Ordinance to protect the public health, safety and general welfare of the community and its people through the establishment of minimum regulations in regard to location, construction, alteration and use of structures and land in the City of Welcome. Such regulations are established to protect use areas; to promote orderly development and redevelopment; to provide adequate light, air, and convenience of access to property; to provide for compatibility of different land uses; to provide for administration of this code and to prescribe penalties for violation of such regulations.
- Subd. 4. Rules of Construction. The language set forth in the text of this chapter shall be interpreted in accordance with the following rules of construction.
- a. Words used in the present tense shall include the future; words in the singular shall include the plural, and the plural the singular.
 - b. “Person” shall include an individual, association, syndicate, organization, partnership, trust company, corporation or any other legal entity.
 - c. “Shall” is to be construed as being mandatory and no discretionary.
 - d. “May” is to be construed as being permissive.
 - e. “Lot” shall include the words “plot”, “piece” and “parcel”.
- Subd. 5. Definitions. The following words and terms, as they occur in this Ordinance, shall be interpreted as herein defined.
- Accessory Use or Structure. A subordinate detached building or use which is located on the same lot on which the main building or use is

situated and which is reasonably necessary and incidental to the conduct of the primary use of such main building or use.

Amendment. Any modification of the Ordinance text or map. A map amendment shall be known as a rezoning.

Amusement/Entertainment Facilities. A business devoted primarily to entertain and amuse its customers including bowling alleys, billiard halls, and video arcades.

Antenna. A system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves, which system is freestanding or attached to the exterior of any structure.

Appeal. An action brought by an applicant where it is alleged that there is an error in any order, request, decision or determination by the City Council in the enforcement of the Zoning Ordinance.

Board. The Board of Adjustment and Appeals. The Planning and Zoning Commission shall act as the Board of Adjustment and Appeals.

Building. Any structure used or intended for supporting or the sheltering of any use or occupancy.

Building Height. The vertical distance measured from the average elevation of the finished grade along the front of the building to the highest point of the roof surface.

Business Sign. A sign which directs attention to a business or profession or to a commodity, service or entertainment sold or offered upon the premises where such a sign is located.

Cemeteries. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries.

Convenience Services. Any retail and/or service establishments which target automobile occupants to meet their convenience and fast service needs. These establishments typically include, but are not limited to gasoline stations and drive-in establishments such as fast food restaurants.

Day Care Facility. Any state licensed facility, public or private, which provides one or more persons with care, training, supervision, habilitation, rehabilitation, or developmental guidance on a regular basis, for periods of less than twenty-four (24) hours a day, in a place other than the person's own home. Day care facilities include, but are not limited to: family day

care homes, group family day care homes, day care centers, day nurseries, nursery school, daytime activity center, day treatment programs, and day services as defined by Minn. Stat. Section 245.782, Subd. 5.

Drive-In Establishments. Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where fast service to the automobile occupants is a service offered regardless of whether service is also provided within a building.

Dwelling. A building or portion thereof designed or used exclusively for residential occupancy, including single-family, two-family and multiple-family dwelling units, but not including hotels and motels.

Dwelling Unit. One or more rooms in a dwelling designed for occupancy by one family for living purposes and having separate permanently installed cooking and sanitary facilities.

Eating and Drinking Establishments. An establishment in which food and/or drink is offered or prepared and served for public consumption and is served to customers at counters or tables by employees.

Family. Any number of individuals related by blood, legal adoption or marriage, or three or less unrelated individuals living together on the premises or in a single housekeeping unit.

Farm. Any tract of land, usually with a house and barn plus other buildings on which crops and livestock are raised but excluding feedlots.

Farm Animals. Cattle, hogs, bees, sheep, goats, chickens, turkeys, horses and other animals commonly accepted as farm animals in the State of Minnesota.

Feedlot. A confined dry lot area for finish feeding of cattle, swine, sheep, etc. on concentrated feeds with no facilities for pasturing or grazing.

Finance, Insurance and Real Estate. Establishments operating primarily in the fields of finance, insurance and real estate including, but not limited to, depository institutions, credit institutions, investment companies, security and commodity exchanges, insurance agents and brokers, real estate developers, buyers, agents and lessees.

Floor Area. The sum of the gross horizontal areas of the several floors of the building, measured from the exterior faces of the exterior walls.

Frontage. That part of a lot fronting on one side of a street between the side lot lines or between a street right-of-way and a side lot line.

Gross Floor Area. The sum of the gross horizontal areas of the several floors of the building, measured from the exterior faces of the exterior walls.

Home Occupation Any occupation or profession engaged in by the occupant of a residential dwelling unit, which is clearly incidental and secondary to the residential use of the premises and does not change the character of the premises.

Hotel/Motel. A building in which there are more than ten (10) sleeping rooms usually occupied singly and temporarily by individuals who are lodged with or without meals.

Industry, Heavy. A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industry, Light. A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Kennels. An establishment licensed to operate a facility housing dogs, cats, or other household pets and where grooming, breeding, boarding, training or selling of animals is conducted as a business.

Livestock. Farm animals, raised for home use or for profit.

Lot. A parcel of land, separated from other parcels by description.

Lot Area. The area of a horizontal plane within the lot lines.

Lot Coverage. The area of a lot occupied by the principal building or buildings and all accessory buildings.

Lot, Corner. A lot situated at the junction of and abutting on two (2) or more intersecting streets.

Lot Depth. The shortest horizontal distance between the front lot line and the rear lot line measured from a ninety (90) degree angle from the street right-of-way within the lot boundaries.

Lot of Record. A lot or parcel for which a deed has been recorded in the office of the County Register of Deeds prior to the date of adoption of this Ordinance.

Lot Width. The minimum required horizontal distance between the side lot lines measured at right angles to the lot depth, at the minimum building setback line.

Manufactured Home. Any single-family dwelling transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (4) body feet or more in length, or, when erected on site, is three hundred twenty (32) or more square feet, and which is built on a permanent chassis, with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

Manufactured Home Park. An approved site, lot, field or tract of land designed, maintained, or used for the purpose of supplying location and accommodations for manufactured homes and shall include any building, structure, vehicle, or enclosure used or intended for use as part of the equipment of such park.

Multiple-Family Dwelling. A dwelling containing three or more dwelling units designed with more than one dwelling unit connecting to a common corridor or entranceway.

Nonconformity. Any use, structure or lot of record existing or authorized before this Ordinance became effective but prohibited thereafter.

Nonconforming Lot. A lot or parcel which does not meet the lot size requirements of the district within which located.

Nonconforming Structure. A structure which is used in accordance with the use requirements of the zoning district but does not meet the dimensional requirements (setbacks, etc.) of the district within which located.

Nonconforming Use. A use of land or structure which is not permitted in the zoning district within which located.

Nurseries or Greenhouses. A place where plants are grown for sale, transplanting or experimentation.

Nursing, Rest or Convalescent Home. A private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, but not containing equipment for surgical care or for treatment of disease or injury.

Office. A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

Personal or Business Service Establishments. Establishments primarily engaged in providing a wide variety of services for individuals, business and government establishments, and other organizations but excluding convenience services. Uses included but not limited to eating/drinking establishments, hotels/motels, health, legal, engineering, membership organizations, amusement/entertainment facilities, and other professional services.

Principal Use or Structure. The main building on a lot in which the intended allowable use of the property is conducted.

Recreational Camping Area. Any area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of five or more tents or recreational camping vehicles free of charge or for compensation.

Repair/Maintenance Shops. Consumer oriented retail businesses offering repair and maintenance services for normal household goods and commodities including but not limited to clothing repair, automobile repair and maintenance, and small and large appliance repair.

Retail Trade. Establishments engaged in selling merchandise to the general public for personal or household consumption and rendering services incidental to the sale of the goods. Retail trade includes the selling and renting of goods and products including but not limited to apparel, health and beauty products, food, appliances, furniture, tools, hardware, toys, and sporting goods.

Right-of-Way. An area or strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electrical transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or other special use.

Setback. The horizontal distance between a building and the lot line.

Signs. A name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public, and which directs attention to a product, place, activity, person, institution or business.

Single-Family Dwelling. A detached or attached dwelling designed exclusively for occupancy by one family only.

Stables. An accessory building in which horses are kept for private or commercial use including boarding, hire or sale.

Structure. Anything constructed or erected, the use of which requires permanent location of the ground or attachment to something having a permanent location on the ground.

Two-Family Dwelling. Two connected single-family dwellings designed exclusively for occupancy by families living independently of each other.

Variance. A modification or variation of the dimensional provisions of this chapter, as applied to a specific piece of property.

Wholesale Trade. Establishments primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, construction contractors, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies.

Yard. An open space of the same lot with a building or structure, which is unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in this chapter.

Yard, Front. An unoccupied space extending across the front of a lot between the side yard lines and lying between the front street line of the lot and the front principal building line. For corner lots, the front yard shall be that yard having the least street frontage.

Yard, Rear. The space between the rear principal building line and the rear lot line, extending for the full width of the lot.

Yard, Side. The space between the side principal building lines and the nearest adjacent side lot line, extending from the front to the rear building lines.

Yard, Street Side. The space between the side principal building line and the street.

Zoning Map. The map or maps incorporated into this chapter as a part thereof designating the zoning districts.

Sec. 7.02 ADMINISTRATION AND ENFORCEMENT

Subd. 1. Zoning Administrator. Unless otherwise specified, the City Council shall appoint the City Clerk as Zoning Administrator, whose responsibilities shall be as follows:

- 1) Issue occupancy and building permits, and make and maintain records thereof.
- 2) Conduct inspections of buildings and use of land to determine compliance with the terms of the Ordinance.
- 3) Maintain permanent and current records of the Ordinance, including but not limited to all maps, amendments and conditional uses, variances, appeals and applications.
- 4) Institute in the name of the City, any appropriate actions or proceedings against a violator as provided for in this Ordinance.

Sec. 7.03 VARIANCE AND APPEALS

Subd. 1. Board of Adjustment and Appeals. The Planning and Zoning Commission shall act as the Board of Adjustment and Appeals. The Board of Appeals has the following powers and duties with respect to the Zoning Ordinance.

- 1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by an administrative officer in the enforcement of the Zoning Ordinance.
- 2) To hear requests for variances from the literal provisions of the Ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the Ordinance.

Subd. 2. Variances and Appeals. Modification or variance from this Ordinance may be permitted to provide relief from this Ordinance on an individual basis. Variances may not be granted to allow a land use which is not permitted in the zoning district within which a property is located.

- a. Circumstances for Granting a Variance or Appeal.

- (i) A variance or appeal may not be approved unless the Board determines that the proposed action will not:
 - (a) Impair an adequate supply of light and air to adjacent property.
 - (b) Unreasonably increase the congestion in the public street.
 - (c) Increase the danger of fire or endanger the public safety.
 - (d) Unreasonably diminish or impair established property values within the neighborhood, or in any way be contrary to the intent of this Ordinance.

- (ii) Variances from the literal provisions of this Ordinance may be granted where their strict enforcement would cause “undue hardship” because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of this Ordinance. The term “undue hardship” shall mean the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to the property and not created by the landowner, and the variance is granted will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance. The Board may impose conditions in the granting of variances to ensure compliance and to protect adjacent properties.

b. Procedures for Variance and Appeal.

- (i) Requests for a variance or appeal shall be filed with the City Clerk on an official application form. A variance application shall also be accompanied by five (5) copies of written and graphic materials necessary for the explanation of the request. Materials shall include a site plan showing the location of the building relative to lot lines, lot dimensions and a description of how unique circumstances cause undue hardship. An appeal application must be filed not later than sixty (60) days after the date of decision or determination by the City Council.

- (ii) The request shall be placed on the agenda of the first Board meeting following the requisite public notice period and

submission of a complete application. The request shall be considered as being officially complete when all of the information requirements are complied with.

- (iii) The Board shall hold a public hearing on the request. The Board shall hear such persons as wish to be heard. Notice of any such hearing shall be mailed not less than ten (10) days in advance to all property owners within two hundred (200) feet of the property to which the variance or appeal relates, insofar as the names and addresses of such owners can reasonably be determined by the City Clerk from records maintained by the County. Failure of a property owner to receive notice shall not invalidate any such proceedings.
- (iv) The Board shall make findings of fact and shall decide whether to approve or deny a request for variance within sixty (60) days of the date the application is accepted as complete. Failure to approve or deny a request within sixty (60) days of the date the application is accepted as complete automatically approves the request.

The Board may impose any reasonable condition in the granting of such variances in order to insure compliance with this Ordinance, or to protect adjacent property.

- (v) Any variance or appeal of this Zoning Ordinance shall be by a majority vote of the Board.
- (vi) The resolution granting the variance shall be filed with the County by the applicant.
- (vii) Any person aggrieved by a decision of the Board may appeal the decision to the City Council. The appeal must be submitted in writing to the City Clerk within 10 days of the date of the decision by the Board. Upon appeal, the City Council shall consider the request within 60 days unless an extended period is agreed with the appellant. The City Council may reverse a decision of the Board by an affirmative vote of two-thirds of its full membership.

- c. Lapse of Variance or Appeal. If within one (1) year after granting a variance or appeal the use as permitted by the variance or appeal shall not have been completed or utilized, then such a variance or appeal shall become null and void unless a petition for extension of time in which to complete or utilize the use has been granted by

the Board. Such extension shall be requested in writing and filed with the City Clerk at least thirty (30) days before the expiration of the original variance or appeal. There shall be no charge for the filing such petition. The request for extension shall state facts showing a good faith attempt to complete or use the use permitted by the variance or appeal. Such petition shall be presented to the Board for decision.

Sec. 7.04 AMENDMENTS

- Subd. 1. Procedure. An amendment to this Zoning Ordinance may be initiated by the Planning Commission, City Council or by a petition of affected property owners.
- a. Requests for rezonings shall be filed with the City Clerk on an official application form. Such application shall also be accompanied by five (5) copies of detailed written and graphic materials necessary for the explanation of the request.
 - b. An amendment not initiated by the Planning and Zoning Commission shall be referred to the Planning and Zoning Commission for study and report and may not be acted upon by the City Council until it has received the recommendation of the Planning and Zoning Commission on the proposed amendment or until 60 days have elapsed from the date of reference of the amendment without a report by the Planning and Zoning Commission.
 - c. The request shall be placed on the agenda of the first possible Planning and Zoning Commission meeting following the requisite public notice period and the submission of a complete application. The request shall be considered as being officially complete when all of the information requirements are complied with.
 - d. Upon receipt of the complete application, the City Clerk shall set a public hearing following proper notification. The Commission shall hear such persons as wish to be heard. Notice shall be mailed to all property owners within 350 feet of the subject property insofar as the names and addresses of such owners can reasonably be determined by the City Clerk from records maintained by the County. Non site specific amendments do not require mailed notice. Failure of a property owner to receive notice shall not invalidate any such proceedings. Notice shall also be published in the official newspaper of the City at least ten (10) days prior to the date of the hearing.

- e. The Planning and Zoning Commission shall consider possible adverse affects of the proposed amendment. Its judgment shall be based upon (but not limited) to the following factors:
 - (i) The proposed use is or will be compatible with present and future land uses of the area.
 - (ii) The proposed use conforms with all dimensional standards contained herein.
 - (iii) The proposed use will not tend to or actually depreciate the area in which it is proposed.
 - (iv) The proposed use can be serviced with existing public services and will not overburden the City's service capacity.
 - (v) Traffic generation by the proposed use is within the capabilities of streets serving the property.
- f. The Planning and Zoning Commission shall make findings of fact and shall decide whether to recommend approval or denial of a request for the amendment.
- g. After receipt of the recommendation of the Planning and Zoning Commission, the City Council shall consider the matter and may hold whatever hearing it deems advisable. The City Council shall act upon the amendment within 60 days of the date of the application. Failure to approve or deny a request within sixty (60) days of the filing of a complete application automatically approves the request.
- h. An amendment to this Zoning Ordinance shall be by four-fifths (4/5) vote of the full City Council.
- i. The amendment shall not become effective until such time as the City Council approves an ordinance reflecting the amendment and after the ordinance is published in the official newspaper of the City.

Sec. 7.05 DISTRICT USE AND DIMENSIONAL REQUIREMENTS

- Subd. 1. Establishment and Purpose of Districts. The following zoning districts are hereby established with the following purpose.

- A Agricultural District** – The A, Agricultural District is intended to provide a district which will allow agricultural uses to continue in the City until such time as the land on which these uses lie are ready for urban development.
- R Residential District** – The R, Residential District is intended to serve as the district for all residential uses.
- CBD Central Business District** – The CBD, Central Business District is intended to serve as the service, retail, employment, institutional and public business district for the community.
- B Business District** – The B, Business District is intended to serve as the district for convenience goods and services.
- I Industrial District** – The I, Industrial District is intended to serve as the district for all industrial activities.

Subd. 2. Allowable Uses. The uses listed below are allowable as permitted, conditional, or accessory uses only in those use districts as indicated. Each use is subject to all of the performance standards set forth in Section 5 of this Ordinance. If a use is conditional, it is subject to the conditional use provisions set forth in Section 6 of this Ordinance. If a use is not listed, it is not allowable within that district. For the purpose of the following section, P means a Permitted Use and C means a Conditional Use.

	<u>A</u>	<u>R</u>	<u>CBD</u>	<u>B</u>	<u>I</u>
Agricultural					
Farms excluding Livestock	P				
Nurseries/Greenhouses	P				
Farms including Livestock	C				
Kennels and Stables	C				

	<u>A</u>	<u>R</u>	<u>CBD</u>	<u>B</u>	<u>I</u>
Residential					
Single-Family		P	P	P	C
Two-Family		P	P	P	C
Multiple-Family (3+ units)		C	P	P	C
Manufactured Homes		C			
State licensed group home or foster home serving seven to sixteen persons		P			
Licensed Day Care facilities of 16 or fewer persons		P			
Institutional					
Churches, Assembly, Worship		C	P	P	
Hospital, Medical Facilities		C	P	P	
Public Schools		C	P	P	
Public Services and Facilities (Parks Museums, Govt. Bldgs., etc.)		P	P	P	P
Utilities (public sewer, water)		P	P	P	P
Cemeteries	C	C	C	C	
Commercial					
Manufactured Home Parks				C	
Recreational Camping Area				P	
Retail Trade			P	P	
Finance, Insurance and Real Estate			P	P	
Personal or Business Services			P	P	
Convenience Services excluding the Sale of diesel				P	
Convenience Services allowing the Sale of diesel				C	
Industrial					
Wholesale Trade					P
Light Industry					P
Heavy Industry					C
Outdoor Storage					C
Accessory Uses					
Private garages, parking spaces and carports	P	P			
Recreation vehicles and equipment	P	P			
Home occupations	P	P			
Swimming pools, tennis courts and other recreational facilities	P	P			
Decks, Patios and Porches		P	P	P	

	<u>A</u>	<u>R</u>	<u>CBD</u>	<u>B</u>	<u>I</u>
Accessory Uses					
Tool houses, sheds and similar buildings for storage of domestic supplies and non-commercial recreational equipment	P	P			
Commercial or business buildings and structures for a use accessory to the principal use but such use shall not exceed thirty (30) percent of the gross floor area of the principal use.			P	P	
Off-street parking as regulated in Section 5.3 of this ordinance.				P	P
All signs and informational or visual communication devices as regulated in Section 7.8 of this Ordinance.	P	P	P	P	P

Subd. 3. District Dimensional Requirements. The following provisions apply with regard to lot area, depth, width, setbacks and height A, Agricultural District; R, Residential District; CBD, Central Business District; B, Business District; and the I, Industrial District for all principal and accessory uses:

	A	R
Minimum Lot Area Per Unit		
Farmstead (in Acres)	40	
Single-Family (in Square Feet)		5,000''
Two-Family (in Square Feet)		2,500''
Multiple-Family (in Square Feet)		1,500''
Minimum Lot Width (Feet)	200	50
Minimum Front Yard (Feet)	50	30
Minimum Side Yard (Ft)	10	6
Exception: Storage Bldg. 12'x12'		
With maximum height of 12'		
	3	
Minimum Street Side Yard (Ft)	25	25
Minimum Rear Yard (Ft)	50	20
Exception: Storage Bldg. 12'x12' with		
Maximum height of 12'		

Maximum Building Height (feet)	30	30
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¹Lot size shall be larger than the minimum size as directed by soil conditions to meet on-site waste water treatment requirements.

	CBD	B	I
Minimum Lot Area (Sq Feet)	N/A	10,000	10,000
Minimum Lot Width (Feet)	N/A	100	100
Minimum Front Yard (Feet)	0	25	25
Minimum Side Yard (Feet)	0	5	20
Minimum Side Yard (Feet) if adjacent to a residential district	5	30	75
Minimum Rear Yard (Feet)	0	20	20
Minimum Rear Yard (Feet) if adjacent to a resident district	10	30	75
Maximum Building Height (Feet)	40	40	40
Off-Street Parking (space/square feet)	N/A	1/200 S.F. ²	1/400 S.F. ²

²One parking space for each 300 square feet of gross floor area.

Subd. 4. Official Zoning Map. The location and boundaries of the districts established by this Ordinance are hereby set forth on the Zoning Map entitled “Zoning Map of Welcome”. The map shall be on file with the City Clerk, and hereinafter referred to as the “Zoning Map”, which map and all notations, references and other information shown therein shall have the same force and effect as if fully set forth herein and thereby made a part of this Ordinance by reference.

Subd. 5. Annexed Territory. Any land annexed to the City in the future shall be placed in the A, Agricultural District until placed in another district by action of the City Council after recommendation of the City Planning and Zoning Commission.

Sec. 7.06 EXCEPTIONS

Subd. 1. Permitted Yard Encroachments. Elements such as the following shall be permitted to encroach into required yards.

- a. Fences, walls, hedges and planted materials provided they do not exceed six feet in height along the rear and side property lines and do not exceed three feet in height along the front lot line. On corner lots, no fence, wall or hedge shall be permitted within the triangular area defined as beginning at the intersection of the projected curb line of two intersecting streets, thence thirty feet from the point of beginning on the other curb line, thence to the point of beginning, unless the fence, wall or hedge is at least seventy-five percent open.
- b. Steps and ramps provided they do not encroach to a distance less than five feet from a side yard and rear lot lines, or more than five feet into a required front yard. No encroachment shall be permitted in existing or required drainage and utility easements.
- c. Yard lights provided they do not encroach to a distance less than five feet from a side yard and rear lot lines, or more than five feet into a required front yard. Any light or combination of lights which cast light on a public street shall not exceed one foot candle (meter reading) as measured from the center line of said street. Any light or combination of lights which cast light on residential property shall not exceed four foot candles (meter reading) as measured from said property.

Subd. 2. Permitted Height Exceptions. The following shall be permitted to exceed the height restrictions for the district provided they are not used for human occupancy:

- a. Ornamentation such as church spires, belfries, bell towers, cupolas, domes, monuments and flagpoles.
- b. Mechanical appurtenances such as solar collectors, chimneys, smoke stacks, elevators, and public utility facilities (i.e. water towers, transmission and power lines).
- c. Communication towers such as television antennae and radio and telephone transmission towers.
- d. Buildings used for agricultural purposes such as grain elevators and silos.

Subd. 3. Nonconformities. It is the purpose of this section to provide for the regulation of existing structures, uses and dimensional requirements that do not conform to the requirements of the district in which they are located and to specify the requirements, circumstances and conditions under which the nonconforming structure, use or dimensional

requirements may be continued. It is the intent of this Ordinance that all nonconformities shall eventually be eliminated or made to comply with the City's use regulations.

a. Nonconforming Uses.

- (i) Any nonconforming use which lawfully existing upon the effective date of this Ordinance shall not be enlarged, moved or extended to occupy a greater area of land, but may continue at the size, intensity, and in the manner of operation existing upon the date of its nonconformity.
- (ii) A nonconforming use shall not be changed to another nonconforming use. When any nonconforming use has been changed to a conforming use, it shall not thereafter be changed to any nonconforming use.
- (iii) A nonconforming use may be changed to lessen the nonconformity of that use. Thereafter the use may not be so altered as to increase the nonconformity.
- (iv) Normal maintenance of a building or other structure containing or related to a lawful nonconforming use is permitted, including necessary nonstructural repairs and incidental alterations which do not physically extend or intensify the nonconforming use.
- (v) Nothing in this Ordinance shall prevent the placing of a structure in safe condition when the structure is declared unsafe by the City providing the necessary repairs shall not constitute more than fifty (50) percent of the fair market value of such structure. The value shall be determined by the City.

- b. If at any time, a nonconforming use shall be destroyed to the extent of more than fifty (50) percent of its fair market value, the value to be determined by the City, then without further action by the Council, the use shall, from and after the date of the destruction, be subject to all the regulations specified by these zoning regulations for the district in which such use is located. Any building containing a nonconforming use which is damaged to an extent of less than fifty (50) percent of its value may be restored to its former extent, if it is reconstructed within twelve (12) months after the date of the damage. Estimate of the extent of damage or destruction shall be made by the City.

- c. Whenever a lawful nonconforming use is discontinued for a period of one (1) year, any future use shall be made to conform with the provisions of this Ordinance.

Subd. 3. Nonconforming Structures and Lots.

- a. A nonconforming structure which contains conforming uses may be maintained, altered, and rebuilt provided the altered structure is no less conforming than before the alteration. If a nonconforming structure is to be expanded such that it does not meet the district requirements, it requires a variance.
- b. A nonconforming lot shall be deemed buildable if it is a lot of record as of the date of adoption of this ordinance, the proposed building meets all of the setback requirements of the zoning district within which located and the site is capable of supporting on-site waste water treatment facilities.

Sec. 7.07 PERFORMANCE CRITERIA

- Subd. 1. Purpose. Performance Criteria establish specific and quantifiable limitations on identified types of pollution and other activities which have a high nuisance potential. The performance standards apply in all zoning districts unless specifically stated to the contrary.
- Subd. 2. Noise and Vibration. Noises emanating from any use shall be in compliance with and regulated by the standards of the Minnesota Pollution Control Agency. Any use established or remodeled after the effective date of this Ordinance shall be so operated to prevent vibration discernable at any point beyond the lot line of the site on which such use is located. The City may also limit the hours of operation of outdoor noise if it is deemed necessary to reduce impacts on the surrounding neighborhoods. Ground vibration and noise caused by motor vehicles, trains, aircraft operations or temporary construction or demolition shall be exempt from these regulations. However, if deemed appropriate, the City may establish limits on the hours of operation and temporary construction or demolition operation to limit off-site impacts.
- Subd. 3. Smoke and Particulate Matter. No use shall produce or emit smoke, dust or particulate matter exceeding applicable regulations established by the Minnesota Pollution Control Agency at any point beyond the lot line of the site on which the use is located.
- Subd. 4. Odor. No use shall produce unreasonable or disturbing odors beyond the property line exceeding applicable regulations established by the Minnesota Pollution Control Agency.

- Subd. 5. Sewage and Water Facilities. All new developments shall be connected to City sewer and water facilities.
- Subd. 6. Refuse. All waste materials, debris, refuse, or garbage shall be kept in an enclosed building or property contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse.
- Subd. 7. Radioactivity, Electrical, Toxic or Noxious Disturbance. No activity shall emit dangerous radioactivity at any point, or electrical disturbances adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance, nor any concentration of toxic or noxious matter across the property line which exceeds applicable regulations of the Minnesota Pollution Control agency.
- Subd. 8. Signs. The following regulations shall apply to all signs and all use districts:
- a. The sum of all business signs for a particular business shall not exceed an area of 15% or the front wall area.
 - b. Only official identification, directional or traffic control signs shall be allowed within the public right-of-way.
 - c. Any advertising sign which is not kept in a reasonable state of repair shall be removed by the City after notice to the owner of the sign or billboard and like notice to the property owner and hearing thereon.
 - d. No sign shall be erected that, by reason of position, shape or color would interfere in any way with the proper functioning or purpose of a traffic sign or signal.
 - e. No sign shall be permitted which gives off an intermittent or rotating beam of light.
 - f. No sign in any residential area shall be permitted to be lighted.
 - g. Signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed twelve (12) square feet in area, except in all residential districts where the area of the sign shall not be more than six (6) square feet.
 - h. Political signs are allowed in any district on private property with the consent of the owner of the property. Such signs must be

removed within seven (7) days following the date of the election to which they applied.

Sec. 7.08 CONDITIONAL USE PROVISIONS

Subd. 1. Purpose. In addition to those uses specifically permitted in each zoning district, there are certain additional uses, known as conditional uses, which may be permitted because of their similar characteristics to permitted uses or because of the service which they provide to the general public. Such uses require particular consideration to insure their proper location in relation to adjacent established or intended uses. The conditions controlling the location and consideration of conditional uses shall be established by the provisions of this Section.

Subd. 2. Criteria for Granting A Conditional Use Permit. No conditional use permit shall be granted, unless the City Council determines that all of the following standards will be met:

- a. The use is consistent with the intent of this ordinance.
- b. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements.
- c. The use does not have an undue adverse impact on the public health, safety or welfare.
- d. The use does not negatively impact automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
- e. The use provides for adequate off-street parking and loading as necessary.
- f. The use meets all of the performance criteria requirements as established in Section 7 of this Ordinance.

Subd. 3. Procedures. The procedure for taking action on a conditional use application shall be as follows:

- a. An application for a Conditional Use Permit shall be submitted to the City Clerk with the required supporting data and a statement indicating how the requested use will meet with the criteria used in evaluating such requests. The required supporting data shall include, but not be limited to the following:
 - (i) Site plan showing parcel and building dimensions.

- (ii) Location of all buildings and their square footages.
 - (iii) Curb cuts, driveways, access roads, parking spaces and off-street loading areas.
- b. Once an application for a Conditional Use Permit is complete, the City Clerk will schedule the request for a Public Hearing before the Planning and Zoning Commission. A notice of the public hearing will be published in the official newspaper at least ten (10) days prior to the date of the hearing.
- c. The Planning and Zoning Commission shall transmit its findings and make recommendations to the City Council.
- d. The City Council shall consider the advice and recommendation of the Planning and Zoning Commission and make its decision within 60 days from the date of the filing of the application. Failure to approve or deny the request within sixty (60) days of the date the application is accepted as complete automatically approves the request. Should the council find that the proposed use when conducted under the specified conditions will not be detrimental to the health, safety and general welfare, they may grant a Conditional Use Permit specifying the conditions for location and use requested.

The City Council may impose any reasonable condition in the granting of such conditional use in order to insure compliance with this Ordinance, or to protect adjacent property.

- e. Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity to the terms of such permit and of any conditions designated in connection therewith.
- f. A Conditional Use Permit issued hereunder shall become void one (1) year after it was granted unless made use of.
- g. A Conditional Use Permit shall remain in effect as long as the conditions agreed upon are observed, but nothing shall prevent the city from enacting or amending this Ordinance to change the status of conditional uses.
- h. A certified copy of any Conditional Use Permit shall be filed with the County Recorder. The Conditional Use Permit shall include the legal description of the property included.

Subd. 4. Specific Conditional Use Provisions. In addition to the standards specified in this section, no conditional use permit shall be granted unless the City Council determines that each of the following specific standards have been met for the following uses:

- a. Manufactured homes placed on individual lots in the City shall conform to the following design standards:
 - (i) The home shall conform to the Manufactured Home Building Code as defined in Minnesota Statutes 327.31-327.35.
 - (ii) Such manufactured housing shall have a minimum habitable floor area of 800 square feet. No such home shall have a width of less than 20 feet.
 - (iii) Roof lines must have at least a 3/12ths pitch (3 inch slope per foot); flat or shed roofs are not permitted.
 - (iv) Such homes shall be placed on a permanent perimeter foundation. The foundation must meet the requirements in the Uniform Building Code as adopted by the State.
 - (v) Manufactured homes shall have exterior siding of a conventional exterior dwelling type material.

Sec. 7.09 PERMITS, FEES AND PENALTIES Revised 3/26/03

Subd. 1. Zoning Permits. Hereafter no person shall erect, alter, or move any building or part thereof without first securing a zoning permit and paying the permit.

Subd. 2. Fees. Any person filing a petition for an amendment to this Ordinance, requesting a variance, conditional use permit or a change in regulations within any district shall pay a prescribed fee according to a schedule established by the City Council. Fees shall be set annually by the City Council by resolution. The Council shall periodically review this fee.

Subd. 3. Penalty. Any person who violates any of the provisions of this Ordinance shall, upon conviction thereof, be punished as for a misdemeanor and be fined not more than the maximum penalty for a misdemeanor prescribed under state law.

Sec. 7.10 SEVERABILITY

Should any portion of this Zoning Ordinance be declared invalid by a court of law, the decision shall apply only to the portion directly specified, and the decision shall not affect the validity or enforcement of this Ordinance other than as specified.

CHAPTER 8

LOCAL IMPROVEMENTS

Sec 8.01 PURPOSE, SCOPE AND LIMITS.

The purpose of these special assessment policies is to set forth the policies and procedures for the determination of benefit and the assessment of cost of the various public improvements which are constructed and installed by the City of Welcome pursuant to Minnesota Statutes, City Ordinances and order of the City Councils. These policies shall serve as a guide for this and future City Councils, for administrative personnel and as a source of information for all persons concerned with such matters. It is the intent and purpose of these policies to provide for and insure consistent, uniform, fair, and equitable treatment, insofar as is practical and possible, of all property owners in regard to the assessment of cost for benefits to property for the various improvements of streets and utilities within the city.

Sec. 8.02 GENERAL STATEMENT OF POLICY

The City Council of Welcome hereby declares that these assessment policies contained herein are the policies that the City is dedicated to follow as nearly as is possible and practical, and that all improvement costs shall, whenever possible, be assessed against benefited property as set forth in these policy statements.

Sec. 8.03 SCOPE AND LIMITS

These assessment policies are designed to serve only as a general guide for the City Council in allocating benefits to properties for the purpose of defraying the cost of installing and improving public facilities. The Council reserves the right to vary from these policies if the policies act to create obvious inequalities, or where the assignment of benefit to a particular property is difficult because of an extreme or unusual situation, which is unlikely to occur in the future, or if such variance is deemed to be in the best interest of the City.

Sec. 8.04 INTERPRETATION AND APPLICATION

It is the intention of the Council, that in the event the literal application of the provisions outlined herein would result in an inequitable distribution of special assessments, the City Council reserves the right to adjust the policy so as to achieve a more equitable distribution, without formal amendment to the Code.

Sec. 8.05 DEFINITIONS

- Subd. 1. Total Assessable Cost. This shall mean the portion of the total project cost that is to be financed through special assessments and shall be equal to the total project cost minus city cost.
- Subd. 2. City. This shall mean the City of Welcome.
- Subd. 3. City Cost. This shall mean the portion of the total project cost that is to be financed from sources other than special assessments and shall be equal to the total project cost minus total assessable cost.
- Subd. 4. Assessable Frontage. This shall mean the amount of frontage attributed to a property for assessment purposes and shall be based upon a formula set forth later in this ordinance.
- Subd. 5. Benefited Property. This shall mean any property that, in the opinion of the City Council and as a result of a given project receives some direct or indirect benefit, utility, value, or use.
- Subd. 6. Undeveloped Areas. This shall mean any area that has not been subdivided.
- Subd. 7. City Streets. Streets providing for traffic within the City.
- Subd. 8. Truck Route Streets. Streets specifically designated for trucks to follow within the City.
- Subd. 9. Alleys. This shall mean a public right-of-way primarily designed to serve as a secondary access to the side or rear of a property whose principal frontage is on some other street.
- Subd. 10. Rural Streets. This shall mean any road so designated by the City Council that is designed to serve areas that are not urban in nature and are not likely to become urban in nature during the normal life expectancy of the road.
- Subd. 11. Trunk Line. This shall mean a large diameter line which has the primary function of conveying water, sanitary sewer, storm sewer, or other utility for more than one property.
- Subd. 12. Lateral. This shall mean a small diameter line which has a primary function of conveying water, sanitary sewer, storm sewer or other utility between individual lots and the trunk lines.
- Subd. 13. City Engineer. This shall mean a professional engineer as designated by the City Council.

Sec. 8.06 SCOPE OF LIABILITY

- Subd. 1. Extensions Beyond City Limits. The City will not provide public improvements of extension of utility service beyond the City limits of the City of Welcome for the purpose of service to properties lying outside the City.

- Subd. 2. Extensions into Undeveloped Areas. The City will not provide public improvements or extension of utility service into undeveloped areas or onto land that has not been subdivided.

Sec. 8.07 INITIATION OF IMPROVEMENTS

Improvements may be initiated by the City Council or by petition of not less than 35% of the affected property owners. Petitions requesting improvements will be received by the Council until the First day of July of the year prior to the year of requested construction. Petitions after this date will be received only upon special consent of the Council. The City Council, shall, by resolution, determine whether or not the petition has been signed by the required percentage of owners of the property affected by such petition.

Sec. 8.08 STANDARDS FOR IMPROVEMENTS

Subd. 1. Streets.

- 1. Prior to street construction, surfacing, or resurfacing, all utilities and utility service lines; including sanitary sewer, water lines, storm sewer and sump pump lines, and gas and electric services; shall be installed to serve each known or assumed building location.

- 2. No surface improvements to less than both sides of a full block of street shall be approved except as necessary to complete the improvement of a block which has previously been partially completed.

- 3. All streets shall be constructed according to the minimum design standards and any additional requirements of the City Engineer.
 - a. Truck Route Streets. All truck route streets shall be of a 9 ton design and of adequate width to accommodate projected traffic volumes.
 - b. Other City Streets. All other city streets shall be of 6 ton design and of adequate width to accommodate projected traffic volumes.

- c. Alleys. It will be the Council's intention to focus on alleys only after the Truck Route and other city streets have been improved. Alleys shall be constructed of design as needed for the area.

Subd. 2. Curb and Gutter.

1. Concrete curbing or curb and gutter may be installed at the same time as residential street surfacing or resurfacing except that residential curbs are not required.
2. All curb and gutter will be constructed of material determined by the City Council and shall meet the minimum specifications of the City Engineer.

Subd. 3. Sidewalks and Driveways. All sidewalks and driveways constructed within the right-of-way shall meet the minimum specifications of the City Engineer.

Subd. 4. Watermain-Trunk Lines and Laterals.

1. Trunk Water Main six inches in diameter shall be considered standard for all residential areas.
2. All Water Main trunk lines and laterals shall meet the minimum specifications of the City Engineer.
3. Service laterals to each known or assumed building location shall be installed in conjunction with the construction of the mains.

Subd. 5. Sanitary Sewer-Trunk Lines and Laterals.

1. Trunk sanitary sewer eight inches in diameter shall be considered standard for all residential areas.
2. All sanitary sewer trunk lines and laterals shall meet the minimum specifications of the City Engineer.
3. Service laterals to each known or assumed building location shall be installed in conjunction with the construction of the mains.

Subd. 6. Storm Sewer-Trunk Lines and Sump Pump Lines.

1. The installation of Storm Sewer, underdrains, and sump pump lines shall be required for all new street construction or any street reconstruction.
2. Sizes to be established to cover estimated requirements.
3. All sanitary sewer trunk lines and sump pump lines shall meet minimum specifications of the City Engineer.

Sec. 8.09 DETERMINATION OF ASSESSABLE FRONTAGE

The amount of assessable frontage assigned to each property shall be linear footage abutting or benefited by the street improvement, determined by measuring at the front of each property the distance between property lines.

1. Irregular shaped lots shall be given an average width. This average width may be determined by dividing the square footage of the lot by the average lot depth.
2. The front footage assigned to corner lots shall be the short side of the property. The assessable frontage for a corner lot shall be 100% of the frontage of the front of the lot plus 33% of the frontage of the 150 feet of the side of the lot plus 100% of any frontage over 150 feet on the side of the lot.

Sec. 8.10 FRONTAGE BASIS

On improvements that are to be assessed on a frontage basis, the assessment upon an individual property shall be calculated by multiplying the property's assessable frontage by the quotient of the total assessable project cost divided by the total assessable project frontage:

$$\begin{array}{l} \text{Individual Property's} \\ \text{Assessable Frontage} \end{array} \quad \times \quad \frac{\text{Total Assessable Project Cost}}{\text{Total Assessable Frontage}} = \begin{array}{l} \text{Individual} \\ \text{Assessment} \end{array}$$

Sec. 8.11 SQUARE FOOT BASIS

On improvements that are to be assessed on a square foot basis, the assessment upon an individual property shall be calculated by multiplying the property's square footage by the quotient of the total assessable project cost divided by the total project square footage:

$$\begin{array}{l} \text{Individual Property's} \\ \text{Square Footage} \end{array} \quad \times \quad \frac{\text{Total Assessable Project Cost}}{\text{Total Project Square Footage}} = \begin{array}{l} \text{Individual} \\ \text{Assessment} \end{array}$$

Sec. 8.12 APPLICATION OF FINANCIAL ASSISTANCE

If financial assistance is received from the federal government, from the State of Minnesota, or from any other source to defray a portion of the costs of a given improvement, such aid will first be used to reduce the “City cost” of the improvement. If the amount of assistance exceeds the amount of “City cost” the excess assistance shall be used to reduce the “assessable cost”.

Sec. 8.13 RATE AND TERM OF ASSESSMENTS

The terms of the assessment shall be determined by the City Council for each separate project. The maximum term of any assessment shall be 20 years, but the City Council may at its discretion designate a shorter term. The Council shall establish an interest rate to be paid on unpaid balances as may be necessary, but no less than the amount required to meet the bond principal and interest payments.

Sec. 8.14 PERCENT OF ASSESSABLE COST-STREETS

Subd. 1. New Construction. One hundred percent (100%) of the total assessable cost of any improvement associated with the construction of new streets shall be assessed against benefited property on a frontage basis.

Subd. 2. Reconstruction and Overlay. When condition of existing streets have deteriorated to the point where excessive maintenance is incurred or where facilities are inadequate, the City Council may elect to replace the street facilities. One hundred percent (100%) of the cost of any such improvement shall be assessed against benefited property on a frontage basis. In the case of alleys, one hundred (100%) percent of the cost of any improvements shall be assessed against benefited properties. The Council may provide the labor and materials at their discretion to create the necessary base needed for a 6 ton street. The residents will then pay 100% of the asphalt top surface which will be applied.

In many streets the base may have enough gravel fill already applied which had been provided at city cost earlier. In that case, the owners would not have the cost of fill. This decision attempts to equalize the base cost between owners throughout the city.

Sec. 8.15 PERCENT OF ASSESSABLE COST-CURB AND GUTTER

Subd. 1. New Construction. One hundred percent (100%) of the cost of new curb and gutter shall be assessed against the benefiting properties on a frontage basis.

Subd. 2. Replacement. When condition of existing curb, gutter, or curb and gutter have deteriorated to the point where excessive maintenance is incurred or where facilities are inadequate, the City Council may elect to replace the

curb and gutter facilities. One hundred percent (100%) of the total assessable cost of such replacement shall be assessed to the benefiting property of a frontage basis.

Sec. 8.16 PERCENT OF ASSESSABLE COST-DRIVEWAYS

Subd. 1. New Construction. One hundred percent (100%) of the cost of installing driveway facilities within the right of way shall be assessed against benefiting properties on a square footage basis. It shall be the responsibility of the abutting property owner to keep driveway facilities in good condition, and if major repair or replacement of a section of driveway within the right of way shall become necessary, the City may cause the improvement to be made and shall assess all cost against the affected property owner.

Sec. 8.17 PERCENT OF ASSESSABLE COST-WATER MAINS-TRUNK LINES AND LATERALS

Subd. 1. New Construction. One hundred percent (100%) of the cost of new trunk water lines and water service laterals shall be assessed against the benefiting properties on a frontage basis.

Subd. 2. Replacement. When condition of existing trunk water lines and/or existing water service laterals have deteriorated to the point where excessive maintenance is incurred or where facilities are inadequate, the City Council may elect to replace the water facilities. The cost of replacement will be shared by the City and the benefited property owners. One hundred percent (100%) of replacement of service laterals from the main to the house shall be assessed against the benefiting property with the City furnishing the Curb Box and repair of the street.

Sec. 8.18 PERCENT OF ASSESSABLE COST-SANITARY SEWER-TRUNK LINES AND LATERALS

Subd. 1. New Construction. One hundred percent (100%) of the cost of new trunk sewer lines and sewer service laterals shall be assessed against the benefiting properties on a frontage basis.

Subd. 2. Replacement. When condition of existing trunk sewer lines and/or existing sewer sewer service laterals have deteriorated to the point where excessive maintenance is incurred or where facilities are inadequate, the City Council may elect to replace the sewer facilities. The cost of the replacement will be shared by the City and the benefited property owners. One hundred percent (100%) of replacement of service laterals from the main to the house shall be assessed against the benefiting property with the City furnishing repair of the street.

Sec. 8.19 PERCENT OF ASSESSABLE COST-STORM SEWER

- Subd. 1. New Construction-New Developments. When Storm Sewer Facilities are installed in areas of new development, one hundred percent (100%) of the cost of new trunk storm sewer lines and sump pump lines shall be assessed against the benefiting properties on a frontage basis.
- Subd. 2. New Construction-Developed Areas. When new Storm Sewer Facilities are installed in areas that have been previously developed, the City shall assume on hundred percent (100%) of the cost of such installation.
- Subd. 3. Replacement. When conditions of existing trunk storm sewer lines and/or existing sump pump lines have deteriorated to the point where excessive maintenance is incurred or where facilities are inadequate, the City Council may elect to replace the storm sewer facilities. One hundred percent (100%) of the cost of such replacement shall be assumed by the City.

Sec. 8.20 DEFERMENT OF SPECIAL ASSESSMENTS FOR SENIOR CITIZENS

- Subd. 1. When Deferred. The Council may defer the payment of any special assessment on homestead property owned by a person who is 65 years of age or older and has an annual income of 50% or less of the median household income for Martin County. The deferment shall be granted upon a certification by the owner on a form prescribed by the county assessor supplemented by the city clerk to establish the qualification of the owner for such deferment. The application shall be made within 30 days after the adoption of the assessment roll by the council and all be renewed each following year upon the filing of a similar application not later than September 30. The council shall either grant or deny the deferment and, if it grants the deferment, it may require the payment of the interest due each year. If the council grants the deferment, the clerk shall notify the county auditor and the county assessor who shall, in accordance with Minnesota Statutes, Section 444.23, record a notice of the deferment with the register of deeds setting forth the amount of the assessment.
- Subd. 2. When Deferment Ends. The option to defer the payment of special assessments shall terminate and all amounts accumulated plus applicable interest shall become due upon the occurrence of any one of the following events:
1. The death of the owner when there is no spouse who is eligible for deferment;
 2. The sale, transfer, or subdivision of all or any part of the property;
 3. Loss of homestead status on the property;

4. Determination by the council for any reason that there would be no hardship to require immediate or partial payment;
5. Failure to file a renewal application within the time prescribed by Subdivision one.

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

CHAPTER 9

Revised 3/26/03

HOUSING-BUILDINGS-STRUCTURES

FAIR HOUSING

Sec. 9.01 DECLARATION OF POLICY

The public policy of the City of Welcome is declared to be foster equal opportunity for all to obtain decent, safe and sanitary housing without regard to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familiar status. Persons subject to such discrimination in housing suffer depressed living conditions which may create conditions which endanger the public safety, peace and order.

Sec. 9.02 PROMOTION OF FAIR HOUSING

The Welcome City Council is hereby encouraged to undertake programs to promote and encourage fair housing practices within the City of Welcome. Such programs shall be determined by the Welcome City Council, in its discretion, but may include, for example, programs to increase public awareness of fair housing practices and public knowledge of housing practices which are unlawfully discriminatory.

Sec. 9.03 MEDIATION OF FAIR HOUSING DISPUTES

The Welcome City Council is hereby designated as the agency to mediate disputes arising out of alleged violations of state and federal laws prohibiting discrimination in housing. The Welcome City Council shall designate one or more representatives who shall make themselves available to informally mediate such disputes. Participation in mediation is not a precondition to filing a housing discrimination charge with the appropriate state or federal agency and participation shall be completely voluntary and optional for the involved parties. Further, participation in such informal mediation shall not toll the time for filing a discrimination charge with the appropriate state or federal agency. The Welcome City Council shall advise all parties participating in mediation regarding the state or federal agency which may be contacted to file a housing discrimination charge.

BUILDING PERMITS

Sec. 9.04 ZONING PERMIT REQUIRED

No person shall commence or proceed with the erection, enlargement, alteration, or removal of any building or structure in the City without first obtaining and having a permit from the council therefore, or fail or neglect to comply with the

provisions of Sec. 9.04 to Sec. 9.07 and of the permit issued thereunder. The following shall require a zoning permit: New construction, Additions, Patios and Decks, Change of interior structure, Change of exterior structure, Fences, Storage buildings, and removal of buildings. Zoning permits are not required for flat concrete such as driveways and patio slabs but should be reported to city hall prior to pouring to assure that the project will not cover the water shutoff.

Sec. 9.05 ZONING APPLICATION

Any person desiring to erect, enlarge or alter any building or structure within the City shall apply to the council for a permit for that purpose, stating on the application the location, dimensions and approximate cost of the building or structure, and such further information relating thereto or to the installation of any of the appurtenances connected therewith as the council shall require, before the permit shall be issued, and shall file with the council, plans and specifications of the work to be done. The plans and specifications shall be filed for a sufficient length of time to allow the council to examine them, after which, if it shall appear to the council that the ordinances of the City and the requirements of the state law are, and are contemplated to be, complied with, and if the proposed building or structure is of such nature and at such a location as in the opinion of the council will not hinder, obstruct, impede or in any retard the growth of the City, or otherwise be contrary to the health, safety and welfare of its inhabitants.

Sec. 9.06 DURATION. A permit shall be valid for work commenced six months from date of issue of the permit.

Sec. 9.07 UNAUTHORIZED CONSTRUCTION DECLARED A NUISANCE

The construction, alteration or removal of any building in violation of the terms of Sec. 9.01 to 9.03 shall constitute a nuisance which may be abated, and no person shall fail to abate such nuisance when ordered to do so.

Sec. 9.08 PENALTY

Any person violating any provision of Sec. 9.01 to 9.03 by neglecting or refusing to secure a permit or to comply with a permit, or who proceeds upon the refusal of a permit by the council, or who fails to abate the nuisance declared in Sec. 9.03 when ordered to do so, shall be guilty of a misdemeanor.

Sec. 9.09 STATE MOBILE HOME PARKS AND CAMPING AREAS STATUTE ADOPTED

The provisions of Minnesota Statutes 1974, Sections 327.14 to 327.29, one copy of which is on file in the office of the City Clerk, are hereby adopted and made a part of this Code as if fully set forth herein. Sections 9.10 to 9.32 are intended to supplement the state law, providing additional requirements for the promotion of

the public health, welfare safety and convenience, and are not intended to conflict with the state law or any other provisions of this Code.

Sec. 9.10 DEFINITIONS

As used in sections 9.09 to 9.32, the following terms shall have the meanings given to them:

- (1) “Mobile home” means a transportable, single-family dwelling unit suitable for year round occupancy and containing the same water supply, water disposal, and electrical conveniences as immobile home, subject to tax or registration as a mobile home under the provisions of Minnesota Statutes, Chapter 168 or 273, and having no foundation other than wheels, jacks or skirtings.
- (2) “Mobile home lot” means a parcel of land within a mobile home park for the placement of a single mobile home and the exclusive use of its occupants.
- (3) “Mobile home park” means a parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, and which contains space for 30 or more semi-permanent mobile homes.
- (4) “Mobile home stand” means that part of an individual lot which has been reserved for the placement of the mobile home.
- (5) “Travel trailer” means a vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreational, or vacation use, with the manufacturer’s permanent identification “Travel Trailer” thereon, and, when factory equipped for the road, being of any length provided its gross weight does not exceed 4,500 pounds, or being of any weight provided its overall length does not exceed 28 feet.

Sec. 9.11 MOBILE HOMES TO BE LOCATED IN A MOBILE HOME PARK

No owner or renter shall use a mobile home for a permanent dwelling or place of abode in the City for an indefinite period of time unless the mobile home is located within a licensed mobile home park.

Sec. 9.12 DRAINAGE

The mobile home park shall be located on well drained area, and the premises shall be properly graded so as to prevent the accumulation of storm or other waters.

Sec. 9.13 SCREENING

There shall be a green belt, 30 feet in width, of plantings around the periphery of the mobile home park that adjoins any residential zones, to effectively screen the interior of the mobile home park.

Sec. 9.14 STREETS

All mobile home parks shall have street right-of-ways of not less than 40 feet in width. The right-of-way shall be hard surfaced for a width of at least 24 feet (there shall be no parking on the hard surface), adequately drained, and in good repair throughout.

Sec. 9.15 WATER AND SEWER FACILITIES

All watermains, hydrants, sanitary sewers, and storm sewers within a mobile home park shall be privately owned and maintained as prescribed by the city utility department.

Sec. 9.16 PARTIAL DEVELOPMENT

The Division of Inspection may, when consistent with public health welfare, safety and convenience, allow a mobile home park owner to develop the park in stages as it is occupied.

Sec. 9.17 MOBILE HOME LOTS

The minimum area of a mobile home lot shall be 4,000 square feet. The parking of more than one mobile home on any single mobile home lot shall not be permitted. A mobile home with all its accessory buildings shall cover not more than 25 per cent of the area of the lot on which it is situated. All mobile home lots shall have at least 40 feet of frontage on the street right-of-way.

Each mobile home lot shall have a mobile home stand of a hard paved surface or crushed rock in good repair, a minimum of 10 feet in width and of sufficient length and width to contain the wheels and tongue or hitch support of the mobile home.

Sec. 9.18 PLACING TRAVEL TRAILERS IN PARK

Travel trailers shall not be permitted within a mobile home park.

Sec. 9.19 SKIRTING REQUIRED

Skirting around the bottom of the mobile home are required. The construction and design of the skirting shall conform with the basic design of the mobile home.

Sec. 9.20 GAS

Each mobile home lot shall be provided with piped gas and shall have an approved manual shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.

Sec. 9.21 MOBILE HOMES NOT MEETING CONSTRUCTION REQUIREMENTS

Any mobile home placed in a mobile home park shall comply with all applicable provisions of state law, rules and regulations relating to their construction. The owner of or occupant of any mobile home that does not comply shall remove the mobile home from the park within 15 days after leaving of, or notification of by state or local authorities of noncompliance.

Sec. 9.22 PLACEMENT OF MOBILE HOMES ON LOT

Mobile homes shall be located at least 25 feet from any public street right-of-way or highway right-of-way, and at least 15 feet from the mobile home park boundary.

There shall be a minimum distance of 10 feet between an individual mobile home and the right-of-way of a mobile home park street or common parking area of other common areas.

Mobile homes and their additions shall be separated from either other and from other buildings and structures by at least 15 feet, provided that mobile homes placed end to end may have a clearance of 10 feet where opposing rear walls are staggered.

Sec. 9.23 PARKING FACILITIES

Off-street parking areas shall be provided in all mobile home parks for the use of park occupants and guests. Such areas shall be furnished at the rate of at least 2 on-lot parking spaces for each mobile home lot.

Required car parking spaces shall be paved and so located as to provide convenient access to the mobile home. One parking stall shall be not less than 10 feet wide by 20 feet long in area, together with whatever area is required for means of ingress and egress thereto.

Sec. 9.24 VEHICLE PARKING

No more than two motor vehicles shall be served or kept on any mobile home lot. No vehicle shall be dismantled, nor shall mechanical work except of a very minor repair nature be done on any vehicle on a mobile home lot; nor shall any automotive vehicle that is not kept in an operable condition be parked, stored, or kept on a mobile home lot or in a mobile home park, except a vehicle that became inoperable when it was in the mobile home park, and then it shall not be parked in that condition for a period of more than 7 days.

Sec. 9.25 MAINTENANCE

It shall be the responsibility of the mobile home park owner to see that good housekeeping and living conditions are maintained in the mobile home park at all times. Each mobile home lot shall be landscaped or maintained in grass. City ordinances governing mowing and weeds shall apply. No unused building materials, debris, or rubbish shall be allowed to accumulate. No outside storage shall be permitted of oil drums or trailer equipment unless it be effectively screened or concealed.

Sec. 9.26 ZONING PERMITS

No building permit shall be issued for a park until a plot plan, building plans, utility plan, and drainage plan is filed with the Division of Inspection and approved as conforming to Sec. 9.09 to 9.22. If such plans are complete, the Division of Inspection shall forthwith submit them to the council, who shall then give final approval or disapproval for the mobile home park.

Sec. 9.27 PERMIT FEE

The zoning permit fee shall be \$12.00 per lot and sewer hookup.

Sec. 9.28 FIRE PROTECTION

Unless it is possible to provide adequate fire protection from fire hydrants on public streets, the developer shall run a minimum of 4 inch watermain and locate fire hydrants within the mobile home park. No mobile home lot shall be more than 500 feet from a fire hydrant, this distance to be measured upon the hard surface of the mobile home park street.

Sec. 9.29 MOBILE HOME ALTERATIONS

It shall be unlawful to construct, erect, attach, or cause to be constructed, erected, or attached any enclosed room, wing, annex, entrance, porch, or other similar structure to any mobile home coach or any mobile home lot unless the same is so designed and constructed of compatible material retaining the basic design of the original mobile home; provided further than the total of such additional structure or structures shall not exceed 25 per cent of the square footage of the basic unit.

Movable awnings or shades and screened enclosures which are readily collapsible and removable and which can be stored or moved in the mobile home may be used. No such awnings or screened enclosure shall be left on a mobile home lot unless a mobile home is also parked on the lot. Zoning permits, as prescribed by other provisions of this Code, shall be required for additions or alterations to a mobile home or other structures within the mobile home park.

Sec. 9.30 ENFORCEMENT

The owner of a mobile home park shall permit access to any and all premises or buildings in the mobile home park by administrative officers and enforcement officials at any time in performance of their duties. The owner of a mobile home shall permit entrance at any reasonable hour to administrative officers and enforcement officials for purposes of inspection or in performance of their duties.

Sec. 9.31 APPLICATION TO EXISTING PARKS AND CAMPS

This ordinance shall apply to existing trailer camps and trailer coach parks.

Sec. 9.32 PENALTY

Any person violating any provision of Sec. 9.09 to 9.31 shall be guilty of a misdemeanor.

CHAPTER 10

CHARITABLE GAMBLING

Sec. 10.01 PURPOSE

The purpose is to regulate and control the conduct of gambling within the City of Welcome, Minnesota.

Sec. 10.02 PROVISIONS OF STATE LAW ADOPTED

The provisions of Minnesota Statutes, Chapter 349, as amended from time to time, relating to the definition of terms, licensing and restrictions of lawful gambling are adopted and made a part of this Ordinance as if set out in full herein.

Sec. 10.03 RESPONSIBLE PARTIES

The gambling manager or managers of a licensed gambling organization shall be exclusively responsible for the timely filing of all returns, reports, and other documents required by this Ordinance. Violation of this Ordinance shall be punishable by a misdemeanor. Furthermore, the City Council may pursue such civil remedies as it deems appropriate, including efforts to revoke such organization's license.

Sec. 10.04 DISAPPROVAL

Nothing contained in this Ordinance shall be deemed to limit the City Council's authority to disapprove a license for lawful gambling.

Sec. 10.05 TRADE AREA RESTRICTIONS FOR LAWFUL PURPOSE EXPENDITURES

A licensed organization conducting lawful gambling within the City shall be required to expend 50% of its expenditures for lawful purposes on lawful purposes conducted within the trade area as defined herein. The City's trade area is hereby defined as follows: The corporate limits of the City of Welcome, including but not limited to the facilities of Martin County West School District located within the corporate limits of the City of Welcome, Minnesota. At the times that such licensed organization submits to the City its report, such organization shall also submit the following information upon such form as may be required by the City Administrator:

1. Total amount of receipts generated within the City from lawful gambling activities during the reporting period.
2. The total amount of prizes actually paid out attributable to such gross receipts by the organization during the reporting period.

3. The total amount of money expended for allowable expenses attributable to such gross receipts.
4. The amount of net profits derived from lawful gambling during the reporting period attributable to such gross profits.
5. The identification of the lawful purpose to which such 50% expenditure was made.
6. The signature of the person filing the report.
7. The period covered by the report.
8. A receipt from the person or entity representing the lawful purpose to which such 50% expenditure was made.

CITY OF WELCOME

ORDINANCE NO. 17

AN ORDINANCE AMENDING PUBLIC PROTECTION AND OFFENSES, CHAPTER FIVE, SECT. 5.05 DOGS, CATS, AND OTHER ANIMALS OF THE WELCOME CITY CODE OF 2002.

The City Council of the City of Welcome does ordain that the following changes be made to Chapter Five, Section 5.05 of the Welcome City Code of 2002:

Sec. 5.05 **DOGS, CATS AND OTHER ANIMALS**

Subd. 1. Definitions. As used in this Chapter, unless the context otherwise indicates, the following words shall be defined to mean: