

101 ADOPTION OF CODE OF ORDINANCE

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101 ADOPTION OF WILLERNIE CODE OF ORDINANCES

The City Council of Willernie does ordain:

101.010 Adoption of Code. This ordinance consisting of Chapter 101 through 901 **inclusive** is a codification and revision of the ordinances except as specified in Section 101.020 following hereafter and is hereby adopted as a single, original and comprehensive ordinance to be known as the Municipal Code of Willernie.

101.020 Repeal of Ordinances. Appendix B to the Municipal Code of Willernie is a listing of all ordinances of the City of Willernie No. 1-102. All ordinances in Appendix B are hereby repealed, except those ordinances located in the right hand column of Appendix B. The ordinances in the right column of Appendix B being special or limited in nature and application, are continued in force, but not set forth in the Municipal Code.

101.030 Subsequent Ordinances. Ordinances passed after the effective date of the Municipal Code shall be passed as amendments or additions to the Municipal Code, unless such ordinances are of limited or special application. Such ordinances which are amendments or additions to the Municipal Code shall be incorporated into the Municipal Code as a subsequent revision. It is the intention of the City Council that this Municipal Code be kept up to date by the insertion of revised or additional pages. Consecutive chronological numbering of subsequent ordinances shall continue.

101.040 Preservation of Existing Rights. The repeal of any ordinances or portion thereof by the adoption of this Code shall not affect or impair any act done or right vested or accrued, or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect, but every such act done, or right vested or accrued, or proceeding, suit, or prosecution had or commenced shall remain in full force and effect to all intents and purposes as if such ordinance or part thereof so repealed had

remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by the adoption of this Code, shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded within all respects as if such prior ordinance or part thereof had not been repealed or altered.

101.050 **Severability.** If any chapter, section, sentence, clause, or other part of the Municipal Code of Willernie shall be adjudged void or of no effect, for any reason whatsoever, such decision shall not affect the validity of any of the other portions of the Municipal code.

101.060 **Publication of Code and Effective Date.** This ordinance, the Municipal Code of Willernie, together with such indexes, supplements, appendices or other material as the Council may designate, shall be published in book form and a substantial quantity of copies shall be printed and available at The offices of the City Clerk for general distribution to the public. The Municipal Code shall become operative and effective as soon as the City Clerk shall publish a notice for two (2) successive weeks in the official newspaper of the City of Willernie stating that printed copies of the Municipal Code are available at the office of the City Clerk for general distribution.

Passed by the City Council of the City of Willernie this ____ day of _____, 2006.

Barbara K. Parent, Mayor

Attest:

Victoria R. Keating, Clerk

102 RULES OF CONSTRUCTION

102.010

General. Words and phrases shall be construed in their plain ordinary and usual sense, except that technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

102.020

Masculine, Feminine or Neuter. Unless the context clearly requires otherwise, the use of either masculine, feminine or neuter gender shall include the other genders.

102.030

Singular or Plural. Unless the context clearly requires otherwise, the use of either singular or plural numbers shall include the other number.

102.040

Past, Present, Or Future. Unless the context clearly requires otherwise, the use of either past, present, or future tense shall include the other tenses.

102.050

Joint Authority. Words importing joint authority to three or more persons shall be construed as authority to a majority of such persons.

102.060

Computation of Time. The time within which an act shall be done shall be computed by excluding the first and including the last. If the last day is a Sunday or legal holiday, such day shall be excluded.

102.070

Deputies. Whenever the Municipal Code requires an act to be done, which act may legally be done by an agent or employee as well as by the principal, such requirement shall be satisfied by the performance of such act by an authorized agent or employee.

102.080

Conjunctions. The word “or” and “and” may be read interchangeably in situations where the context requires it.

102.090

Repeals. The repeal of a provision which repeals a prior provision does not revive the prior provision, unless the intent to do so is clearly stated. The repeal of any provision shall not be construed to abate, annual or otherwise affect any proceeding had or commenced under or by virtue of the repealed provisions, and the same shall be as effectual as if the said provision had not been repealed, unless a contrary intent is clearly stated.

102.100 **Minnesota Rules of Construction to Apply.** Unless clearly in conflict with the provisions of this Code, or otherwise clearly inapplicable, rules of construction established for the State of Minnesota by statutes or case law shall apply in the construction of this Code.

103 **DEFINITIONS**

103.010 **Certain Terms Defined.** As used in the Municipal Code, unless the particular context shall clearly require some other meaning, the following terms shall mean:

- (1) **Code.** The Willernie Municipal Code.
- (2) **Council.** The City Council of the City of Willernie.
- (3) **Governing Body.** The City Council.
- (4) **Person.** Any individual, corporation, firm, partnership, association, organization or other group acting as a unit. It also includes any executor, administrator, trustee, receiver or other representative appointed law. Whenever the word “person” is used in any section prescribing a penalty or time, it shall include the partners or members of any partnership or corporation, and, as to corporation, the officers, agents or members thereof who are responsible for the violation.
- (5) **Property.** Tangible or intangible, real, personal or mixed property.
- (6) **Sidewalk.** That portion of the street between the curblin e and the adjacent property line, intended for the use of pedestrians.
- (7) **State.** The State of Minnesota.
- (8) **Street.** Any public way, highway, street, avenue, boulevard, alley or other public thoroughfare. Each of said words shall include the others, and, if the context permits, shall also include “sidewalks.”

103.020 **Other Definitions.** Certain chapters of this Code contain other definitions applicable particularly to such chapters. In case of any conflict between the definitions in Section 103.010 and such other definitions, the other definitions shall prevail in the chapters where applicable.

103.030 **Minnesota Definitions to Apply.** Unless clearly in conflict with definitions or other provisions of this Code, or otherwise clearly inapplicable, definitions established for the State of Minnesota by statutes or case law shall apply to this Municipal Code.

104 PENALTY FOR VIOLATION

104.010 **Penalties.** Unless otherwise stated herein, every person violating any provision of this Code shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed the maximum fine for a misdemeanor under the state law in effect at the time of the violation or by imprisonment not to exceed ninety (90) days, or both. In either case the costs of prosecution may be added.

- 200 CITY ORGANIZATION AND PROCEDURE
- 201 ELECTION DATE
- 202 ADMINISTRATIVE ORGANIZATION PROCEDURES
- 203 PLANNING COMMISSION
- 204 PERSONNEL POLICY
- 205 MAYOR AND COUNCILMAN SALARIES
- 206 BUILDING DEPARTMENT
- 207 BOARD OF HEALTH
- 208 REIMBURSEMENT FOR EXPENSES

201.010 **Election Date.** The regular city election for the City of Willernie shall be held on the first Tuesday after the first Monday in November in each even-numbered year.

201 ADMINISTRATIVE ORGANIZATION AND PROCEDURE

202.010 **Council Meetings.** The City Council shall hold one regular meeting the third Wednesday of each month. A special meeting may be called at any time by the mayor or in the Mayor's absence or disability by the acting mayor or by two Council persons. Except in cases where notice is waived, the person or persons calling such a special meeting shall cause a written notice of such special meeting specifying the business to be transacted at such meeting to be delivered to the residence of all other council members or shall cause a notice of each special meeting to be mailed to all other council members at least three days prior to such a special meeting. No business shall be transacted at the special meeting unless the same shall have been specified in the notice thereof except by consent of all members of the council.

- 202.020** **General Fund.** A general fund shall be maintained into which shall be placed or credited all monies received not otherwise appropriated and from which shall be paid all expenses and disbursements not otherwise provided for.
- 202.030** **Other Funds.** The City Council may create by ordinance and maintain such other funds as they desire.
- 203** **PLANNING COMMISSION**
- 204** **PERSONNEL POLICY**
- 205** **MAYOR AND COUNCILMAN SALARIES**
- 205.010** **Salaries.** The Mayor of the City of Willernie shall receive a salary of \$100.00 per month plus \$20.00 for each meeting attended on behalf of the City other than regularly scheduled City Council meetings. The council persons shall receive a salary of \$60.00 per month plus \$20.00 for each meeting attended on behalf of the City other than regularly scheduled City Council meetings
- 205.020** **Payment.** The salaries provided by Section 205.010 shall be paid Monthly or as directed by the City Council.
- 206** **BUILDING DEPARTMENT**
- 206.010** **Creation of Department.** There is hereby established in the municipality the "Building Department" which shall be under the jurisdiction of the Building Inspector designated by the City Council.
- 206.020** **Powers and Duties of Building Inspector.** The Building Inspector is hereby authorized and directed to enforce all the provisions of the Minnesota State Building Code.
- 206.030** **Reports and Records.** The Building Inspector shall keep a permanent, accurate account of all fees and other monies collected and received, the names of the persons upon whose account the same were paid, the date

and the amount thereof, together with the location of the building or premises to which they relate.

- 206.040** **Right of Entry.** Upon the presentation of proper credentials, the Building Inspector or his duly authorized representative may enter at a reasonable time any building, structure, or premises in the City to perform any duty imposed upon him by said Code. No person shall interfere with the Building Inspector or his duly authorized representatives in the execution of their duties.
- 206.050** **Stop Orders.** Whenever any building work is being done contrary to the provisions of said Code, the Building Inspector may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done. Any such persons shall forthwith stop such work until authorized by the Building Inspector to proceed with the work.
- 206.060** **Occupancy Violations.** Whenever any structure is being used contrary to the provisions of said Code, the Building Inspector may order such use discontinued and the structure or portion thereof vacated, by notice served on any person causing such use to be continued. Such person shall discontinue the use within ten (10) days after receipt of such notice or make the structure, or portion thereof, comply with the requirements of said Code; provided, however, that in the event of an unsafe building the inspector may require that use be discontinued on lesser notice.
- 206.070** **Liability.** The Building Inspector or any employee charged with the enforcement of said Code, acting in good faith and without malice for the City in the discharge of his duties, shall not thereby render himself liable personally and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of his duties. Any suit brought against the Building Inspector or employee, because of such act or omission performed by him in the enforcement of any provisions of said Code, shall be defended by the City until final termination of the proceedings.
- 206.080** **Cooperation of Other Officials.** The Building Inspector may request, and shall receive so far as may be necessary in the discharge of his duties, the assistance and cooperation of the other officials of the municipality.

207 **BOARD OF HEALTH**

207.010 **Creation.** There is hereby created and established in and for the City of Willernie in the County of Washington and State of Minnesota, a local Board of Health to be known and designated as the “Board of Health of the City of Willernie.”

207.020 **Membership.** Said Board shall consist of three members, one of whom shall be a physician duly licensed as such, in and by the State of Minnesota. The other members of the Council shall be eligible to membership on the Board.

207.030 **Term.** Said Board shall be appointed by the Council, and shall hold office for a term of two years. The term shall commence the first day of January, and expire on the 31st day of December of the term, provided the first Board may be appointed for a term to expire on the 31st day of December, 1976.

207.040 **Duties.** It shall be the duty of the Board of Health to perform the duties of a Board of Health in and for the City of Willernie, as required by and under the laws of the State, the ordinances of the City now or hereafter ordained, and the regulations of the State Health Department, and to act in cooperation with said State Department, in all matters relating to the public health of the City and its inhabitants.

207.050 **Compensation.** The physician of the Board shall be entitled to compensation on a fee basis for all professional services performed by him in his capacity as a physician for the Board. Said physician shall be paid by the City on vouchers approved by the Board.

208 **REIMBURSEMENT FOR EXPENSES**

208.010 **DEFINITIONS**

- A. “Owner” means any person, firm or corporation.
- B. “Consultant Fees” means any charges billed to the City of Willernie for services performed by the City of Willernie planner, engineer, and attorney; exclusive of services performed as part of the consultant’s normal retainer or by special agreement between

the City of Willernie and its consultants. Consultant fees shall also include clerk's fees attributable to a particular development proposal and publication and special meeting expenses.

- C. "Development" means any rezoning, subdivision, special use permit, variance, building addition, or change in site plan.

208.020 **Establishment of Fees.** Any owner that causes the City of Willernie to expend monies for consultant fees on behalf of, or on account of, that owner; associated with a development or proposed development, shall reimburse the City of Willernie for the actual consultant fees expended by the City on behalf, or on account of, said owner.

208.030 **Escrow Fund.** The owner shall deposit with the City of Willernie an amount, as determined by the City Council, necessary to cover the total consultant services associated with the development or proposed development prior to the performance of any such services by Willernie's employed consultants. However, if a development or proposed development and the related consultant review is anticipated to span a period of time in excess of ninety (90) days, the owner will only be expected to deposit a sum, as determined by the City Council, necessary for the City to pay consultant fees for ninety (90) days. The owner will then be expected to maintain the escrow fund at a balance equal to one-third (1/3) of the original amount deposited.

The City of Willernie will from time-to-time provide an itemized statement to the owner showing him the City expenditures for consultant services associated with his development together with the current balance in his escrow fund. This statement will be provided if additional funds are required to maintain the established level.

The owner shall reimburse the escrow fund for any deficits caused if the amount actually expended or billed to the City exceeds the escrow balance.

The City of Willernie shall refund any monies deposited in the escrow fund not expended for consultant fees within ninety (90) days after completion of a consultant's services associated with the development or proposed development.

The City of Willernie shall not pay interest on the monies deposited in the escrow fund.

301 ZONING

301.010 Intent and Purpose. This Ordinance is adopted for the purpose of:

- (1) Protecting the public health, safety, morals, comfort, convenience and general welfare.
- (2) Dividing Willernie into zones and districts restricting and regulating therein, the location, and use of structures and land.
- (3) Promoting orderly development of the residential, business, recreational and public areas.
- (4) Providing adequate light, air, and convenience of access to property.
- (5) Limiting congestion in the public rights-of-way.
- (6) Preventing overcrowding of land and undue concentration of structures by regulating the use of land and buildings and the bulk of buildings in relation to the land and buildings surrounding them.
- (7) Providing for the compatibility of different land uses and the most appropriate use of land throughout the City of Willernie.
- (8) Conserving and developing natural resources, and maintaining a high standard of environmental quality.
- (9) Guiding wise development of shorelands of public water.
- (10) Preserving and enhancing the quality of surface water.

- (11) Providing for the administration of this Ordinance and amendments thereto.

301.020 **Districts.** The City of Willernie is divided into two distinct zoning and an overlay district, the districts are as follows:

Residential: single family residences, playgrounds, parks, churches, public libraries or museums. Specifically excludes duplexes, multi-family housing and commercial uses.

Commercial I: retail, entertainment and personal service businesses.

Be it ordained by the City Council of the City of Willernie that Section 301.020 to read as follows:

301.020 **Districts.** The City of Willernie is divided into three distinct zoning Districts and an overlay district, the districts are as follows:

<u>ZONING DISTRICT</u>	<u>PERMITTED USES</u>
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Residential:	Single-family residences, playgrounds, parks, churches, public libraries or museums. Specifically excludes duplexes, multi-family housing and commercial uses.
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| Commercial I: | <ul style="list-style-type: none">(a) All lawful retail businesses, including supermarkets.(b) Manufacture of baked goods, provided not more than five persons are employed in such business.(c) Department stores.(d) Establishments for the sale of china, floor covering, hardware, furniture, household goods and appliances, paint wallpaper, materials and objects of interior decorating.(e) Establishments for the sale of books, magazines, newspapers, tobacco products, drugs, flowers, gifts, music, photographic supplies, sporting goods, stationery and the like. |
|----------------------|--|

- (f) Eating places such as lunchrooms, restaurants and cafeterias, and places for the sale and consumption of soft drinks, juices ice cream and beverages of all kinds, but excluding “drive-in” establishments.
- (g) Service establishments such as barber or beauty shops; custom tailors; laundry agencies and shoe repair shops; pressing or tailoring shops; printing shops; radio and television stations; telephone exchanges and the like.
- (h) Business and professional offices and office buildings.
 - (i) Office display or sales of a wholesale, jobbing or distributing establishment not specifically mentioned as permitted only in a less restricted district, in connection with which not more than 25% of the floor area of the building, or part thereof, occupied by said establishment is used for making, assembling, remodeling repairing, altering, refinishing its products or merchandise; and provided that:
 - (1) Any resulting cinders, dust, fumes, noise, odors, refuse matter, smoke, vapor or vibration is effectively confined to the premises.
 - (2) The ground floor premises facing upon and visible from a major street upon which the premises abut shall be used only for entrances, office or display.
- (j) Any other building, use or service similar to those hereinbefore listed in the type of services or goods sold, in the number of persons or vehicles to be attracted to the premises or in the effect upon adjacent areas.
- (k) Any accessory use customarily incident to a use authorize this Subdivision.

Permitted uses on Special Permits from the City Council. In the Commercial I District, the following buildings and uses and their accessory buildings and uses may be permitted by special permits from the City Council. The Standards to be supplied in determining whether to issue a Special Use Permit shall be set forth in the Commercial II uses in section (d).

- (a) Manufacture of baked goods.
- (b) Carpet, bag and rug cleaning establishments.
- (c) Light assembly businesses.

COMMERCIAL II:

All uses allowed in Commercial I District and the following uses:

- (a) Automotive sales, service and storage, including gasoline filling stations.
- (b) Amusement and recreational establishments such as armories, assembly halls, bowling alleys, dance halls, pool and billiard parlors, skating rinks and other social, sport or recreational centers operated as a business, provided the place or building in which it is operated is sufficiently sound-insulated to effectively confine the noise to the premises.
- (c) Self service laundries and dry cleaning establishments.
- (d) Light manufacturing uses will be allowed by Special Use Permit. In determining whether to issue a Special Use Permit, the Council may consider the following guidelines:
 - 1. Adequate parking for at least one vehicle per employee.
 - 2. No noise level which will interfere with the reasonable use of adjoining property.
 - 3. No noxious or offensive odors.

4. Reasonable hours of operation so as not to interfere with the reasonable use of adjoining property.

The Council may impose conditions on a proposed special use that are reasonable to further the standards set forth above.

301.030 **Boundaries.** The boundaries of the districts as established by this Ordinance are shown on the map published herewith and made a part of this ordinance which is designated as the “Zoning District Map” which is properly approved and filed with the City Clerk. The district boundary lines on said map are intended to follow street right-of-way lines, street centerlines or lot lines unless such boundary line is otherwise indicated on the map. In the case of unsubdivided property or in any case where street or lot lines are not used as boundaries, the district boundary lines shall be determined by use of dimensions or the scale appearing on the map.

All of the notations, references, and other information shown thereon shall have the same force and effect as if fully set forth herein and will hereby be made a part of this ordinance by reference and incorporated herein as if fully set forth herein at length.

301.040 **Minimum Lot Size.** The minimum lot size for residential or commercial lots not in the overlay district shall be 6,400 square feet with a minimum average width of 80 feet. In the overlay district the minimum lot size shall be 12,800 square feet.

301.050 **Subdivision.** No parcel of land consisting of less than 12,800 square feet in the overlay district or 6,400 square feet outside the overlay district may be subdivided without the approval of the City Council. A subdivision shall include any sale to a given buyer of less than the entire amount of adjoining property of an owner including splitting of an individual lot. The City Council shall not approve a proposed subdivision if it creates a parcel of land of less than the minimum lot size either as to the proposed or residual parcels unless a variance for lot size is granted.

301.060 **Setbacks.** All structures not in the overlay district shall be set back a minimum of 20 feet from any street, 5 feet from the rear lot line and five feet from any side yard lot line. Structures in the overlay district shall be set back in accordance with Ordinance 100 (Appendix “A”). All distances shall be measured from the nearest point of the building to the applicable property line or street.

301.070 **VARIANCE PROCEDURE.**

301.071 **Vote Required.** The Council by a 4/5ths vote may authorize, following petition and hearing, a variance from the provisions of this ordinance where the literal application of the Ordinance would result in a substantial inequitable hardship to an applicant property owner. Economic considerations alone shall not constitute a hardship.

301.072 **Specific Findings.** Variances shall be granted or denied in writing accompanied by specific findings of fact as to the necessity for the granting or denial of the variance and its specific provisions and conditions.

301.073 **Certain Variances Prohibited.** No variance may be granted which would allow any use that is prohibited in the zoning district in which the property is located.

301.080 **Overlay Zoning District.** The provisions of Appendix “A” (Ordinance 100) attached hereto shall apply to all property within the overlay Zoning District.

301.090 **Planned Units Development Ordinance**

Ordinance No. 68 of the City of Willernie relating to Planned Unit Developments is hereby retained in full force and effect and is attached to this Code as Appendix “C”.

**CITY OF WILLERNIE
WASHINGTON COUNTY, MINNESOTA**

**SUMMARY OF WILLERNIE CITY CODE SECTION 302, PARKING
ORDINANCE**

The City Council of the City of Willernie has adopted Section 302 as an amendment to the Willernie City Code. The City Council at its meeting on November 20, 2002 unanimously approved publication of this Ordinance by summary.

Purpose

The purpose of the amendment is to establish parking requirements for new construction and new commercial uses within the City of Willernie. The Ordinance establishes the minimum number of parking spaces that are required to be provided and maintained at the time any new use or structure is occupied, or any existing use or structure is enlarged or increased in capacity. The Ordinance sets size requirements for parking spaces and establishes standards for lighting and surfacing. The Ordinance prohibits storage of non-operable motor vehicles or recreational equipment in designated parking stalls.

Penalty

The Ordinance provides that any person, firm or corporation violating any provisions of the Ordinance shall be fined not more than \$700.00 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Availability of Full Text of Ordinance

A copy of the entire text of the Ordinance is on file with the City Clerk and may be inspected during normal business hours.

The City Council of the City of Willernie has approved this Summary on this 20th day of November, 2002, and has determined that the Summary clearly informs the public of the intent and effect of the Ordinance.

Barbara Parent, Mayor

ATTEST:

Victoria R. Keating, City Clerk

302: REGULATION OF PARKING

Section 302: Purpose

The purpose of this ordinance is to provide minimal reasonable regulations as to parking requirements for new construction or new commercial uses within the City of Willernie.

Section 302.01

- A. **Required Parking.** Off-street parking areas of sufficient size to provide for patrons, customers, suppliers, visitors and employees shall be provided on the premises of each use. Subsection M designates the minimum number of parking spaces that are required to be provided and maintained at the time any new use or structure is occupied, or any existing use or structure is enlarged or increased in capacity.

For uses not specifically listed in this Ordinance, uses for which a specific number of spaces have not been defined, or for joint parking facilities serving two or more different uses, the City Council shall determine the number of spaces to be required by utilizing the requirements of the most similar use listed below.

- B. **Existing Spaces.** Off-street parking facilities existing at the effective date of this Ordinance shall not subsequently be reduced to an amount less than that required under this Ordinance for a similar new building or use. Off-street parking facilities provided to comply with the provisions of this Ordinance shall not subsequently be reduced below the requirements of this Ordinance. Such required parking or loading space shall not be used for storage of goods or storage of vehicles that are inoperable or for sale or rent.
- C. **Size.** Each parking space shall contain a minimum area of not less than 200 square feet excluding access drives, a width of not less than 9 feet, and a depth of not less than 20 feet. Each space shall be adequately served by access drives of not more than 24 feet in width at the property line for residential lots and not more than 32 feet in width for commercial and industrial properties. all loading spaces shall be sufficient to meet the requirements of each use and shall provide adequate space for storage and maneuvering of the vehicles it is designed to serve.
- D. **Lighting.** Any lighting used to illuminate off-street parking shall be indirect or diffuse and shall not be directed upon the public right-of-way or upon nearby or adjacent properties.

- E. **Accessory Locations.** Parking spaces may be located on a lot other than that containing the principal use upon the approval of the City Council.
- F. **Surfacing.** Any off-street parking lot for more than five vehicles shall be graded for proper drainage and shall be surfaced with bituminous or concrete and shall have case in place curbing.
- G. **Location.** No off-street parking shall be located within thirty feet of any street right-of-way or within five feet of any interior property line except as provided through access drives.
- H. **Site Plan.** Any application for a building permit or for a certificate of occupancy shall include a site plan or plot plan drawn to scale in dimensioned showing off-street parking and loading space to be provided in compliance with this Ordinance.
- I. **Screening.** When parking areas are designed for five spaces or more abuts a more restrictive zoning district, a fence, not over five feet in height, shall be erected along adjacent property lines and grass or planting shall occupy the space between the curb and property line.
- J. **Signs.** No signs shall be located in any parking area except as necessary for orderly operation of traffic movement and such sign shall not be a part of the permitted advertising space.
- K. **Access.** All off-street parking spaces shall have access off driveways and not directly off the public street.
- L. **Maintenance of Off-Street Parking Space.** It shall be the responsibility of the owner of the principal use, uses and or building to maintain, in a neat and adequate manner, the parking space access way, landscaping and required fences.
- M. **Schedule of Parking Requirements.***

USE	PARKING SPACES REQUIRED
Single Family House	2 per dwelling unit
Two Family House; Townhouse; Multiple Family Dwellings	2.5 per dwelling unit; one of which must be enclosed
Churches, Auditoriums and Mortuaries	1 per 4 seats in principal assembly room
Schools	1 per classroom plus 1 additional for every 30 students
Private Club or Lodge	1 per 4 members 1 per 4 seats
Multiple Family Dwellings	
Theater, Medical, Dental & Animal Clinics	5 per doctor, dentist, veterinarian plus 1 additional employee
Hospital and Rest Homes	1 per 3 beds and 1 for each 2 employees on the maximum working shift
Hotel/Motel	1 per rental unit plus 1 per employee
Professional Offices and Business Services	1 for every 250 sq. ft. of floor space
Motor Fuel Station	4 for each service stall
Retail Stores	1 for every 200 sq. ft. of floor space
Furniture Store, Appliance and Auto Sales	1 for every 400 sq. ft. of floor space
Eating/Drinking Places & Personal Services Establishments	1 for every 100 sq. ft. of floor space

Bowling Alleys	5 for each alley
Recreational Assembly Places; e.g. Dance Halls, Night Clubs	1 for every 50 sq. ft. of floor space
Drive-In Food Establishments	1 for every 15 sq. ft. of floor space
Manufacturing	1 space for each 350 sq. ft. of floor area, plus 1 space for each company vehicle not stored inside a building.
Warehousing-Wholesale	That space which is only used for office space shall comply with office space requirement and 1 space per each 1000 ft. of floor area, plus 1 space for each employee on the maximum shift, plus 1 space for each company vehicle if not stored inside a building. Proof of parking shall be shown on site plans to provide a minimum of one parking space for each 500 square feet of floor space so that adequate parking is provided in the event a more labor intensive use is installed.

*Floor space shall mean the gross floor area of the specific use. Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.

303: REGULATIONS FOR LANDSCAPING

Section 303: Purpose

The purpose of this Ordinance is to provide minimal reasonable regulations as to landscaping requirements for new construction or new commercial uses within the City of Willernie.

Section 303.1:

A. Landscaping.

Intent:

- i) It is the policy of the City of Willernie to preserve its significant natural resources as a complement to existing and future urbanization. In particular, steep slopes, very steep slopes, woodlands, wetlands and drainage ways shall be preserved in their natural state for their functional and ecological value as well as for their positive impact upon proximate urban development.

In addition to preservation of existing woodland areas, it is the policy of the City to require significant landscaping/planting in open or disturbed areas as a normal part of land development. Specific requirements shall be as set forth in this Section.

- ii) **Landscape Plan Required:**

A landscape plan shall be provided for all new construction and change of commercial uses within the UDD District in the City of Willernie. The applicant for a building permit shall submit a landscape plan prepared by a landscape architect, nursery designer or other qualified person in accordance with the provisions of this Section.

The landscape plan shall include the following information:

- a. **General.** Name and address of developer/owner; name and address of landscape architect, designer, date of preparation; date of description of all revisions; name of project or development.
- b. **Site Plan.** A scale drawing of the site based upon a survey of property lines within indication of scale and north point; name and right-of-way of propose streets; location of all proposed utility easements and rights-of-way; location of existing proposed buildings; parking areas; water bodies; proposed sidewalks.
- c. **Landscape Plan.** A scale drawing of proposed landscaping for the site based upon a survey of property lines within indication of scale and north point; existing and propose topography at two foot contour intervals; delineation of both sodded and seeded area; location

and identification of proposed landscape or man-made material used to provide screening from adjacent and neighboring properties; location and identification of all planting (trees, shrubs, flowers, ground cover, etc.) existing trees and shrubbery to remain; details of fences, retaining walls, berms and other landscape improvements; locations of landscape islands and planter beds with identification of plant material used; and location and details of irrigation systems.

- d. **Planting Schedule:** A table containing the common and botanical names, size of plant materials, root specification, quantities and special planting instruction.

iii) **General Requirements, All Districts:**

- a. **Required Landscaping:** All disturbed areas of developed lots which are not devoted to off-street parking, loading and driving areas, sidewalks, patios, gardens and similar uses, shall be landscaped with grass, ground cover, trees, shrubs or other ornamental landscape material.

304: SIGNS

304 **PURPOSE**

The purpose of this section is to regulate the placement, size, location, and maintenance of signs in the City so as to encourage visual communication by providing orderly, effective, and safe signage while retaining the individual character of the City's buildings and its quality lake front image.

304.01 **SIGN PERMITS AND FEES**

- A. **Sign Permits.** No signs shall be erected or maintained anywhere in the City without first obtaining a sign permit except as otherwise exempted in this ordinance.
- B. **Application, Permit and Fees.** A formal application together with accompanying documents prescribed by the City shall be submitted to the City Clerk to obtain a sign permit. Permit fees are as adopted by resolution of the City Council and shall accompany the permit application.
- C. **Review of Applications.** The Zoning Administrator shall review all sign permit applications. Sign applications for approval of permits for any sign requiring a variance shall be submitted to the City Council and Appeals

pursuant to Section 14 of this Ordinance.

- D. **Replacement.** All permits for erection and maintenance of signs regulated by this Ordinance shall be issued for the useful life of the sign. Replacement signs or changes in the messages or symbols/designs shall require a new sign permit.
- E. **Exemption.** No permit is required for a change in the copy on signs specifically designed for the use of replaceable copy, normal sign repairs, repainting or cleaning, and electrical maintenance.
- F. **Appeal.** Upon notice of any application being rejected, the applicant shall have access to the appeal and or variance procedure pursuant to and as prescribed in Chapter 11, section 14 of the City's Zoning Code.
- G. **Conforming.** An existing sign which has previously been issued a sign permit by the City and which conforms with the provisions of this code, shall be considered a preexisting, conforming sign and may continue to be displayed.
- H. **Non-Conforming.** An existing sign which has previously been issued a sign permit by the City but which is in violation of this code, is a pre-existing non-conforming sign and may continue to be displayed subject to the non-conforming section of this ordinance.
- I. **Timing of Installation.** Any sign for which a permit is issued shall be erected and in place within six (6) months from the date of such permission, or the permit shall automatically become void and a new permit must be applied for pursuant to the provisions of this ordinance.
- J. **Installation before Permit.** Any person, firm or corporation who either erects or has erected on his property any sign governed by this ordinance prior to a permit being issued shall pay a fine of two hundred dollars (\$200.00) which shall constitute a penalty. A permit shall be applied for after the fact and if the City Council denies the request the sign shall be removed.

304.02 SIGNS ALLOWED WITHOUT A PERMIT

No permit will be required under this Ordinance for the following signs:

- A. **Building Signs.**
Building signs are allowed in all Business, Industrial and Office Business districts only and shall not exceed four (4) square feet in area.
- B. **Churches and Schools, Off-Site Directional Signs.**

In any district, one (1) off-site directional sign per church or school with a size no greater than 18” by 24” is allowed within the City right-of-way with the written permission of the adjacent owner.

C. **Directional Signs, On-Site.**

In any district, directional signs are allowed not to exceed three (3) square feet and must be used exclusively for traffic control purposes. Such signs shall be designed and installed in conformance with the requirements of the Manual or Uniform Traffic Control Devices.

D. **Governmental Signs.**

In any district, Governmental signs are allowed.

E. **Inside Signs.**

Inside signs are allowed in Business and Public districts only. At least fifty percent (50%) of the area of the window or door in which an inside sign is placed shall remain free from signage at all times.

F. **Personal Sign.**

In any district, a sign not exceeding two square feet in surface size is permitted which announces the name, address or professional activity of the occupant of the premises on which said sign is located.

G. **Political Signs.**

In any district, political signs are allowed on private property with the consent of the owner of the property to a maximum size of thirty-two (32) square feet. Such signs must be removed within seven days following the date of the election to which they apply.

H. **Portable Signs.**

In any district, portable signs are allowed provided they are not in use for more than five consecutive days.

I. **Private Informational Signs.**

In any district, private informational signs are allowed provided they do not exceed two (2) square feet in area and, if the sign is freestanding, it shall be no more than six (6) feet in height.

J. **Temporary Business Sign.**

Temporary business signs are allowed in business districts only and are subject to the following requirements.

- 1) Not more than one (1) such sign shall be allowed for an activity at any given time. In addition not more than four (4) temporary business signs shall be allowed per activity per year. A temporary business sign

shall be erected and maintained for a period not to exceed twenty (20) days.

- 2) The sign area shall be no more than thirty-two (32) square feet and, if the sign is freestanding, it shall not be more than ten (10) feet in height and it shall have a minimum clearance above the ground of no less than two (2) feet.
- 3) If a temporary business sign is located on the inside of the window or a door of an activity, it shall not be subject to the above requirements, but instead shall be regulated according to the inside window requirements.

K. Temporary Construction Signs.

In any district, temporary construction signs are allowed subject to the following requirements.

- 1) A temporary construction sign shall be removed prior to occupancy of the development or completion of the project.
- 2) The temporary construction sign shall not be illuminated in any manner.
- 3) The temporary construction sign shall be no more than thirty-two (32) square feet and, if the sign is freestanding, it shall be no more than seven (7) feet in height and it shall have a minimum clearance above the ground of no less than two (2) feet.
- 4) There shall be no more than one temporary construction sign per lot, except where a lot abuts two (2) or more streets, additional signs, one (1) oriented to each abutting street shall be allowed.

L. Temporary Pennants.

In any district, temporary pennants are allowed subject to the following requirements:

- a) A pennant, or set of pennants, erected and maintained on a premises shall be used only to serve a purpose such as that of a temporary business sign or temporary special event sign. Once that purpose has been served, the pennant or set of pennants, shall be removed.
- b) Under no circumstances shall a temporary pennant or set of pennants be erected and maintained for a period of greater than twenty (20) days.

M. Temporary Real Estate Signs.

In any district, signs for the purpose of selling or leasing individual lots or buildings shall be allowed without a permit provided that:

- 1) Such signs shall not exceed six (6) square feet for residential property and twelve (12) square feet for non-residential property.
- 2) Only one such sign is permitted per street frontage upon which the property abuts.
- 3) Such sign shall be removed within seven days following the lease or real estate closing.
- 4) No part of such sign shall be closer than six (6) feet from the back of the curb or pavement. If there is a sidewalk, no part of any sign shall be located closer than two (2) feet from the inside edge of the sidewalk.

NOTE: If the property is located on a State or County road, their respective right-of-way setback statutes will take precedence over the municipal ordinance.

- 5) Temporary real estate (open house) directional signs may not exceed 1.5 x 2.0 feet. Said temporary sign may be placed on public right-of-way, but only between the hours of 12 o'clock noon until 8 p.m. on weekdays and from 6 a.m. Saturday until 8 p.m. on the last day of the weekend.

N. Temporary Special Event Sign.

In any district, temporary Special Event signs are allowed subject to the following requirements:

- 1) No more than one (1) special event sign may be located on any one (1) lot or parcel at any time. Such a sign may be located either on-or off-site. A special event sign shall be erected and maintained for a period not to exceed ten (10) days prior to the date which the special event is scheduled to occur. Furthermore, such sign shall be removed within two (2) days of the termination of the special event.
- 2) Within residential districts, the sign area shall be not more than twelve (12) square feet and, if the sign is freestanding, it shall be no more than (5) square feet and it shall have a minimum clearance above the ground of no less than two (2) feet. In all other districts, the sign area shall be no more than thirty-two (32) square feet and, if the sign is freestanding, it shall be no more than ten (10) feet in height and it shall have a minimum clearance above the ground of no less than two (2) feet.

O. Other Signs.

In any district, signs on benches, news stands, car stands, bus stop shelters and similar places are allowed not to exceed four (4) square feet in area.

304.03 SIGNS ALLOWED IN COMMERCIAL DISTRICTS

The following are the only types of signs permitted in Commercial districts. All signs shall require a permit.

- A. Total aggregate area of all wall and freestanding signs per lot shall be limited to two (2) square feet per linear foot of lot frontage.
- B. All signs allowed within business districts under Section 304.02, Signs Allowed Without a Permit.
- C. **Wall Signs.** The sign area shall be calculated as a maximum percent of the building wall upon which the sign is located.
- D. **Awning and Canopy signs.** Awning and Canopy signs as regulated in Section 304.04, Awning and Canopy signs.

304.04 AWNING AND CANOPY SIGNS

A. Awning Signs, General Requirements

- 1) **Sign Area.** The sign area shall not exceed forty (40) percent of the total face area of the awning upon which the sign is affixed or included. The total face area of an awning is defined as the portion of the awning which is parallel, or within fifteen (15) degrees of parallel to the building façade upon which it is attached.
- 2) **Sign Location.** An awning sign shall be located only on the front face of the awning. No sign is permitted on the side of the awning or any portion of the awning that is not parallel, or within fifteen (15) degrees of parallel, to the building façade upon which the awning is attached.
- 3) **Multiple Activities-Sign Area and Width.** When an awning covers multiple activities, each activity shall be allowed a sign whose width on that awning is no greater than eighty (80) percent of the width of the activity in order to maintain adequate separation between activity spaces. The total sign area of all signs on any given awning shall not exceed forty (40) percent of the total face area of that awning as computed in the Sign Computations section of this ordinance.

B. Canopy Signs. General Requirements.

- 1) **Permit required.** All canopy signs shall require a building permit.

- 2) **Sign Area.** The sign area of a canopy shall be no more than twenty (20) square feet. Sign area shall be computed according to the method outlined in the Sign Area Computations section of this ordinance.
- 3) **Numerical Requirements.** One (1) canopy sign is allowed for each service area canopy located on a lot or parcel.

304.05 MAXIMUM NUMBER OF SIGNS

- A. **Wall Signs.** Where wall signs are allowed, there shall not be more than one(1) wall sign for each district activity located in a building, except when more than one building façade has street frontage. In this instance, an activity may have one (1) wall sign for each façade with street frontage.
- B. **Ground Signs.**
 - 1) Where ground signs are allowed, there shall not be more than one (1) ground sign for each lot or parcel. If two (2) or more signs are supported by one structure built into the ground, then they shall count as only one (1) ground sign. Business Center signs and residential entrance monuments are exempt from this requirement; instead being regulated below.
 - 2) Where a Business Center sign is allowed, it may be placed on the same lot as a second ground sign provided that no single activity is mentioned on both signs. However, there shall not be more than one (1) Business Center sign per each entrance or street frontage to a business center or industrial park. If two (2) or more signs are supported by one (1) structure built into the ground, then they shall count as only one (1) Business Center sign.

304.06 PROHIBITED SIGNS

- A. **Abandoned Signs.**
- B. **Advertising Signs.**
- C. **Combination Signs.**
- D. **Flashing Signs.**
- E. **Motion Signs.** No signs are allowed which contain moving sections or intermittent or flashing lights, except for intermittent display of time and temperature.

- F. **Off-Site Signs.** The following signs are exempt from this prohibition:
 - 1) Temporary off-site directional signs.
 - 2) Temporary special event signs.
 - 3) Governmental signs.
 - 4) Church and School Directional Signs.
- G. Painted Wall signs actually painted on the permanent exterior wall surface.
- H. Permanent pennants.
- I. Posted bills or signs placed on public right-of-way or any improvement within the public right-of-way.
- J. Projecting signs on public right-of-way or sidewalks.
- K. Roof Signs.
- L. **Signs which Obstruct Traffic Visibility.** No signs shall be erected or maintained in such place and manner as obstructs driver vision, or is noxious, annoying or hazardous because of method or lighting, illumination, reflection or location.
- M. **Signs on Parked Vehicles.** Signs affixed to vehicles and/or trailers which are parked on a public right-of-way, public property, private property so as to be visible from a public right-of-way, where the apparent purpose is to advertise a product or direct people to an activity located on the same or a nearby property shall be prohibited. Signs affixed to vehicles where the sign is incidental to the use of the vehicle are not prohibited.
- N. **Signs Within the Public-Right-of Way.** Signs shall not be permitted within the public right-of-way or easements reserved by the City except for Governmental signs installed by the City of Willernie.

304.07 GENERAL SIGN STANDARDS

- A. **Abandoned and Irrelevant Signs.** Any sign which is abandoned or no longer relates to the activity located on the premises shall be removed by the property owner within thirty (30) days.
- B. **Design.** A sign shall be designed as an integral architectural element of the building and site to which it principally relates. Materials and colors which are compatible with the character of the building and the surrounding environment shall be used on all signage.

- C. **Design Similarity.** All signs mounted on a building shall be similar in design to each other.
- D. **Hazardous Signs.** No sign may be erected that, by reason of position, shape, movement, color or any other characteristic, which interferes with the proper functioning of a traffic sign or signal or otherwise constitutes a traffic hazard; nor shall signs be permitted which would otherwise interfere with traffic control.
- E. **Location to Property Line.** No portion of any sign or post or canopy shall be located closer than ten (10) feet from any property, right-of-way or dividing line except as provided for temporary real estate signs which are regulated in Section C paragraph 13 (d), Signs Allowed Without a Permit.
- F. **Location to Street or Highway.** No sign shall be located closer than ten feet from any street or highway right of way except only residential name sign which are attached to mail boxes, lamp posts, or the like.
- G. **Proximity.** Free standing signs shall not be located closer than thirty (30) feet to any other sign on the same side of a street or highway.
- H. **Safety Obstructions.** No sign shall obstruct access to fire escapes or required windows, doors, exits, or standpipes.
- I. **Source of Lighting.** Lights shall be used to illuminate signs and shall be directed only upon the sign which they are meant to illuminate. No lights are permitted for which the source of the light is directly visible to passing pedestrians or vehicle traffic.

304.08 SIGN COMPUTATIONS

- A. **Allowable Sign Area Computation.** When computing allowable sign area as a percentage of the area of the building faced upon which the sign is located, the area of the façade shall be computed by multiplying the height of the façade as measured from the base of the building to the eave line or top of the uppermost inhabitable level by the width of the façade. When there is more than one space in a building, width shall be defined as the width the space occupies as it relates to the façade.
- B. **Sign Area Computation.** Except for awning and canopy signs, the area of a sign shall be computed by means of the smallest rectangle that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the building façade against which it is placed, but not including any supporting framework, pole, or bracing. When

computing sign area, the rectangle shall be drawn over the sign such that its base is parallel with the ground.

- C. **Multi-Faced Sign Area Computation.** The sign area of a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point, utilizing the method discussed in Part 2 above. When two identical signs are placed back to back so that both faces cannot be viewed from any point at the same time, and when such faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by measurement of only one of the faces.
- D. **Computation of Sign Area When Multiple Signs are Placed on One Pole.** When two (2) or more signs are mounted on one pole, pylon, or set of uprights affixed to the ground, then the total sign area shall be computed as the sum of all of the sign areas of the individual signs mounted on the pole, as computed in Part 2 above.
- E. The supports, uprights or structures on which any sign is supported shall not be part of the sign area unless such supports, uprights or structures are an integral part of the display sign.
- F. **Awning and Canopy Sign Area Computation.** When a sign is placed on an awning or canopy, the sign area shall be computed by means of the smallest rectangle that will encompass the extreme limits of the writing, representation, emblem, or other display, but not including any other part of the awning or canopy. For purposes of this computation, the total face area is defined as the portion of the awning or canopy which is parallel, or within fifteen (15) degrees of parallel, to the building façade upon which it is attached.
- G. **Backlit Canopy Sign Area Computation.** The illuminated portion of backlit canopy shall not exceed twenty-five (25) percent of the area of the façade upon which it is placed. The area of the façade is computed using the allowable wall sign area computation from the applicable zoning district.

304.09 NONCONFORMING SIGNS

- A. The Building Inspector shall order the removal of any sign erected or maintained in violation of the law as it existed prior to the date of adoption of this section.
- B. Any non-conforming portable sign existing at the time of adoption of this section shall be made to comply with the requirements set forth herein or shall be removed within sixty (60) days after the adoption of this section.
- C. Other signs existing at the time of the enactment of this section and not conforming to its provisions, but which did conform to previous laws shall be

regarded as nonconforming signs which may be continued if properly repaired and maintained as provided in this section and if in conformance with other provisions of the City Code. If said signs are not continued with conformance of above , they shall be removed.

304.10 STRUCTURAL REGULATIONS AND MAINTENANCE

- A. **Material.** All permanent signs shall be constructed of permanent materials versus temporary materials. Examples of permanent materials are brick, concrete, steel, aluminum, treated lumber, etc. Temporary materials are considered to be plywood, untreated wood products, etc.
- B. **Area Around Sign.** The owner or lessee of any sign, or owner of the land on which the sign is located shall keep the grass, weeds or other growth cut and the area free from refuse between the sign and the street and also for a distance of six (6) feet behind and at the ends of said sign.
- C. **Condition.** All signs must be maintained in a neat and clean condition, having no chipping or peeling paint, faded letters, or deteriorating backboards.
- D. **Construction and Erection of Signs.** All signs shall be constructed and erected in a quality manner of sound and sufficient materials so as to ensure the safety of the public and in accordance with all reasonable standards employed by professional sign makers.
- E. **Electrical Under Grounding.** All free-standing signs shall have underground electrical wiring in compliance with the building and electrical codes.
- F. **Unsafe and Unlawful Signs.** If the City Building Official shall find that any sign regulated herein is unsafe or loose, or has been constructed or erected in violation of the safety or structural provisions of this section, the official shall give written notice to the permittee. If the permittee fails to remove or alter the structure so as to comply with the standards herein set forth within thirty (30) days after such notice, such sign may be removed or altered to comply by the building inspector at the expense of the permittee or owner of the property upon which it is located or the inspector may cite the owner or permittee for violations of this code. No permit shall be issued to any applicant for a sign which is an immediate peril to person or property, such signs shall be subject to removal without notice.

APPENDIX A

DEFINITIONS

1. **Abandoned Sign.** A sign that is left for more than thirty (30) days after a business or corporation departs from a building to which the sign is attached.
2. **Advertising Sign.** A sign that directs attention to a business or profession or to a commodity, service or entertainment not sold or offered upon the premises where such sign is located or to which it is attached.
3. **Architectural Detail.** Any projection, relief, cornice, column, change of building material, window, or door opening on any building.
4. **Awning.** A structure made of cloth, plastic, metal, or other material affixed to a building in such a manner that the structure serves as a protective cover over a door, entrance, or window.
5. **Awning Sign.** A sign which is part of or attached to an awning. For the purpose of these sign regulations, an awning sign shall not be considered a projecting sign.
6. **Backlit Canopy.** A frame structure with a translucent vinyl covering designed in a canopy form, but whose principal purpose and use is signage. Such signs are internally lit. For the purpose of these sign regulations, a backlit canopy sign shall not be considered a projecting sign.
7. **Building Sign.** A sign which identifies the name of a building rather than a business within that building.
8. **Business Center.** A group of offices and/or businesses that are four (4) or more in number within the Office Business District.
9. **Business Center Sign.** Either a pole or monument ground sign which is utilized to identify a business center and/or the activities operating within the business center.
10. **Business Sign.** A sign that directs attention to a business or profession providing a commodity, service or entertainment sold or offered upon the premises where such sign is located or to which it is attached.
11. **Combination Sign.** A sign incorporating any combination or the features such as flashing, animated, projecting or roof signs.
12. **Canopy.** A free-standing or nearly freestanding structure, made of cloth, metal, or other material that is often built to serve as an awning but cannot be raised or

- other material that is often built to serve as an awning but cannot be raised or retracted against a building, and which derives its primary support from poles, pylons, or uprights affixed to the ground and which is designed principally to shelter an outdoor service area. Examples of canopies include those over gasoline pumps, bank, and fast-food drive throughs.
13. **Canopy Sign.** A permanent sign affixed to a canopy.
 14. **Construction Sign.** A temporary sign identifying the project under construction and/or the individuals or companies involved in design, construction, wrecking, financing, or development when placed upon the premises where the project is under construction. A construction sign must include a phone number and proposed completion date.
 15. **Directional Sign.** An on-premise sign providing information for the convenience of the public, such as the location of entrances, exits, warning signs in alleys, parking lots or in hazardous situations and other instances when signage is necessary for the orderly movement of traffic.
 16. **Facade.** The front of a building.
 17. **Flashing Sign.** An illuminated sign which has a light source not constant in intensity or color at all times, while such sign is in use.
 18. **Free Standing Sign.** A sign which stands on the ground and is not attached to a building.
 19. **Frontage, Building.** The frontage of a building shall be, for purposes of complying with this code, the side of the building with legal street address, abutting a public right-of-way or parking lot.
 20. **Government Sign.** A public sign designed for the control of traffic and other regulated purposes including street signs, warning signs, signs of public service companies. For the purposes of these regulations, a governmental sign also includes any sign which is located on or off-premises and is specifically designed to provide directions or to identify a public or semi-public facility such as City Hall, libraries, schools and parks.
 21. **Ground Level.** Point of reference for measurement purposes being the tip of the curb of the street closest to the location of a sign.
 22. **Ground Sign.** A freestanding sign supported by one (1) or more uprights, posts, or bases which are anchored to the ground and not attached to any part of a building. Included under ground signs are pole and monument signs.
 23. **Illuminated Sign.** A sign which is lighted with an artificial light source.

24. **Inside sign.** A sign painted, attached by adhesive or otherwise attached directly to or visible through windows and glass portions of doors.
25. **Industrial Park.** A group of buildings that are four (4) or more in number within the Industrial Business District.
26. **Industrial Park Sign.** A ground sign in the Industrial Business zoning district which states the name of the Industrial Park and/or the names of the activities or tenants located within the Park.
27. **Monument Sign.** A ground sign which does not utilize pylons, posts, poles, or uprights for support, but instead is anchored directly to the ground or is attached to a base which is anchored to the ground.
28. **Motion Sign.** A sign that has revolving parts or signs which produce moving effects through the use of illumination.
29. **Neon.** A sign that uses a discharge lamp to discharge electricity between electrodes causing luminosity of the enclosed vapor or gas or in which the luminosity of the enclosed gas is enhanced by phosphors.
30. **Nonconforming Sign.** A sign which does not meet the requirements of this ordinance or which failed to receive a sign permit under previous sign ordinances.
31. **Painted Wall Sign.** A sign painted directly on an exterior wall of a building or structure.
32. **Pennant.** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string (usually in a series) designed to move in the wind for purposes of these regulations, a flag, except when used as a symbol for governmental unit, shall be included under this definition.
33. **Personal Sign.** A sign which identifies the inhabitant of the dwelling, not to exceed two (2) square feet in size.
34. **Pole Sign.** A ground sign erected upon pylons, posts, poles, or uprights which are anchored to the ground.
35. **Political Sign.** A sign urging voters to vote for or support specific issues or candidates.
36. **Portable Sign.** Free standing signs on wheels, trailers or that are otherwise capable of being transported from place to place not permanently affixed to the ground.

37. **Private Information Sign.** An on-premise sign that provides for general information such as “No Trespassing”, “No Dumping”, “No Parking”, “Tow-Away Zone”, and other similar signs.
38. **Projecting Sign.** A sign other than a wall sign which projects from and is supported by a wall of a building or structure and projects no more than eighteen (18) inches from said wall or structure.
39. **Pylon Sign.** A sign erected on free-standing shafts, post or walls which are solidly affixed to the ground, and which projects more than seven (7) feet above ground level.
40. **Real Estate Sign.** A sign offering property (land and/or buildings) for sale, lease or rent.
41. **Real Estate Development Sign.** A sign promoting a new residential development.
42. **Removable Letter Sign.** A sign on which different messages can be displayed by use of removable letters.
43. **Residential Entrance Monument.** A monument ground sign which is utilized to identify a residential subdivision or other residential development including townhome, condominium, apartment, and manufactured home developments consisting of three (3) or more dwellings.
44. **Roof Sign.** A sign erected upon or above a roof or parapet of a building.
45. **Sign.** Any name, identification, display, illustration, structure or device which is publicly displayed and which is used to direct attention to a product, person, business, institution, activity or place.
46. **Sign Area.** The gross area, exclusive of supportive frame, which contains copy or identifying features such as logo, character or identifying figure.
47. **Sign Height.** The distance from the average elevation of the public street abutting upon the lot or tract on which such sign is located to the highest point on the sign.
48. **Special Event Sign.** A temporary sign which is used to advertise or promote an event of special significance to the City of Willernie. Such special events include events of civil, philanthropic, educational, or religious organizations.
49. **Temporary Sign.** A non-permanent sign erected, affixed, or maintained on a premises for a limited period of time.

50. **Temporary Business Sign.** A temporary sign, located on-premise and meant to identify a special, unique or limited event, service, product, sale of limited duration, or grand opening. Included under this definition are banners containing a message and erected for any of the above purposes.
51. **Wall Sign.** A sign attached to or erected against the wall of a building with the exposed face of the sign a plane parallel to the plane of said wall.

All terms pertaining to lots, frontage, subdivision, yards, and streets shall be defined by definitions in the City of Willernie Code.

400 BUILDING CODE

401 BUILDING CODE

402 RESERVED FOR FUTURE

403 PERMITS

405 FEES

406 RESERVED FOR FUTURE

401 BULDING CODE

401.010 **State Building Code Adopted.** The Minnesota State Building Code, established pursuant to Minnesota Statutes 16B.59 through 16B.73, one copy of which is on file with the City Clerk, is hereby adopted and shall be in full force and effect in the City of Willernie.

401.020 **Enforcement.** The Building Official and his duly appointed representatives shall be authorized and directed to enforce all provisions of the said Building Code.

401.040 **Violations.** It shall be unlawful for any person firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the

City of Willernie or cause the same to be done, contrary to or in violation of any of the provisions of said Building Code.

402.010 **Fences, Retaining Walls-Obstruction of Road Right of Way.** No retaining wall, fence, structure or personal property may be built or placed within ten feet (10 feet) of any roadway, existing or platted, within the City; and no plants, trees, or shrubs shall be planted within ten feet (10 feet) of any roadway, existing or platted, within the City except by permit issued by the City or its authorized agent.

402.020 **Permits.** The City or its agent shall not issue a permit for the purposes described above unless it finds that the proposed wall, fence, structure, personal property, plat, trees or shrub will not interfere with the City's maintenance of its roadway and utilities or with sight lines for traffic moving within the City. The City may impose a reasonable charge for permits issued under this section in an amount to be determined from time to time by resolution of the City Council.

402.030 Nothing in this section shall be construed to allow any building or structure which would otherwise be prohibited by the Building Code in effect in the City.

402 RESERVED FOR FUTURE

403 PERMITS

403.010 **Exterior Finish.** All residential buildings shall have the exterior finished within one (1) year of the date the permit was issued.

403.020 **Exterior Storage Buildings.** No more than one (1) exterior storage building under 120 square feet and of a type not requiring a permit under the state building code may be constructed, kept or stored on any contiguous property of one owner within the City of Willernie.

This provision shall not increase the number of exterior storage buildings allowed under any provision of the State Building Code.

Any exterior storage building shall meet the setback requirements for all other buildings within the City.

Fish houses may be stored outside, but only between February 15, and December 15, of each year and only if they are stored no closer to the street than the front of the house and if they are less than 120 square feet in size.

403.030 **Survey Required.** Before issuance of any building permit for a new residence the applicant shall provide the City Clerk with a certified survey of the property on which the residence is to be located and showing all setbacks from streets and neighboring property lines and a grading plan.

404 FEES

404.010 **Building Permit Fees.** A fee for each building permit in an amount determined by the Council shall be paid to the City Clerk as set forth.

The determination of value of valuation under any of the provisions of said Building Code shall be made by the building official.

405 SWIMMING POOLS

405.010 Above and Below Ground Pools. In all districts where single family dwellings, duplexes are permitted uses, the following standards apply:

- (1) A certificate of compliance shall be required for any swimming pool with a capacity of over three thousand (3,000) gallons and /or with a depth of over three and one-half (3 ½) feet of water.
- (2) An application for a certificate of compliance shall include a site plan showing: The type and size of pool, location of pool, location of house, garage, fencing and other improvements on the lot, location of structures on all adjacent lots, location of filter unit, pump and writing indicating the type of such units, location of back-flush and drainage outlets, grading plan, finished elevations and final treatment (decking, landscaping, etc.) around the pool, location of existing overhead and underground wiring, utility easements, trees and similar features, and location of any water heating unit, as well as name of contractor building the pool.
- (3) Pools shall not be located within twenty (20) feet of any septic tank/drainfield nor within six (6) feet of any principal structure or frost footing. Pools shall not be located within any required front or side yard setbacks, and there should be a minimum of ten (10) feet from the property line to the water.
- (4) Pools shall not be located beneath overhead utility lines nor over underground utility lines of any type.
- (5) Pools shall not be located within any private or public utility, walkway, drainage or other easement.
- (6) In the case of underground pool, the necessary precautions shall be taken during construction, to:
 - (a) Avoid damage, hazards or inconvenience to adjacent or nearby property.
 - (b) Assure that proper care shall be taken in stockpiling excavated material to avoid erosion, dust or other infringements upon adjacent property.

- (7) All access for construction shall be over the owner's land and due care shall be taken to avoid damage to public streets and adjacent private or public property.
- 8) To the extent feasible, back-flush water or water from pool drainage shall be directed onto the owner's property or into approved public drainageways. Water shall not drain onto adjacent or nearby private land.
- (9) The filter unit, pump, heating unit and any other noise-making mechanical equipment shall be located at least twenty (20) feet from any adjacent or nearby residential structure and not closer than two (2) feet to an lot line.
- (10) Lighting for the pool shall be directed toward the pool and not toward adjacent property.
- (11) A structure or safety fence of a non-climbable type at least five (5) feet in height shall completely enclose the pool, but shall not be located within any required yard areas.
- (12) Water in the pool shall be maintained in a suitable manner to avoid health hazards of any type. Such water shall be subject to periodic inspection by the local health officer.
- (13) All wiring, installation of heating units, grading, installation of pipes and all other installations and construction shall be subject to inspection.
- (14) Any proposed deviation from these standards and requirements shall require a variance in accordance with normal zoning procedures.

405.020

IN ALL ZONING DISTRICTS

- 1) Required structure or safety fencing shall be completely installed within three (3) weeks following the installation of the pool and before any water is allowed in the pool. Safety fence to be on job after hole is dug.
- (2) Drainage of pools into public streets or other public drainageways shall require written permission of the appropriate local public officials. Backwash to street.

500 WATER SYSTEMS

501 MUNICIPAL WATER SYSTEMS

- 501.010** **Control of Water System.** The Water Works System of the City of Willernie shall be under the immediate direction and control of the City Council, who shall have authority to do everything pertaining to said system that may be necessary for the management and protection thereof.
- 501.020** **Appointment of Superintendent and his Duties.** The City Council may appoint a Superintendent of the Water Works System who shall have charge of the operation, maintenance and repair thereof subject to the direction of the City Council. He shall have immediate control and custody of all the property of the system, and see that all such property is properly stored and cared for and that a full and complete record and inventory of the same is kept. He shall see that the hydrants, valves and other parts of the system are in order and that all leaks are promptly repaired and that full and accurate reports are kept of all work done, the cost of the same, the names and time of the people employed, and any other information and records that may be required by the City Council.
- 501.030** **Superintendent – Maps and Records.** The Superintendent shall keep a full set of records and maps which shall show in detail the location and measurement for all water pipes, hydrants, valves, taps, shut-off boxes, T's and such other records and measurements as may be necessary. He shall not remove or change the location of any fire hydrant valve, water main or any other permanent improvement without first obtaining authority so to do from the City Council.
- 501.040** **Superintendent – Accounts, Bills, Permits, etc.** The City Clerk or such other person as the City of Willernie may designate, shall keep a complete set of books, which shall at all times show the distribution of accounts of the Water System; submit all bills, payrolls and accounts to the City Council monthly to be by it considered and approved; shall keep a correct account of all receipts, read all meters in service, make out all bills for water service or materials and labor furnished and performed, collect the same and deposit the money so collected to the credit of the Water Works Fund. The Clerk shall then issue all permits for tapping mains, except when mains to be tapped are not on streets adjoining the property to be served. In such cases he shall refer the application to the City Council. The Clerk shall keep a record of all taps and services, their size and

location. The Clerk shall exhibit the accounts to the City Council whenever it so requests.

501.060 **Application for Water Service.** Any person desiring a connection with the City of Willernie shall apply in writing to the City Clerk of on a form to be furnished by him for that purpose, for a permit to make such connection. Such application shall contain the name of the applicant, the legal description of the property to be served, the name of the owner thereof, his address, the various purposes for which the water is to be used, the location of the proposed shut-off box, the size of the tap to be made and the pipe to be connected with the main.

501.070 **Permit issued by City Clerk – Cost.** The Clerk, upon receiving such application as provided in Section 6 hereof, if the same is in proper form, shall issue to the person or persons applying for the same, a permit to connect with the City water mains, and the applicant shall pay a fee in the amount determined by resolution of the City Council.

501.080 **Furnishing of Water Meters.** Meter will be furnished to the consumer by the City at its cost for a ¾ inch meter. For all meters installed after the original installation, the then current cost thereof shall be charged to such new consumer.

501.090 **Meters – Location – Defective Meters.** Water will be supplied only through meters furnished, owned, and leased by the City and for which a suitable meter box and location shall be provided by consumer. Should any meter be found defective in any particular, it will immediately be changed, repaired and replaced. Meters will be placed and repairs necessitated by ordinary wear and usage will be made by the City without additional charge; but, the cost of repairs necessitated because of freezing, hot water or other carelessness, or negligence on the part of the owner or occupant of the premises or their agents will be charged to and collected from said owner or occupant in the same manner that water bills are collected.

In case a meter fails to register the quantity of water used, the amount to be paid for by such consumer for water during such period shall be ascertained by the amount registered during the corresponding period in a pervious month, quarter or year.

501.100 **Testing Meters.** At the written request of any owner or consumer, the City will test the meter supplying his premises. A deposit in an amount determined by resolution of the City Council will be required before the meter is disconnected, which will be returned if the meter is not found to be registering correctly within two percent on a flow equal to one-eighth

of the diameter of the service, or in favor of the consumer; otherwise, the deposit will be retained by the department to cover the cost of the test.

The owner or consumer may, if desired, be present at the time the test is made. The result of the test will be reported to the owner or consumer in every case.

If the testing of a meter, as herein before provided shows that it fails to register correctly, the charge to the consumer shall be on the basis for the corresponding period of the previous year. If the meter has not been in service for a year, or if for any other reason the charge for the corresponding period of the previous year cannot be justly corrected, the charge shall be equitable adjusted by the City Clerk.

Any other adjustment of charges for water supplied through meters shall be made by resolution of the City Council.

501.110 **Meters to be Sealed.** All meters and couplings on all meters in service shall be properly sealed, and no one other than authorized officials or employees of the City shall interfere, tamper or repair any water meter or break any seal thereon while such meter is used in connection with the City water system.

501.120 **Access to and Inspection of Meters etc.** Authorized City officers, superintendent or City employees shall have right of access to any consumer's premises at all reasonable hours for the purpose of reading, inspecting or repairing meters, pipes, hydrants, and valves used in connection with the water service and for any other purpose proper in the operation of the water system.

501.130 **New Connection – Cost.** Only City employees or duly authorized licensed plumbers shall tap water mains, lay pipe from main to property line and install shut-off boxes, the cost of which, including both material and labor, shall hereafter be paid by the consumer requesting the same, who has not been specially assessed.

501.140 **Separate Shut-offs and Service Connections.** Unless special permission is granted by the City Council, each premises shall have a separate and distinct service connection, shut-off box, wheel handled service stop and a shut-off valve on each side of the meter and water meter. All valves to be not less than the size of the service connection.

- 501.150** **Make and Depth of Service Pipes.** All service pipes shall be Type K Copper, HD Polyethylene. All service pipes shall be laid not less than seven (7) feet below the established grade, except eight (8) feet under a drive way.
- 501.160** **Shut-Off Boxes and Their Location.** There shall be a shut-off box to every service pipe attached to the mains, the same to be placed as near as possible to the street or alley line. Stop cocks shall be so constructed so as to be self-draining when closed. Any connection discontinued shall require five-day notice to the City and removal of the water meter. Meters cannot be installed in inaccessible places. The City will have the right to approve the placing of any meter.
- 501.170** **Check Valves.** Check valves are required on all connections to steam boilers or on any other connection which the City Council may deem to require one. Safety and relief valves shall be placed on all boilers or other steam apparatus connected with the water system where the steam pressure may be raised in excess of seventy-five (75) pounds per square inch.
- 501.180** **Cost of Service Installation Beyond Shut-Off Box.** The cost of installation of all plumbing between the shut-off box and any service devices maintained by consumer, and all extensions made to such service pipes, as well as all repairs to the same, shall be borne entirely by the consumer. However, such service pipes and devices shall at all reasonable hours be subject to inspection by the Superintendent or authorized City employee.
- 501.190** **Excavations to be Guarded and Properly Backfilled.** No excavations made by plumbers in public ground shall be kept open longer than is absolutely necessary to make the required connections, and while open, shall be protected by suitable barriers, guards and lights as provided as recommended or required by Osha standards through the ordinances of this City. Backfilling shall be thoroughly compacted and left in a condition satisfactory to the City Council. Where excavations are unsatisfactorily filled, the City Council shall cause them to be placed in a satisfactory condition, and the cost thereof shall be charged to such plumber making the same, and the privilege of such plumber doing further work in connection with the City water system be suspended until such charge is paid. Such plumber shall be given notice thereof and ten days within which to pay such charge.

501.200 **Only Licensed Plumbers with Permit and Liability Insurance and Employees to Work on Water System.** No one other than duly licensed plumbers of the State of Minnesota and City employees shall make any repair or perform any work upon any part of the municipal water works system except as the Council may by resolution designate. This shall not prevent any consumer from making any necessary repairs or alterations on premises owned by him or occupied by him as a tenant. Such plumber shall, before excavating in any City street for the purpose of making a new connection or for making repairs, file a written application, on such form as the Council may from time to time prescribe, with the City Clerk of the City of Willernie for a permit to make such connection or repair. Before such permit shall be issued by the City Clerk, satisfactory showing must be made that such plumber is carrying liability insurance in an accredited company with the City as one of the assureds in such policy insuring the City against loss in the sum of \$7500.00 and \$10,000.00 as customarily provided in such policies. Plumbers shall post a proper bond and show evidence of a state license.

501.210 **Water Rates.** The rate due and payable to the City by each water user for water taken from the Water System shall be that rate established by the City Council by resolution and amended resolution.

501.220 **Payment of Water Bills.** Water charges for water service furnished by the City Water Works System shall become due and payable quarterly on the first days of January, April, July and October, except as in this ordinance otherwise specifically provided. Water bills shall be paid at the office of the City Clerk on or before the 1st day of the month next following the date of bill. The water service of any consumer failing to pay his or her water bill within 30 days after such date, shall be immediately shut off, and this provision shall apply to any consumer disputing the amount of his or her water bill. However, such payment, in case of a dispute, shall not constitute a waiver of his or her right to demand and recover a return of any erroneous or excessive charge. No exception shall be made except upon authority from the City Council.

501.230 **Accounts Carried in Name of Owner.** All accounts carried upon the books of the City Water system shall be with the owner of the property served, or his authorized agent (his tenant shall be deemed such agent) and such owner shall at all times be liable for water used upon such premises, whether occupied by him or not.

- 501.240** **Two or More Consumers on Same Line.** Where two or more consumers take water from the same service line, and any of them neglect to pay the water charges when due, the water shall be turned off for all.
- 501.250** **Fee for Turning Water On and Off.** In all cases where the water has been turned off for non-payment of water rent, or for violation of this ordinance, it shall not be turned on again until a fee of \$25.00 is paid together with all water charges that may be due.
- 501.260** **Unlawfully Turning Water on Again.** If it is found that the water has been turned on again without having complied with the preceding requirements, it shall be lawful to cause the ferrule to be drawn; or water service otherwise disabled and it shall not be inserted again until all back charges have been paid together with \$50.00 additional for drawing and replacing the ferrule.
- 501.270** **Notice of Leaks – Penalty.** In case of failure on the part of any consumer or owner to repair any leak occurring upon his service pipe within 24 hours after verbal or written notice has been given upon the premises, the water will be shut off from the same and will not be turned on until the sum of \$25.00 has been paid to the City. When the waste of water is great, or when damage is likely to result from the leak, the water will be turned off if the repair is not proceeded with immediately upon the giving of such notice.
- 501.280** **Notice to Discontinue Water Service.** Whenever any consumer desires to discontinue his water service, he shall give five days notice, unless waived by the City Council, to the City Clerk of his intention to discontinue service. Upon failure so to do, a charge of \$3.50 will be added to his water bill. Three days notice is required for turning on water.
- 501.290** **Water Funds to be Deposited to Special Fund.** All fees, water rents and charges and any other money received in connection with the water system shall be deposited with the City Clerk within three days after their receipt and credited to the Enterprise Fund of said City.
- 501.300** **Expenses Payable out of Enterprise Fund.** All expenses and costs incurred in the operation and maintenance of the Water Works System together with the Water Works bonds and interest thereon shall be paid out of the Enterprise Fund.

- 501.310** **Liability of the City for Turning Off Water.** The City of Willernie shall not be liable for any deficiency or failure to the supply of water to consumers, whether occasioned by shutting off the water for the purpose of making repairs or connections, or for any other cause whatsoever. In case of fire or alarm of fire, or in making repairs, or constructing new works, the water may be shut off any time for such period as may be deemed necessary.
- 501.320** **Unlawful Use of Water.** It is hereby declared unlawful for any person, firm or corporation to take any water from the City water system except that the same be drawn through a meter owned or approved by the City or to take any water from and premises not owned by him without permission of the owner.
- 501.330** **Tampering with Water System.** It shall be unlawful for any person to turn on any shut off box or to open or interfere with any of the hydrants, valves, or to tamper with any part of the water works system, except the Superintendent, members of the fire department and employees and persons authorized by the City Council.
- 501.340** **Mahtomedi Water Agreement Applicable.** All the provisions of that certain Agreement, dated February 14, 1961, entered into between the City of Mahtomedi and the City of Willernie for the sale and supplying of water by Mahtomedi to Willernie for resale through Willernie's water distribution system, shall be observed and enforced the same as through said Agreement were incorporated herein, and said Agreement and any Amendments thereof hereafter made, are hereby made a part of this Ordinance by reference.
- 501.350** **Penalties for Violation of Ordinance.** Any person who shall do or commit any act which is forbidden by this ordinance or who shall obstruct the observance of Section 12, hereof, shall be punished as for a misdemeanor under State law.

600 – NUISANCES

601 – MISCELLANEOUS NUISANCES

602 – EXTERIOR STORAGE

603 – SEASONAL PARKING

604 – PLACING OF NUMBERS ON BUILDINGS IN THE CITY

601 – MISCELLANEOUS NUISANCES

601.010 **PROHIBITION.** No person, firm, corporation or association shall cause suffer or permit any nuisance as hereinafter defined to exist or to be maintained upon property situated in the whole or in part within the limits of the City of Willernie.

601.020 **Public Nuisances Affecting Health, Comfort or Repose.** The following are hereby declared to be public nuisances affecting health, comfort or repose:

A. Decayed Food. All decayed or unwholesome food offered for sale to the public;

B. Carcasses. Carcasses of animals not buried or destroyed within twenty-four (24) hours after death;

C. Accumulation of Refuse and Debris. An accumulation of refuse, rubbish or garbage or debris of any nature or description.

D. Pollution of Wells or Public Water. Causing or suffering the pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substances.

E. Smoke and Fumes. Dense smoke, noxious fumes, gas and soot, or cinders in unreasonable quantities.

F. Other Acts Detrimental to Health. All other acts, omission of acts, occupations and uses of property which are determined by the City Council to be a menace to health of the inhabitants of the City or considerable number thereof.

601.030 **Public Nuisances Affecting Morals and Decency.** The following are hereby declared to be public nuisances affecting public morals and decency:

A. Gambling Devices. All gambling devices, slot machines and punch board, except as authorized under state statute.

B. Betting. Betting, bookmaking, and all apparatuses used in such occupations;

C. Window Peeping. The looking into or peeping through doors, windows, or openings or private homes by methods of stealth and without proper authority and by surreptitious methods, or what is commonly known as “window peeping.”

601.040 Public Nuisances Affecting Peace and Safety. The following are declared to be Nuisances affecting peace and safety:

A. Snow on Streets, Sidewalks. All snow and ice not removed from public sidewalks 12 hours after the snow and ice has ceased to be deposited thereon. Snow plowed or shoveled into a public street.

B. Obstruction of View of Traffic. All trees, hedges, billboards or other obstructions which prevent persons from having a clear view of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle driven at a reasonable speed to a full stop before the intersection is reached.

C. Low Limbs. All limbs of trees which are less than eight (8) feet above the surface of any public sidewalk or street.

D. Low Wires. All wires which are strung less than fifteen (15) feet above the surface of any public street or alley.

E. Failure to Maintain Improvements. In all zoning districts it is hereby declared necessary that all structures, landscaping, and fences be reasonably maintained so as to avoid health or safety hazards and prevent a degradation in the value of adjacent property; failure to so maintain such improvements is, accordingly, declared to be a nuisance.

F. Dangerous Objects. The placing or throwing on any street, alley, road, highway, sidewalk, or other public or private property of any glass, tacks, nails, bottles, or other nuisances which may injure any person or animal or may cause damage to any pneumatic tire when passing over the same.

G. Obstruction and Excavation. Obstructions and excavations affecting the ordinary use of the public streets, alleys, sidewalks, or public grounds except under such conditions as are provided by ordinance, and any other excavation left unprotected or uncovered indefinitely or allowed to exist in such manner as to attract people.

H. Junk. The accumulation, storing, or keeping of old machinery, wrecked or inoperable vehicles or household appliances and unlicensed vehicles and other junk or debris. For purposes of this Section any personal property stored in violation of this provision of Section 602 of this Code, regulating exterior storage, shall be deemed junk.

I. Obstruction of Streets. Any use of property abutting on a public street or sidewalk, or use of a public street or sidewalk which causes large crowds or people to gather obstructing traffic and the free use of public streets or sidewalks.

J. Unauthorized Signs. Erecting, painting, or placing of unauthorized traffic signs or advertising signs in streets or sidewalks.

K. Unused Refrigerators, etc. Any unused refrigerator or other container, with doors which fasten automatically when closed of sufficient size to retain any person, and which is exposed and accessible to the public, without removing the doors, lids, hinges, or latches, or providing locks to prevent access by the public.

L. Fire Hazards. Any building or structure which, by reason of age, dilapidated condition, defective chimneys or stove pipes, defective electric wiring, defective gas connections, defective heating apparatus, or other defect, is susceptible to fire, and which thus endangers life or limb or other buildings or property within the City; and any accumulations of brush, tree trimming, fallen leaves, parts of dead trees, timber, or other materials or substance on either vacant or improved property, which accumulations are susceptible to fire or capable of spreading fire to adjacent property.

M. Hazardous Buildings. Any building which because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment, constitutes a fire hazard or a hazard to public safety or health of the residents of the City.

N. Loud Radios in Motor Vehicles. All operation of any radio receiving set, tape player, compact disc player, paging system or any other device for the production or reproduction of sound in a distinct and loud audible manner so as to unreasonably disturb the peace, quiet and comfort of any person at a distance of twenty-five (25) feet or more from the source is hereby prohibited. This section shall apply to any motor vehicle within the City of Willernie whether moving or stationary.

601.050 Abatement. In the event of any nuisance as defined herein, the City Council may by majority vote, order the owner, lessee or occupant or any person having care or control of any such lot or land to abate the nuisance

and shall issue a written notice to such person allowing five (5) days after the service of notice for such person to comply.

601.060 **Assessment of Cost.** If the nuisance is not abated within five (5) days in compliance with the notice, the City Council shall cause the nuisance to be abated and shall recover the actual cost thereof, by civil action against the person or persons served; or, if service has been made upon the record owner, as shown on the records of the County Auditor by ordering the City Clerk to extend such sum, as a special assessment against the property upon which the nuisance existed and to certify the same to the County Auditor of Washington County, Minnesota, for collection in the same manner as taxes and special assessments are certified and collected.

602 **Exterior Storage**

601.020 **Exterior Storage Defined.** “Exterior storage” as used herein, means the storage of goods, materials, equipment, manufactured products and similar items not fully enclosed in a building.

602.020 **Prohibited Unless Enclosed**

A. All personal property shall be stored within a building, except for the following:

1. Laundry drying;
2. Recreational equipment commonly used in residential yards;
3. Construction and landscaping materials and equipment currently (within a period of six (6) months) being used on the premises but for no longer than six (6) months at a time.
4. Off-street parking of licensed, operable passenger automobiles and pick-up trucks as long as the total number of such vehicles does not exceed 3 per licensed driver residing year round on the property on which the vehicles are stored or property under the same ownership contiguous to the property on which the vehicles are being stored. In any case where more than 3 licensed, operable passenger vehicles or pick-up trucks are stored on property within the City under one ownership, the record owner of the property shall present to the City on demand a statement identifying, by name and address, the licensed drivers living year round on the property. In the event the property owner fails to provide such statement to the City Clerk within 10 days of receiving a written demand for such statement from the City it shall be conclusively presumed that not

more than one licensed driver resides year round on the property. For purposes of determining the number of licensed, operable passenger vehicles and pick-up trucks which may be stored on a property all contiguous property under the same ownership shall be treated as one property even if such property has a separate legal description or tax parcel identification than other property under the same ownership.

5. Boats and trailers less than twenty-five (25) feet in length, if stored in the rear and more than ten (10) feet distant from any property line.

6. Merchandise being displayed for sale in accordance with the provisions of the Zoning Ordinance.

7. Firewood stored for personal use in neat and orderly stacked piles in the side or rear yard in an amount not to exceed three chords.

602.030 Declaration of Public Nuisance. The accumulation and storage of used furniture, appliances, equipment, empty cans, bottles, newspapers, magazines, lumber, building materials or other refuse, and unlicensed, abandoned, wrecked, junked, partially dismantled or inoperative motor vehicles on private property, is found to invite plundering, to create fire hazards and to constitute an attractive nuisance creating a hazard to the health and safety of minors. The accumulation and outside storage of such personal property and vehicles is further found to promote blight and deterioration in the community. It is further found that such personal property and wrecked, junked, unlicensed, abandoned or partially dismantled or inoperative motor vehicles are in the nature of rubbish, litter and unsightly debris in violation of health and sanitation laws. Therefore, the accumulation and storage of such property and vehicles on private property, except as expressly hereinafter permitted, is hereby declared to constitute a public nuisance which may be abated as such, which remedy shall be in addition to any other remedy provided in this or any other ordinances of this City or by State Law.

602.040 Definitions. “Abandoned vehicle” means any motor vehicle, boat or trailer to which the last registered owner of record thereof has relinquished dominion and control. Any vehicle which is wrecked or partially dismantled, stationary or inoperative for a period of seven days shall constitute a prima facie presumption that the last registered owner thereof has abandoned such vehicle, regardless of whether the physical possession of said vehicle remains in the technical custody or control of such owner.

602.050 Storage of Abandoned, Junked, Dismantled Vehicles Prohibited. No person shall park, store, or leave, or permit the parking, storing or leaving of any abandoned vehicle or any vehicle which is a wrecked, junked, partially dismantled or inoperative vehicle upon any property including private property, within the City for a period in excess of seven days unless such vehicle is completely enclosed within a building. For the purpose of this section, vehicle shall include any boat, snowmobile or trailer left on any public street in excess of seven (7) days.

603 SEASONAL PARKING

603.010 Declaration of Purpose. To insure the public health, convenience and safety of the people of Willernie during the wintertime and at such time as snow accumulates on the public streets of Willernie, it is necessary and expedient for the City of Willernie to plow snow off it's streets. The presence of motor vehicles, boats or trailers on streets to be plowed presents a hazard to the operator of the plowing vehicle, impedes and frustrates plowing efforts, and the plowed-in vehicles further restrict the usable portion of the street thereby creating a greater hazard to the public health, safety and convenience.

603.020 Definitions. The following definitions shall apply herein:

Snowfall means a ground accumulation of snow of one inch or more within a 24-hour period. The 24 hour period shall be counted back from 8:00 o'clock a.m. of a given day in determining whether there is an accumulation of one inch.

Registered owner of motor vehicle and trailer means the owner and address as shown by the records in the office of motor vehicle registration of the Minnesota Department of Transportation.

Any motor vehicle, for purposes of this section means, boat, trailer or equipment.

603.030 Parking After Snowfall. After any snowfall, it shall be unlawful to park any motor vehicle upon a public street within the City until after the street has been plowed. Upon direction of the law enforcement officer, the owner shall move his motor vehicle to permit street plowing, and if the owner cannot be located at his residence within the City or if the registered owner of a motor vehicle is a non-resident of the City, the law enforcement officer is authorized to move such motor vehicle or to store the same at the owner's expense.

603.040 **Penalty.** The violation of any provision of this Ordinance shall be punishable in the same manner as a misdemeanor under state statute. Furthermore the City Council of the City of Willernie finds that vehicles parking in violation of any provision of this Ordinance constitute a nuisance and as such may be removed and towed away under direction of the authorized agent of the City Council. Vehicles towed for illegal parking shall be stored in a safe place and returned to the owner upon advance payment of a reasonable fee.

604 **PLACING OF NUMBERS ON BUILDINGS IN THE CITY**

604.010 **Numbering System.** A numbering system is hereby established for the City of Willernie so that each building shall have a number placed and kept thereon. It shall be the duty of the Clerk to maintain a map and to assign numbers so as to avoid duplication and have available an assigned number for each building now in existence or that may be built within the limitations of the City of Willernie.

604.020 **Owners of all residences shall place thereon and maintain thereon the numbers assigned by the Clerk.**

Such numbers shall be at least six inches high and of a surface that will reflect light directed on them during darkness and shall be so placed that they can be read from the edge of the street on which a building faces.

If the number is used from a cross street, then the street name must appear beneath.

Numbers and background shall be contrasting.

If numbers are not in place 120 days after Ordinance is effective, the City of Willernie will purchase and mount same and bill residence with total charges on the next water bill.

604.030 **Effective Date.** This Ordinance shall take effect and be enforced from and after its passage and publication according to law.

700 **LICENSING AND REGULATION OF ALCOHOLIC BEVERAGES**

MINNESOTA STATUTES INCORPORATED

701 INTOXICATING LIQUOR

702 NON-INTOXICATING MALT LIQUOR

700.010 Definition of Terms. As used in this Code the following terms whenever used in this Code shall have the following meaning, to-wit:

“Intoxicating liquor” and “liquor” shall mean and include ethyl alcohol and distilled, fermented, spirituous, vinous and malt beverages containing 3.2 percent or more of alcohol by weight.

“Sale” and “Sell” shall mean and include all barbers and all manners or means of furnishing intoxicating liquor or liquors as above described.

“Non-intoxicating malt liquor” within the meaning of this ordinance shall be held to be any malt liquor or beverage which contains more than one-half or one percent of alcohol by volume and not more than 3.2 per cent of alcohol by weight.

A “bona fide club” is an organization for social or business purposes and for intellectual improvements, or for the promotion of sports, where the serving of non-intoxicating malt liquor is incidental to and not the major purpose of the club, and shall mean an established club incorporated and existing under the laws of the State of Minnesota.

“Person” shall mean either a natural person or a Minnesota corporation.

“Original package” shall mean the bottle or sealed container in which the liquor is placed at the place of manufacture.

701 INTOXICATING LIQUOR

701.010 License Required – Intoxicating Liquor. No person shall, directly or indirectly, upon any pretense or by any device, sell, dispose of, or keep for sale in the City of Willernie any intoxicating liquor without first having obtained a license therefore as hereinafter provided.

701.020 Kind of Licenses. Licenses shall be of two kinds, viz: “On sale” and “Off sale”.

- A. "On sale" licenses shall be granted only to exclusive liquor stores and shall permit the consumption of liquor on the premises licensed only. The number of "On Sale" licenses shall be unlimited.
- B. "Off Sale" licenses shall be granted to permit the sale of liquor at retail in original package for consumption off the premises only. Such license shall be issued only to a person operating an exclusive liquor store. The number of "Off Sale" licenses shall be unlimited.

701.030

Application for License. Every person desiring a license for either "on sale" or "off sale" shall file a verified application therefore in writing with the City Clerk in the form to be prescribed by the State Liquor Control Commissioner. Every application for the license shall state the amount and nature of any dancing, singing, or other entertainment to be provided for the guests, and with such additional information as the Council may from time to time require. A surety bond shall accompany each application for a license. In the case of an application for an "on sale" license, the application shall be accompanied by a corporate surety bond in the sum of Three Thousand Dollars (\$3,000.00), to be approved as to form and execution by an attorney designated by the City of such bond, case or bonds of the United States of a market value of Three Thousand Dollars (\$3,000.00) may be deposited with the City Clerk-Treasurer. In the case of an application for an "off sale" license, a similar surety bond or cash or bonds of the United States shall be required, but the amount of such bond shall be One Thousand Dollars (\$1,000.00) and shall also be approved by the Commissioner. All such bonds and deposits shall be conditioned as follows:

- A. That the licenses will obey the law relating to such licensed business.
- B. That the licensee will pay to the municipality when due all taxes, license fees, penalties and other charges provided by law.
- C. That in the event of any violation of the provisions of this ordinance or of any law relating to the sale of intoxicating liquor, such bond shall be forfeited to the City.
- D. That the licensee will pay to the extent of the principal amount of such bond or deposit any damages from death or injury caused by or resulting from the violation of any provisions of law relating to the sale of intoxicating liquor, and in such cases recovery under

this subdivision may be had from the surety on his bond. The amount specified in such bond or deposit is declared to be a penalty, the amount recoverable to be measured by the actual damages; provided, however, that in no case shall such surety be liable for any amount in excess of the penal amount of the bond.

- E. It shall be unlawful to make any false statement in any application.

701.050 **LICENSE FEES.** The annual license fee for “on-sale” license shall be One thousand Five Hundred Dollars (\$1,500.00), and the annual fee for Sunday “on-sale” license shall be Two Hundred dollars (\$200.00). Each application shall be accompanied by the respective license fee which shall be deposited to the credit of the general fund of the City. Should the application be denied, the license fee will be returned to the applicant together with the bond. Licenses shall expire on February 3 of each year. Licenses issued for less than a year shall require a fee based prorata on the annual fee. The annual fee for “off sale” shall be One Hundred Dollars (\$100.00).

701.060 **GRANTING OF LICENSES – POSTING AND TRANSFER.**
The Council shall cause an investigation to be made of all the representations set forth in the application. Opportunity shall be given at a regular or special meeting of the Council to any person to be heard for or against the granting of any license. After such investigation and approval of the required bond, the City Council may grant such license if it deems such action to be consistent with the public welfare and safety; provided that no “off sale” license shall become effective until it, together with the applicant’s bond, has been approved by the commissioner. All licenses shall designate the premises licensed and all licensed premises shall have the license posted in a conspicuous place therein at all times. No license shall be transferable either as to license or premises without the approval of the Council and, in the case of “off sale” licenses, the approval of the Commissioner.

701.070 **RESTRICTIONS.**
All licenses granted hereunder shall be subject to the following restrictions together with all other laws, state and local, applicable thereto:

- A.. Every license shall be responsible for the conduct of his place of business and the conditions of sobriety and order therein.

- B. “On sale” and “Off sale” licensees shall be restricted to the sale of liquor as their respective licenses imply and are defined herein.
- C. “Off sale” licensee shall not sell non-intoxicating liquor for consumption on such licensed premises.
- D. No liquor shall be sold to any person under 21 years of age. No license shall be granted to any person under 21 years of age, and no person under 21 years of age shall be employed in the rooms where intoxicating liquor is sold unless a younger person is allowed to be employed by State Statute. No liquor shall be sold to a person who is obviously intoxicated or who is known to be a habitual drunkard.
- E. No licensee shall keep, possess or operate, or permit the keeping, possession or operation of, on the premises, or in any room adjoining the licensed premises controlled by him, any slot machine, dice or other gambling device or apparatus for gambling purposes, nor permit any gambling therein, nor permit such premises or any part adjoining same, to be used as a resort for prostitutes or other disorderly persons, except as authorized by the state charitable gambling law.
- F. No license shall be issued to any person not a citizen of the United States, or to any person who is not of good moral character and repute, nor to any person whose license under this ordinance has been revoked for violation of this ordinance.
- G. No license shall be granted for operation on any premises upon which taxes or assessments or other financial claims of the City are delinquent and unpaid.
- F. All sales shall be made in full view of the public. No “on sale” premises shall have swinging doors or opaque windows. Windows shall not be covered by any means so as to prevent a view of the whole interior. Booths shall not be curtained or the view thereof obstructed from the general observation of persons within such room.

701.080 **HOURS OF SALE.** The hours and days of sale for “on sale” and “off sale” intoxicating liquor within the City shall be as permitted by Minnesota Statutes.

701.090 **REVOCATION OF LICENSES.** Any license granted hereunder may be revoked by the City Council. A hearing shall first be had, of which the licensee shall be given such notice as determined by the Council, but in no event less than fourteen (14) days, and the revocation shall then be made for cause. The Council may suspend such license without notice pending such hearing. Any violation of any provision of this ordinance or the state law applicable thereto or any falsification of any statement in the application shall be grounds for revocation. No portion of the license fee paid to the City shall be returned upon such revocation.

701.100 **PROVISIONS SEPARABLE.** Every section, provision or part of this ordinance is declared separable from every other section, provision or part; and, if any section, provision or part hereof shall be declared invalid, it shall not affect any other section, provision or part.

702 **NON-INTOXICATING MALT LIQUOR**

702.01 **LICENSE REQUIRED.** No person shall vend, deal in or dispose of by gift, sale or otherwise, any non-intoxicating malt liquor without first having obtained a license so to do from the City Council, provided that this section shall not prohibit the giving or serving thereof to guests in a private home.

702.02 **TYPES OF LICENSE.** Licenses granted under this Ordinance shall be of two kinds, viz:

- A. “On sale” License shall permit the licensee to sell non-intoxicating malt liquors for consumption on the premises of the licensee described in the license. The liquors so sold shall be served and consumed at tables, booths, or restaurant counters with stools, in the dining room, café or eating place maintained by the licensee and shall not be consumed or served at bars or to standing persons. “On sale” licenses shall be granted only to drug stores, restaurants, hotels and bona fide clubs.

- B. “Off sale” License shall permit the licensee to sell such non-intoxicating malt liquor in original packages not to be consumed on the premises described in such license.

702.03 **FEES FOR SALE OF NON-INTOXICATING MALT LIQUOR.** The annual license fee for an “on-sale” or “off-sale” license shall be \$100.00

and shall be deposited with the application. The amount of the fee may be adjusted from time to time by resolution of the City Council.

702.04 **SALE TO PERSONS UNDER 21 YEARS PROHIBITED.** No persons shall sell non-intoxicating malt liquors to any person under 21 years of age, and no person under 21 years of age shall be permitted to be, loiter, or remain within any “on sale” licensed premises unless such minor is accompanied by his or her parents or legal guardian.

702.05 **REVOCAION.** The City Council may grant or deny any such application to sell non-intoxicating malt liquor, and if granted, the license may be revoked by the City Council at any time following reasonable notice and hearing and shall be revoked in the cases hereinafter provided for.

702.06 **TO WHOM ISSUED.** No license shall be issued to an applicant unless he/she be the actual owner or proprietor of the business at the location for which a license is applied for.

702.07 **FALSE STATEMENTS IN APPLICATION.** It shall be unlawful for the applicant to make any false or misleading statement in his written application, and in addition to all other penalties, his license shall be revoked by the City Council for a violation of this section.

702.08 **APPLICATION.** Any person desiring to sell non-intoxicating malt liquors under licenses hereinbefore defined shall make application in writing to the City Council, through the City Clerk, in which he shall state his true name and residence, his age, nationality, whether married or single, whether a legal voter, how long a resident of the City, the legal address of each person who will have charge, management, or control of the place; if applicant is a corporation, then in addition to the above information, the applicant shall give the name and general purpose of the corporation and the state under whose laws incorporated, and the names of its officers, and their addresses, and such other information as the City Council may require. Such application shall be signed by the applicant, if an individual, and if a corporation, by an officer.

A. If the applicant is not either a person who has been engaged in business located in the City or has not been a resident of the City for more than one (1) year prior to the filing of such application,

then in addition to the above information, the applicant shall give in his application: the address at which he has lived during the five years preceding such application; the kind and location of each business or occupation he has been engaged during the said period; whether he has ever been arrested or convicted of any crime; when and where and for what such arrests or convictions have been made; whether he has ever been engaged as an employee or in operating a saloon, pool hall, café, soft drink parlor, or other business or similar nature; and if so where, when and for how long; and the names and address of three persons who may be referred to as to his character. Such application shall be signed and sworn to by the applicant if an individual; and if a corporation by an officer thereof.

- B. Subdivision A of 702.08 shall not apply to corporation in which one or more of its officers have been residents of the City for more than (1) year prior to the filing of such application.

702.09 **INVESTIGATION.** The City Council may make or cause to be made an investigation of the facts stated in the application and of the character, reputation and fitness of the applicant, for the purpose of ascertaining whether the license applied for shall be granted.

702.10 **AUTOMATIC REVOCATION.** Any license issued to a person not entitled to receive the same under any provision of this Ordinance shall be revoked by the City Council at any time without notice or hearing.

702.11 **TERM OF LICENSE.** Licenses shall not be transferable, and shall expire on the 2nd day of February of each year. Application for renewal shall be made by December 27th of the preceding year.

702.12 **POSSESSION.** No person shall have in his possession for sale any non-intoxicating malt liquor without first having obtained one of the licenses herein provided for.

800 **MISCELLANEOUS CRIMINAL CODE**

801 **GUNS, WEAPONS AND FIREARMS**

802 **MINORS AND B-B GUNS, PELLET GUNS AND SLING SHOTS**

803 RESTRICTING ENTERTAINMENT IN PREMISES LICENSED TO SELL INTOXICATING LIQUORS

804 OPEN BOTTLES

801 GUNS, WEAPONS AND FIREARMS

801.020 DEFINITIONS.

A. Weapon means any gun, pistol, revolver, sling-shot, sand club, metal, knuckles, daggers, dirk, bowie knife, razor, air rifle, air gun, B-B gun, spring gun, bow and arrow, switch blade, firearm or any similar device for the propulsion of shot or other metal pellet by whatever means, and any other dangerous or deadly weapon or instrument. Person means any person, firm, partnership, or corporation.

B. A weapon is “concealed” within the meaning of this ordinance whenever the fact that a person is carrying a weapon is not readily ascertainable upon observing the person.

801.030 UNLAWFUL ACTS. Except as otherwise provided herein, it shall be unlawful for any person:

- A. To have under his control for sale any weapon within the City of Willernie, except as provided in Section 801.050 of this Ordinance.
- B. To fire, discharge, release, throw, or in any other manner propel a weapon within the City of Willernie.
- C. To wear under ones clothes or conceal about one’s person any weapon, or to carry a loaded weapon in any bag, sack, box, knapsack, purse, or other such carrying device which hides the presence of the weapon.

801.040 **SEIZURE, CONFISCATION, PENALTY.**

- A. If any law enforcement officer personally observes conduct in violation of 801.030, the weapon may be immediately seized and held in the custody of the City Law Enforcement Agency pending appropriate court action.
- B. If the court determines a violation of Section 801.030 has occurred, the weapon involved in such violation shall be forfeited to and confiscated by the City of Willernie.
- C. In addition to any confiscation and forfeiture under Section 801.040A, violation of this ordinance shall be a misdemeanor and result in a fine or imprisonment as authorized by the Code.

801.050 **EXCEPTIONS.** The prohibitions of this ordinance shall not apply to:

- A. **Police Officers.** Duly authorized law enforcement officers of the City when in the course and scope of their duties, nor to any officer of any court whose duty shall be to serve warrants or to make arrests, nor to persons who shall have obtained from the City Council or some other appropriate governmental agency, a license or permit to handle or have in his or her possession or control any weapon.
- B. **Encased Weapons.** Persons in possession of any weapon that is unloaded and properly encased and/or is being stored, transported, or displayed within a residence.
- C. **Bows and Arrows.** Persons in possession or control of bows and arrows while engaged in recreational activities, except hunting, or instructional programs on archery ranges located within County or City Parks.
- D. **Sale Not in Regular Course of Business.** Persons in possession or control of any weapon for the purpose of the sale of the weapon as long as the sale is not in the regular course of said persons' business.
- E. **Licensed Person.** Persons licensed pursuant to Sections 801.060 to 801.140.

801.060 **LICENSE REQUIRED.** No persons shall deal in or sell at retail or wholesale without a license, any gun, pistol, revolver, bow and arrow, or knife.

801.070 **APPLICATION.** Application for such license shall be made in writing and filed with the Clerk and shall state the full name, age, and address of applicant, the location where the business is to be carried on, the owner of the premises, and such other information as the City Council.

801.080 **FEE.** The fee for every such license shall be set by resolution of the City Council.

801.090 **INSPECTION.** Applicant shall permit the officers of the City to inspect the place of business described in the application and refusal by an applicant to permit such inspection shall be grounds for the Council to refuse the license.

801.100 **GRANTING OF LICENSE.** The Council may, after such investigation as it consider necessary, grant or deny the license applied for.

801.110 **TERM.** The license shall run for the period of one calendar year commencing January 1st. If application is made after January 1st, the license fee shall not be pro-rated and the license shall expire December 31st following.

801.120 **CONDITIONS OF LICENSE.** Every license shall be granted subject to the following conditions and all other provisions of this and any other Chapter of the City of Willernie Municipal Code or other ordinance or State Law.

A. No license shall be effective beyond the compact and contiguous space named in the license.

B. No weapon of any sort shall be sold or furnished to any person under Eighteen (18) years of age.

801.130 **REGULATIONS.** All persons licensed, and all persons required by this chapter to be licensed, shall comply with the following regulation:

A permanent written record of every sale of weapons must be kept. The name, age and address of the purchaser, the date of sale, a description and

identification of the item, or items sold and the purchase price must be included in this record. City officers shall have the right to inspect this record.

801.140 **REVOCATION.** Violation of any provision of this chapter shall be grounds for revocation of such license.

802 **MINORS AND BB GUNS, PELLET GUNS AND SLING SHOTS**

802.010 It shall be unlawful for the parent, guardian or other adult person having the care and custody of a minor to permit such minor to carry or use within the City of Willernie any B-B gun, pellet gun or sling shot.

802.020 Any parent, guardian or other adult person having the care and custody of a minor who shall violate the provisions of 802.010 hereof, shall, be guilty of a misdemeanor.

803 **RESTRICTING ENTERTAINMENT IN PREMISES LICENSED TO SELL INTOXICATING LIQUORS**

803.010 **Purpose.** The provisions of this Ordinance are declared necessary for the public welfare and safety of the citizens of the City of Willernie.

803.020 **Premises Defined.** The term premises shall mean any building wherein intoxicating liquor is sold.

803.030 **Permitted Entertainment.** Any premises lawfully holding a license for sale of intoxicating liquor is authorized, when carried on in conformity with law, to provide dancing and entertainment either by phonograph, electronic music devices, automatic piano, orchestra, band, or any other musical instrument, including vaudeville or similar entertainment, singing by group participation or by an individual, stage shows, or other similar amusement.

803.040 **Prohibited Entertainment.** The following acts or conduct are prohibited at any premises holding a license for the sale of intoxicating liquor:

- A. To employ or use any person in the sale or service of alcoholic beverages in or upon the licensed premises while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, or genitals.
- B. To employ or use the services of any host or hostess while such hostess is unclothed or in such persons attire, costume or clothing As described in Paragraph A above.
- C. To encourage or permit any person on the licensed premises to touch, caress, or fondle the breasts, buttocks, anus or genitals of any other person.
- D. To permit any employee or person to wear or use any device or covering exposed to view, which simulates the breast, genitals, anus, pubic hair or any portion thereof.
- E. To permit any person to perform acts of or acts which simulate:
 - 1. With or upon another person sexual intercourse, sodomy, oral copulation, flagellation or any sexual acts which are prohibited by law.
 - 2. Masturbation or bestiality.
 - 3. With or upon another person the touching, caressing or fondling on the buttocks, anus, genitals, or female breast.
 - 4. The displaying of the pubic hair, anus, vulva, genitals or female breast below the top of the areola.
- F. To permit any person to use artificial devices or inanimate objects to depict any of the prohibited activities described above.
- G. To permit any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals or anus.
- H. To permit the showing of film, still pictures, electronic reproductions depicting:
 - 1. Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

2. Scenes wherein artificial devices or inanimate objects are employed to depict or drawings are employed to portray any of the prohibited activities described above.

803.050 **Provisions Separable.** Every section, provision or part of this ordinance is declared separable from every other section, provision or part; and if any section, provision or part hereof shall be declared invalid, it shall not effect any other section.

803.060 **Revocation.** The City Council may suspend or revoke any license for the sale of intoxicating liquor for the violation of any provision of this Ordinance.

804 OPEN BOTTLES

804.010 Definitions.

- A. “Intoxicating liquor” shall mean any beverage having an alcoholic content.
- B. “Public place” shall mean any land owned by any governmental unit or over which are governmental unit has an easement, including but not limited to streets, sidewalks and parks.
- C. “Open bottle” shall mean any container containing intoxicating liquor, except such original container which seal has never been opened. Any glass or other receptacle into which intoxicating liquor has been poured and is contained is an open bottle.

804.020 Violation.

- A. It shall be unlawful to be in possession of an open bottle of intoxicating liquor or a public place.
- B. It shall be unlawful to consume intoxicating liquor in any motorized vehicle or any passenger carrying appurtenance thereto, including but not limited to trailers or campers attached to pickup trucks or any other motorized vehicles except a motorized vehicle in which consumption of intoxicating liquor is allowed under state law while such vehicle is parked in a public place.

804.030 **Special Permit**

- A. The City Council of the City of Willernie may issue a special permit not to exceed ninety (90) days waiving any provisions of this ordinance when it deems such waivers to be consistent with public welfare and safety.

- B. Such permit must describe with specificity the conditions under which the permit is issued including:
 - 1. Public place which is covered by the permit.

 - 2. The person to whom the permit is issued.

 - 3. Any other conditions or restrictions that the City Council deems necessary to adequately provide for the public welfare and safety, including restrictions as to the type of intoxicating liquor which may be consumed and the hours in which such liquor may be served.

900 **ANIMAL CONTROL**

901 **DOGS AND CATS**

901.010 **Definitions.** For the purpose of this Ordinance, the terms defined herein shall have the following meaning ascribed to them.

- A. **Owner.** Any person, group of persons or corporation owning, keeping or harboring a dog or dogs or a cat or cats for three (3) or more consecutive days.

- B. **Kennel.** Any person, group of persons or corporation engaged in the commercial business of breeding, buying, selling or boarding dogs or cats.

- C. **Running at Large.** Any dog which is not effectively restrained within a fenced area or any dog which is permitted to be on any unfenced area or lot abutting upon a street, alley, public park, public place or upon any other private land without being effectively restrained from moving beyond such unfenced area or lot, or any dog which is permitted to be on any street, public park, or public place without being effectively restrained by chain or leash not exceeding six feet in length shall be deemed to be running at large.

- D. **Spayed Female.** Any bitch which has been operated upon to prevent conception.
- E. **Animal Shelter.** Any premises designated by action of the City for the purpose of impounding and caring for all animals found running at large in violation of this Ordinance.
- F. **Animal Control Authority.** The provisions of this Ordinance shall be enforced by the City Council and its Animal Control Officer.
- G. **Animal Control Officer.** The person or persons employed by the City Council as its enforcement officer.
- H. **Exposed to Rabies.** A dog or cat has been exposed to rabies within the meaning of this Ordinance if it has been bitten by or been exposed to any animal known to have been infected with Rabies.

901.020

LICENSING.

- A. No person shall own, keep or harbor any dog or cat over three (3) months old within the City unless such dog or cat is licensed as herein provided. Written application for such license shall be made to the City Clerk and shall state the name and address of the owner and the name, breed, color, age and sex of the dog or cat. The application must be accompanied by a certificate from a qualified licensed veterinarian certifying that the dog or cat has been vaccinated against Rabies on a date that is not more than thirty (30) months prior to the expiration date of the license to be issued. The license fee shall be paid at the time of making application and a numbered receipt given to the applicant. The City Clerk shall keep and maintain an accurate record of identifying members.
- B. The license fee shall be as established from time-to-time by Resolution of the City Council.
- C. Every person, group of persons or corporation engaged in the commercial business of buying, selling and/or boarding and who owns, harbors or keeps four or more dogs or cats in a kennel shall pay a kennel license fee as established from time-to time by resolution of the City Council provided, however, that any persons operating such kennel must license individual dogs or cats owned

by them as provided in Subdivision A of Section 901.020 of this Ordinance. All applicable City Zoning Ordinances and Minnesota Statutes must be complied with before a kennel license may be issued.

- D. All dog or cat licenses and kennel licenses shall be issued for the license term as established from time-to-time by City Council Resolution. Applications for licenses may be made prior to and for thirty (30) days after the start of the licensing term without penalty, but when application is made thirty (30) days after the licensing term has elapsed, the applicant shall be assessed a penalty of fifty percent(50%) of the license fee which amount shall be added to and collected with the regular license fee; provided, however, if the dog, cat or kennel did not become subject to licensing until after the start of the licensing term, then no penalty shall be assessed if application is made within thirty (30) days after becoming subject to licensing.
- E. In the event that a metallic license tag issued for a dog or cat shall be lost, the owner may obtain a duplicate tag upon the payment of One Dollar (\$1.00).
- F. If there is a change in ownership of a dog, cat or kennel during the license term, the new owner may have the current license transferred to his name upon application and the payment of transfer fee of One Dollar (\$1.00).
- G. No person shall use for any dog or cat license receipt or license tag issued for another dog or cat or counterfeit or attempt to counterfeit license tags.

901.030 TAG AND COLLAR.

- A. Upon complying with the provisions of Section 901.020 of this Ordinance, there shall be issued to the applicant a numbered metallic tag stamped with the number and the year issued and labeled "LICENSED CITY OF WILLERNIE".
- B. Every owner is required to see that the tag is securely fastened to the dog's choke chain, collar or harness of durable material which must be worn by the dog at all times. Every cat owner is required to produce the license for that cat within 24 hours of a request from the City Council or Animal Control Officer.

- C. The fact that a dog is without a license attached to a collar shall be presumptive evidence that the dog is unlicensed.

901.040 **RESTRAINT.**

- A. The owner shall keep his dog under restraint at all times and shall not permit such dog to be at large off the premises or property of the owner unless under restraint.
- C. The owner of a dog which habitually chases vehicles or pedestrians shall keep his dog under restraint at all times and shall not at any time permit such dog to be at large off the premises or property of the owner unless restrained.

901.050 **BARKING AND HOWLING.** No person shall keep a dog which habitually barks or howls at night, or which by frequent and habitual howling, yelping, barking or otherwise shall cause serious annoyance or disturbance to persons or to the neighborhood. A dog shall be deemed to habitually bark or howl if a dog barks or howls for a period of five (5) minutes or more with no interval of at least thirty (30) consecutive seconds where the dog ceases barking or howling. An owner shall be advised in writing that a complaint has been filed charging violation of this section and ordering that the violation be abated within five (5) days. If such order is not complicated with, warrant shall be issued.

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

901.070 **IMPOUNDMENT.**

- A. Unlicensed cats or dogs and other animals found running at large shall be taken up by the agents of the City Council and impounded in the shelter designated as the City Animal Shelter and there confined in a humane manner for a period of not less than five (5) business days and may thereafter be disposed of in a humane manner subject to Minnesota Statutes Section 35.71, subdivision 3, if not claimed by their owners. Dogs and other animals not

claimed by their owners before the expiration of five (5) business days shall become the property of the City and be disposed of at the discretion of the City Council subject to Minnesota Statutes except as hereinafter provided in the cases of certain dogs and animals.

- B. The City Council may upon request therefore transfer title of all animals held by it at its animal shelter to the University of Minnesota or as otherwise provided by Minnesota Statutes after the legal detention period has expired and the animal has not been claimed by its owner.
- C. When dogs and cats are found running at large and their ownership is known to the agents of the City Council, such dogs and cats need not be impounded but the agent may at his or her discretion, cite the owners of such dogs and cats to appear in court to answer to charges of violation of this Ordinance.
- D. Immediately upon impounding dogs, cats or other animals, the agents of the City Council shall make every possible effort including checking for a microchip to notify owners of such dogs, cats, or other animals so impounded inform such owners of the conditions whereby they may regain custody of such animals.
- E. Animals other than dogs and cats shall be impounded when found running at large within the City limits and disposed of in accordance with law.
- F. **Unsprayed Female Stray Dogs.** No unsprayed female dog which has been impounded because of its being a stray shall be allowed to be adopted from the animal shelter unless the prospective owner shall agree to have such female spayed or the Humane Society or other animal rescue societies agree to do so and said prospective owner shall present to the Animal Control Officer within ten (10) days after such adoption a Certificate from a veterinarian attesting that such dog has been spayed.

901.080

REDEMPTION OF IMPOUNDED ANIMALS.

- A. The owner shall be entitled to resume possession of any impounded dog except as hereinafter provided in the cases of certain dogs upon compliance with the license provisions in Section 901.020 of this Ordinance and the payment of impounded fees set forth herein.

- B. Any other animal impounded under the provisions of this Ordinance may be reclaimed by the owner upon the payment of impoundment fees set forth herein.
- C. Any animal impounded under the provisions of this Ordinance and not reclaimed by its owner within five (5) business days may be subject to the provisions of Minnesota Statutes, be humanely destroyed by the Animal Control Officer or placed in the custody of some person deemed to be a responsible and suitable owner who will agree to comply with the provisions of this Ordinance and such other regulations as shall be fixed by the City Council; provided, however, if the animal is one as to which the respective rights of the owner and the person in possession or custody are determined by State Law, such law shall be complied with.
- D. Notwithstanding this section, the owner shall remain subject to penalties for violation of this Ordinance.

901.090

Impoundment Fees. Any animal impounded hereunder may be reclaimed as herein provided upon the payment by the owner to the Animal Control Officer of the sums for impoundment and daily care as established from time to time by City Council Resolution. Impoundment fees as established by resolution shall be collected for the City of Willernie and such additional sums as provided for keeping animals shall be collected for the City and retained by it to help defray the cost of keeping such animals.

901.100

CONFINEMENT OF CERTAIN DOGS AND OTHER ANIMALS.

- A. The owner shall confine within a building or secure enclosure every fierce, dangerous or vicious dog and not take such dog out of such building or secure enclosure unless such dog is securely muzzled.
- B. Every female dog or cat in heat shall be kept confined in a building or secure enclosure or in a veterinary hospital or boarding kennel, in such manner that such female dog or cat cannot come in contact with another animal, except for breeding purposes.
- C. No wild animal may be kept within the City limits, except under such conditions as shall be fixed by the City Council; provided, however, that wild animals may be kept for exhibition purposes by circuses, zoos and educational institutions in accordance with such regulations as shall be established by the City Council. "Wild

Animal” shall include all animals other than those generally known to be household pets such as cats and dogs. If there is any questions as to whether an animal is a wild animal within the meaning of this section, the owner shall ask the City Council for a determination of that issue.

- D. Any dog, cat or other animal, impounded for being a public nuisance may not be redeemed unless such redemption is authorized by any court having jurisdiction.
- E. When the judgment of the City Council or its agents, an animal should be destroyed for humane reasons, such animal may not be redeemed.

901.110 **Rabies Control.** The Minnesota State Health Laws and Regulations pertaining thereto shall apply in cases of rabid animals, animals which have bitten any person or animals suspected of being rabid.

901.120 **Reports of Bite Cases.** It shall be the duty of every physician or other practitioner to report to the City Council the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.

901.130 **Responsibilities of Veterinarians.** It shall be the duty of every licensed veterinarian to report to the City Council his/her diagnosis of any animal observed by him/her as a rabies suspect.

901.140 **Number of Animals.** No person shall keep or allow others to keep on any property within the City more than two (2) dogs or more than two (2) cats at any dwelling except that a person may apply to the City for a permit to keep up to three (3) dogs or up to three (3) cats, but not more than a combination of four (4) animals. The applicant for any permit shall provide with the application the written consent of seventy five percent (75%) of the single family dwellings within one hundred fifty (150) feet of the outer boundaries of the premises for which the permit is being requested or, proof that adjacent property lines are one hundred fifty (150) feet or more from the applicant’s home. Where a street separates the premises for which the permit is being requested from other neighboring property, no consent is required from the owners or occupants of property located on the opposite side of the street.

901.150 **Existing Animals.** Any person who kept or maintained dogs or cats prior to June 22, 1995, and was not in violation of the existing City Ordinances shall not be deemed in violation of this Ordinance as amended on that date, but no such animals shall be replaced after their death or sale if the replacement would cause the owner to have more animals at the dwelling

than allowed by the amended Ordinance and any person who keeps more than the number of animals allowed by the amended Ordinance shall notify the City Clerk of the number and description of any such animals on or before October 15, 1995, or the animals shall be treated as not having been possessed by the owner prior to June 22, 1995.

901.160 **SPECIAL CAT PROVISIONS**

901.161 **Cats: Special Provisions.** It is unlawful to own or possess any cat which destroys, damages, or defiles property or that creates an offense by way of noise, odor or otherwise; or molests other animals or human beings, after receiving notice from the City of the prior commission of such acts by the cat in question. Such cats are declared to be a public nuisance.

901.162 **Cats: Notice.** Upon written complaint of a person stating the acts committed by a cat, the name and address of the person owning or harboring the cat, and the name and the address of the person making the complaint, the City will notify the person owning or harboring the cat of the acts complained of to restrain the cat from committing any more such acts.

901.163 **Cats Abatement.** If a cat constitutes a nuisance under section 901.161, and no owner or responsible party is ascertainable, the City may take whatever action is deemed appropriate to abate the nuisance.

1000 **BUSINESS LICENSING**

1001 **MANNER OF LICENSING**

1002 **SPECIAL LICENSE FOR BOWLING ALLEYS**

1001.010 **Purpose.** For the purpose of protecting public and private property and for the benefit of residents, trade and commerce, and for the general welfare of the community, and pursuant to the powers vested in it by Chapter 412 of the Minnesota Statutes, as amended, the City Council of the City of Willernie, Washington County, Minnesota, has found it necessary to provide for the licensing of businesses, the regulation of certain business activities, and to provide penalties for the violation thereof.

1001.020 **Necessity of License.** Before any person, firm or corporation shall engage in any business, trade, occupation or profession or perform any of the various types of work hereinafter listed, they shall first obtain a license to do so as hereinafter provided:

No. 1—Sign and bill board erecting.

No. 2—For the trade or business of a second-hand dealer, except dealers in second-hand books.

No. 3—For the trade or business of restaurants, cafes, or sandwich shops where food or drink is offered for public sale and consumed on or about the premises.

No. 4—For the trade or business of operating, managing, or maintaining any one or more of the following: A grocery store, meat market, confectionery shop or dairy store.

No. 5—For the trade or business of an automobile service station, including, among other things, gasoline sales, car maintenance and repair, and greasing.

No. 6—For the trade, business, operation, management or maintenance of a pool, snooker, billiard tables, dance floor, carnival, circus, or other amusements provided for public or private entertainment.

1001.030 **Where Obtained.** All licenses shall be obtained from the Clerk of the City. Application for licenses shall be filed with the Clerk on the forms furnished by the City. The fee for each license shall be as determined from time to time by the City Council.

1001.040 **Expiration.** All licenses shall expire on the June 30 following the date of issuance, unless sooner revoked or forfeited. If a license granted hereunder is not renewed previous to its expiration, then all rights granted by such license shall cease, and any work performed after the expiration of the license shall be in violation of this code.

1001.050 **Partial License Prohibited.** Persons, firms, or corporations renewing their licenses after the expiration date shall be charged the full annual license fee. No prorated license fee shall be allowed for renewals.

1001.060 **Qualification.** Each applicant for a license shall satisfy the Council that the applicant is competent by reason of education, special training, experience and that he is equipped to perform the work for which a license is requested in accordance with all state laws and city ordinances.

1001.070 **Suspension or Revocation.** The Council shall have the power to suspend or revoke the license of any person, partnership, firm or corporation, licensed under the regulations of this code, whose operation, management, or maintenance is found to be improper or defective, unsafe, or against the public interest as to jeopardize life or property, or which is found to create a public nuisance, providing the person holding such license is given twenty (20) days notice and granted the opportunity to be heard before such action is taken. If and when such notice is sent to the legal address of the licensee then he/she fails or refuses to appear at the said hearing, the license shall be automatically suspended or revoked five (5) days after the date of hearing.

1001.080 **Term of Suspension.** When a license is suspended, the period of suspension shall not be less than thirty (30) days, nor more than one (1) year, such period being determined by the governing body.

1002 **SPECIAL LICENSE FOR BOWLING ALLEYS**

1002.010 **Application and Fees.** No person shall own or operate any bowling alley which is to be used by the public until and unless it has been licensed by the City Council. An applicant for such license shall state, in writing, the name and address of the owner or owners of the property in which the bowling alley is located, the names and addresses of the persons who operate the bowling alley, the location of said bowling alley, and a general description thereof. If the City Council shall find that the owners and operator of the bowling alley are persons of good moral character and that the operation of the bowling alley will be carried on in conformity with all the laws and ordinances applicable thereto and that the operation of the bowling alley at the place indicated is consistent with the character of the community immediately surrounding, then it may be granted a license which will expire on December 31st next following. The annual fee for such license shall be Fifteen Dollars (\$15.00) per alley – total (\$120).

If the owner or operator shall be convicted of any violation of any of the Ordinances of the City, or laws of the State in connection with the operation of said bowling alley, or for good cause shown, the City Council may revoke said license or may cause the same to be suspended for a time to be determined by the City Council.

GARBAGE AND REFUSE

1101 DEFINITIONS AND PURPOSE

1102 BURNING PROHIBITED

1103 CONTRACT TO HAULER

1104 CONTAINERS

1105 COLLECTION

1106 STORAGE

1107 FEES

1101 DEFINITIONS AND PURPOSE

1101.010 **DEFINITION.** For the purpose of this Ordinance, garbage and rubbish are defined to include refuse of all kinds, both organic and inorganic, that accumulates in the ordinary operation of a household, including grass trimmings, ashes, tree branches, leaves and other refuse small enough to go into a 30 gallon garbage can, but specifically excluding rocks and dirt.

1101.020 **PURPOSE.** The purpose of this Ordinance is to maintain and protect the public health and sanitation by the removal of garbage and rubbish from residences in the City of Willernie; to prevent the unregulated and unrestricted hauling of garbage and rubbish by other means than through the garbage and rubbish collection system established by this Ordinance so as to eliminate the dispersal of garbage and rubbish along with streets, roads and other properties in and near the City; and to protect the public health, safety, welfare and convenience within the City by prohibiting open burning within the City.

1102 BURNING PROHIBITED

1102.010 **BURNING PROHIBITED.** All burning out of doors of any kind, Manner and form is prohibited with the exception of recreational fires.

OUTDOOR BURNING PROHIBITED. It is unlawful to engage in or allow the outdoor burning of any material, waste, product, or fuel except propane, butane, kerosene, natural gas or charcoal when used for heating, cooking, or construction purposes, or firewood as defined below when used for recreational purposes.

OUTSOOR BURNING ALLOWED. Firewood defined as untreated or uncoated natural wood, which is greater than 2 inches and less than eight

inches in diameter and less than 20 inches in length may be burned subject to the following conditions:

1. Firewood may only be burned within a non-combustible containment less than 3-feet in diameter, not less than 8 inches in depth or height. Recreational fires are under State Statute 88.01 SUBD 25 stating that "Campfire" means a fire set for cooking, warming, or ceremonial purposes, which is not more than three feet in diameter by three feet high and has had the ground five feet from the base of the fire cleared of all combustible material.
2. A means of controlling or extinguishing the fire (including an approved fire extinguisher, water supply or ample supply of sand) must be immediately available.
3. The fire must be constantly supervised by an adult until **fully extinguished.**
4. The fire may not be within 15-feet of a structure, property line, or combustible material.
5. The fire may not be lit prior to 6:00 p.m. nor after 11:00 p.m. Sunday through Thursday and prior to 4:00 p.m. and midnight on Fridays, Saturdays, and national holidays.
6. Any outdoor burning which imposes smoke into a neighboring structure shall be extinguished.

1103 CONTRACT TO HAULER

1103.010 CONTRACT HAULERS LICENSED BY THE CITY. The City Council shall award a contract by giving license to one hauler to collect garbage and refuse within the City on a bid basis upon specifications determined by the City Council and advertised according to law, and the contract term shall be for one year. The specifications shall include by reference the contents of this Ordinance and such other requirements as may be determined by the Council.

1103.020 INSURANCE.

- (a) The hauler awarded a contract by the City and as a basis for qualifying to collect refuse within the City must furnish to the City

Council evidence of insurance as follows:

- 1) General liability insurance in the limits of at least \$100,000.00 for the death of or injury to one person, and \$300,000.00 for the death of or injury to more than one person, and property damage insurance to the extent of at least \$50,000.00.
 - 2) Fleet or automobile insurance on any and all vehicles of the contract hauler used within the City and in the same limits stated in Paragraph 1 above.
 - 3) A standard Minnesota Worker's Compensation insurance policy covering the operation and employees of the contract hauler.
- (b) All of the above policies shall include either an endorsement stating that the insurance company must give the City of Willernie thirty (30) days notice before cancellation is effective, or naming the City of Willernie as an additional insured.

1104 CONTAINERS

1104.010 GARBAGE AND RUBBISH CONTAINERS. Garbage and rubbish containers shall be equipped with tight-fitting covers, and shall be watertight. Such containers shall have a capacity or not more than 90 gallons.

1104.020 STORAGE OF CONTAINERS. Except on days scheduled for collection, garbage and rubbish containers shall be stored out of view of the public street where practicable but in no event closer than **3 feet** to the street and on the day of collection shall be made readily accessible to the collector.

1105 COLLECTION

1105.010 COLLECTION PRACTICE. Garbage and rubbish shall be collected at least once a week according to a schedule to be determined and notice given by the City from time to time.

1106 STORAGE

1106.010 **STORAGE OF GARBAGE AND RUBBISH.** No person shall place any garbage or rubbish in any street, alley or other public place or upon any private property, whether owned by such person or not, within the limits of the City, unless it is in proper containers for collection, nor shall any person throw or deposit any garbage or rubbish in any stream or other body of water. Any unauthorized accumulation of garbage or rubbish on any premises is hereby declared to be a nuisance and is prohibited. No person shall cast, place or deposit anywhere within the City any garbage or rubbish in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place or into any occupied premises within the City.

1107 **FEES**

1107.010 **FEES.** For the purpose of defraying the costs of removal of trash and rubbish, residential customers shall pay a quarterly charge in an amount determined from time to time by Resolution of the City Council. The City may levy additional charges for residential structures containing two or more dwelling units where deemed by the City to be commensurate with the volume of rubbish and degree of difficulty of collection involved.

Collection charges on commercial establishments shall be made on the basis of negotiations between the customer and the hauler and may be collectable by the hauler directly.

It is further determined by the City Council that it is in the public interest to levy quarterly charges to residential customers who are senior citizens at a discounted rate as determined from time to time by Resolution of the City Council.

1108 **ANTI-SCAVENGING**

1108.010 **Purpose.** This section is designed to prevent the unauthorized collections of recyclable materials which are set out as part of a designated recycling program. Unauthorized collection or scavenging may reduce the volume of material collected as part of a designated program and thereby threaten the economic viability of the authorized program. Scavenging may also cause confusion among participating residents and thereby disrupt the publicity and educational processes of an authorized program. This section is also designed to insure that a designated recycling program will public health, welfare, safety and environment.

1108.020 **Definitions.**

- (a) Authorized recycling program shall mean a program for the collection and recycling of recyclable materials which is instituted, sponsored, authorized or controlled by the City.
- (b) Recyclable materials shall mean all items of refuse designated by the City to be a part of an authorized recycling program and which are intended for transportation, processing and remanufacturing or reuse.
- (c) Scavenging shall mean the unauthorized collection of recyclable materials that have been set out by residents of the City specifically for participating in curbside recycling programs.
- (d) Hauler shall designate an authorized recycler with which the City holds a valid recycling contract.

1108.030 **Ownership of Recyclable Materials.** All recyclable materials placed for collection shall be owned by the person(s) or household(s) who placed the recyclable materials for collection by a hauler until the materials are collected by the hauler, at which time they become the property of the hauler.

1108-040 **Unauthorized Collection.** No person, firm, or entity other than the authorized hauler shall take or collect recyclable materials set out for collection as part of an authorized recycling program. Violation of this section shall constitute a misdemeanor.

SEWER REGULATIONS

- 1201** **SUPERVISION AND PLUMBING STANDARDS**
- 1202** **PERMITS AND CONNECTION CHARGE**
- 1203** **BOND**
- 1204** **PERMIT**
- 1205** **MATERIALS**
- 1206** **INDEPENDENT SYSTEMS**

1207 REPAIR OF PUBLIC RIGHT-OF-WAY

1208 LICENSING

1209 OPERATION OF SYSTEM

1210 RATES

1201 **SUPERVISION AND PLUMBING STANDARDS**

1201.010 **Inspection.** The City Plumbing Inspector shall supervise all house sewer connections made to the municipal sanitary sewer system and excavations for the purpose of installing or repairing the same.

1201.020 **Plumbing Code.** Except as specifically stated herein, the City Plumbing Inspector shall follow and enforce the provisions of the Minnesota Plumbing Code as adopted by the Minnesota State Board of Health July 20, 1927, together with all amendments thereto.

1202 **PERMITS AND CONNECTION CHARGE**

1202.010 **Permit Application.** Any person desiring a connection to the municipal sanitary sewer system for property not previously connected with the system shall apply to the City for a permit therefore. The application shall be submitted on blanks furnished by the City Plumbing Inspector and shall be accompanied by plans, specifications and such other information as is desired by the City Plumbing Inspector, together with a permit and inspection fee of \$67.50. All costs and expenses incident to the installation and connections shall be borne by the owner and the owner shall indemnify the City for any loss or damage that may, directly or indirectly, be occasioned by the installation of the sewer connection, including restoring streets and street surfaces.

1202.020 **Permit Eligibility.** Permits shall be issued only to such persons who are duly licensed by the State to engage in the business of plumbing who have filed with the municipality the bond and insurance certificates required herein, provided, however, that permit may be issued to any person who is duly licensed by the State as a House Sewer Contractor and who has filed with the municipality the bonds and insurance certificates required herein for building and repairing that portion of the house or building sewer extending from the property line to the main sewer or other outlet.

1203 BOND

1203.010 Bond Required. Before any permit required hereunder is issued, the licensee applying therefore shall file with the City Clerk the following bond and insurance certificate:

- (a) A bond in favor of the City of Willernie, Minnesota, with an approved corporate surety, in the penal sum of Five Thousand dollars (\$5,000), the conditions of which bond shall be that the licensee shall save the obligee harmless from all costs and charges that may accrue on account of the doing of any work authorized or permitted by this Ordinance; that the licensee shall save the obligee harmless from any loss or damage by reason of improper or inadequate work performed by the licensee under the provisions of this Ordinance; and further that the licensee shall save the municipality harmless from any damage to utility lines, curbs, streets, street surfaces or sidewalks.

- (b) A certificate showing that insurance is in force covering the licensee for the period covered by the license in the following amounts: Property Damage - \$50,000; Public Liability – \$100,000 each person, \$300,000 each accident. The certificate shall state that the policies covering the licensee shall not be cancelled without ten days written notice to the municipality.

1204.010 Expiration of Permit. If construction is not commenced within 60 days after the issuance of the permit, said permit shall be cancelled and the permit fee forfeited.

1204.020 Connection Charge. A connection charge with the amount to be determined from time to time by the City Council payable on or before issuance of a permit shall be required for each sewer service connection.

1205 CONSTRUCTION REQUIREMENTS

The following materials and construction methods, and none other, shall be used in making sewer connection to the municipal sewer system.

1205.010 Materials. All pipe shall conform to federal standards. Extra strength clay pipe shall be used in all areas of construction in streets, drives, alleys, etc. and where the depth of soil cover over the pipe is less than five feet and greater than eleven feet. Cast iron pipe shall be at least four

inches in diameter and clay sewer pipe shall be at least six inches in diameter. In case the grade of the pipe is less than 1/8 inch per foot, the minimum diameter of the pipe shall be six inches irrespective of the type of pipe used.

1205.020 Joints and Connections.

(a) Cast Iron Pipe

1205.030 Grades. Unless otherwise authorized, all house sewers shall have a grade of not less than 2% per foot. The contractor shall check grades before construction proceeds. Wherever possible, the connecting sewer shall join the building at an elevation which is below the basement floor of such building.

1205.040 Alignment. No connecting sewer shall contain bends or a combination of bends which at any point shall be greater than 45 degrees, and no more than two bends, regardless of angle, shall be permitted in any single house connection, except where manholes or cleanouts are constructed at such points and in such manner as directed by the City Inspector. No connecting sewer shall be laid parallel to any bearing wall or footing unless further distant than three feet from any such bearing wall or footing.

No connecting sewer shall be laid within twenty feet of any existing wall.

1205.050 Trenching and Backfilling. All excavations shall be open trench work unless otherwise authorized by the City Inspector. The foundation in the trench shall be formed to prevent any subsequent settlement of the pipes.

If the foundation is good and firm earth, the earth shall be pared or molded to give a full support to the lower third of each pipe. Bell holes shall be dug to provide ample space for pouring of joints. Care must be exercised in backfilling below the centerline of the pipe in order to give it proper support. Backfilling shall not be done until the section to be backfilled has been inspected and approved by the City Inspector.

1205.060 Use of Old House Sewers. Old house sewers or portions thereof may be approved for use by the City Inspector. The City Inspector may request that the old sewer be excavated for the purpose of facilitating inspection. No cesspool or septic tank shall be connected to any portion of a house sewer that is also laid across or over any existing cesspool or septic tank, the existing cesspool or septic tank shall first be pumped clean and filled with earth to the surrounding ground level.

1205.070 Connections at WYE Only.

- (a) Every connecting sewer shall be connected to the municipal sewer system at the WYE designated for the property served by the connection, except where otherwise expressly authorized by the City Inspector. All connections made at points other than the designated WYE shall be made only under the direct supervision of the City Inspector and in such manner as he may direct.

1205.808 **Tunneling.** Tunneling is permissible in yards, courts or driveways of any building site. When pipes are driven, jacked, or augered, the drive pipe shall be at least one size larger than the pipe to be laid.

1205.090 **Existing Drainage and Plumbing Systems.** Prior to connection to the public sanitary sewer system, the plumbing inspector shall examine the existing drainage system and the interior plumbing system. All such systems shall conform to the requirements of this ordinance and the requirements of the Minnesota Plumbing Code. In the event that such drainage system or plumbing system is determined to be nonconforming to the above requirements, the contractor or owner shall do whatever corrective work may be necessary before final hookup to the public sanitary sewer system is made. The decision of the plumbing inspector, as to the extent of corrective work to be done in each individual case to conform to the above requirement, shall be final.

1205.010 **Cleanouts.** If any sewer service shall be 100 feet or more from the foundation to the public sewer main, an accessible cleanout must be installed.

All workmanship shall be of good quality and no solid matter shall be left in any pipe where it may enter sewer system and if so left the cost of removing such shall be charged against the person obtaining the permit and considered improper work under the provisions of this Ordinance.

1206 INDEPENDENT SYSTEMS

1206.010 **Separate Systems.** The drainage and plumbing system of each new building and of new work installed in an existing building shall be separate from and independent of that of any other building except where provided in Section 1206.020 hereof, and every building shall have an independent connection with a public sewer when such is available.

1206.020 **Exception.** Where one building stands to the rear of another building on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building drain from the front building may be extended to the rear

building and the whole will be considered as one building drain. Where such a building drain is extended, a cleanout shall be provided immediately outside the rear wall of the front building unless otherwise authorized.

1207 REPAIR OF PUBLIC RIGHT-OF-WAY

1207.010 **Restoration.** No connection to the municipal sanitary sewer system shall be finally approved until all streets, pavements, curbs and boulevards or other public improvements thereon have been restored to their former condition to the satisfaction of the City Inspector.

1208 LICENSING/PERMITTING

1208.010 **Issuance.** All matters pertaining to the permits for house sewer contractors shall be vested in the Board of Examiners, which shall hereafter conduct such examinations and the City Clerk shall issue such permits as are hereinafter provided.

1208.020 **Definition.** The term "House Sewer Contractor" shall be understood to indicate any person engaged in the business of building or repairing that portion of the house or building sewer extending from the property line to the main sewer or other outlet, provided, however, a licensed house sewer contractor under the supervision of a licensed master plumber may also build and repair that portion of the house building sewer extending from the property line to the house or building upon the property.

1208.030 **Examination.** Any person desiring a permit to perform as a House Sewer Contractor in the City of Willernie shall make application to the City Clerk, Chairman of the Board of Examiners, hereinafter provided for, and shall, at such time and place as said Board may designate, be required to submit himself to such examination as to his qualifications to work at or engage in the business as a House Sewer Contractor as the Board may deem advisable.

1208.040 **Board of Examiners.** There shall be a Board of Examiners of four (4) members, consisting of the City Clerk, the Maintenance Superintendent of the City of Willernie, a Council Person and the City Sewer Inspector. The City Clerk shall be Chairman of the Board of Examiners.

1208.050 **Meetings.** The Chairman of the Board shall be empowered to call a meeting of the Board whenever, in his or her opinion, there is any

questions concerning the qualifications of the applicants.

1208.060 **Records.** It shall be the duty of the City Clerk to keep a record of the acts and proceedings of the Board.

1208.070 **Method of Examination.** The said Board shall examine the applicant as to his practical knowledge of the work incidental to the construction of house sewer connections and, if satisfied as to the competency of such Applicant, the Board may recommend to the City Council that a permit be issued.

The said Board shall determine that the applicant has a state license or is the owner of the property before the permit shall be issued. The permit issued to said applicant shall authorize him in the business of house sewer contracting; provided, however, that any duly licensed master plumber who has carried on this trade as master plumber for a period of three years, may upon application to the City Council, without examination, be granted a permit upon payment of the regular license fee and the execution and filing of the required bond, and insurance certificate.

1208.080 **Reserved**

1208.090 **Bond.** A House Sewer Contractor, before he shall be allowed to engage in business, shall give a surety to the City of Willernie in the sum of Five Thousand Dollars (\$5,000.00) to be approved by the City of Willernie Attorney as to form, and by the City Clerk as to securities, and To be so conditioned that such work as the house sewer contractor is to be Permitted to perform shall be done in accordance with Ordinance Governing this class of work; and further conditioned to protect and save Harmless the City of Willernie from any and all liability, damage and Expense which said City may sustain by reason of the granting of such Permit for the making or doing of such work.

A certificate that insurance is in force covering the contractor for the period covered by the permit in the following minimum amounts: Property Damage - \$50,000.00; Public Liability - \$1,000,000.00 each Person, \$300,000.00 each accident, shall be furnished to the City of Willernie at the time of presentation of the aforementioned bond. The certificate shall state that the policies covering the contractor shall not be cancelled without ten days written notice to the municipality.

1208.100 **Term.** Each license is in effect for one year and expires one year from the date it is issued.

1208.110 **Non-Transferable.** Permits are non-transferable. No person holding a license shall allow his name to be used by any other person for the purpose of obtaining permits or to do any of the work for which said license is issued.

1208.120 **Revocation.** The City Council shall have power to revoke any permit upon satisfactory proof that the holder of said license has willfully violated any of the provisions of this ordinance.

A revoked permit shall not be reinstated in any manner for a period of six months.

The failure to pay, within sixty days, any legitimate claim the City of Willernie may have against a Contractor shall constitute cause for Revocation of permit.

1209 OPERATION OF SYSTEM

1209.010 **General Operation.** The entire municipal sanitary sewer system shall be operated as a public utility and convenience from which revenues will be derived, subject to the provisions of this Ordinance.

1209.020 **Connections with Sewer Required**

- (a) Any buildings used for human habitation and located on property adjacent to a sewer main, or in a block through which the system extends, shall be connected to the municipal sanitary sewer system.
- (b) All buildings hereafter constructed within the City of Willernie on property adjacent to a sewer main or in a block through which the system extends, shall be provided with a connection to the municipal sanitary sewer system for the disposal of all human wastes.

1209.030 **Types of Wastes Prohibited**

- (a) Except as hereinafter provided, it shall be unlawful to discharge any of the following described waters or wastes into the municipal sanitary sewer system:
 - (1) Any liquid or vapor having a temperature higher than 150 degrees F.

- (2) Any water or waste containing more than 100 parts per million by weight of fat, oil or grease.
- (3) Any gasoline, benzene, naphtha, fuel oil or other inflammable or explosive liquid, solid or gas.
- (4) Any garbage that has not been properly shredded.
- (5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feather, plastic, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewer system.
- (6) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process or which constitutes a hazard to humans or animals or creates any hazard in the receiving waters of the sewage treatment plant.
- (7) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- (8) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- (9) Grease, oil and sand interceptors shall be provided when, in the opinion of the City Engineer, they are necessary for the proper handling of liquid wastes containing grease in excessive amount or any inflammable wastes, sand or other harmful ingredients; except that such interceptors shall be of substantial constructions, watertight and equipped with easily removable covers which, when bolted in place, shall be gas-tight and water-tight. All grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

1209.040 Discharge of Surface Waters Prohibited.

- (a) It shall be unlawful to discharge or cause to be discharged into municipal sewer system, either directly or indirectly, any roof, storm, surface or ground water of any type, or kind, or water discharged from any air conditioning unit or system.

- (b) If a sewer service connection is such that gravity flow can be had to the public sewer main and a sump pump is presently used, said sump pump shall be disconnected, discontinued and removed from service.

1209.050 Tampering With Municipal Sewer System Prohibited.

No 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 sewer system.

1209.060 Certain Connections Prohibited.

No buildings located on property lying outside the limits of the City of Willernie shall be connected to the municipal sanitary sewer system unless express authorization therefore is obtained from the Council of the City of Willernie.

1209.070 Entry Upon Private Property.

The City Engineer and other duly authorized employees of the City bearing proper credentials and identification shall at reasonable times be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in connection with the operation of the municipal sanitary sewer system.

1210 RATES

1210.010 Purpose

For the purpose of providing funds to meet the cost of administering, operating and maintaining sewers, systems and other facilities for disposing of sewage and industrial waste, and to pay for the construction, reconstruction, repair, enlargement, improvement, or other obtainment of same, there is hereby levied and assessed upon each lot, parcel of land, building, or premises having connection with the public sewer system of the City, or otherwise discharging sewage, industrial wastes, water or other liquids directly or indirectly into the public sewer system of the City, a sewer service charge payable as hereinafter provided and in the amount determinable as follows:

1210.020 Charges. Except as otherwise provided herein, for each and every lot, parcel of land, building or premises having any connection with the sewer system of the City or otherwise discharging sanitary sewage, industrial wastes, water or other liquids, directly or indirectly, into the

public sewer system, the charge shall be as follows:

- (a) For residential use the rate shall be determined from time to time by Resolution of the City Council, payable quarterly based upon a 5/8 inch water meter. Rates for larger meter size for residential use may be adjusted by the City Council from time to time.
- (b) In respect to schools which shall be connected with the City Sanitary Sewer System for the discharge and disposal of sewage, the City shall impose a total charge which is based upon and equivalent to the quarterly water usage charge, in addition to such annual charges and annual sewer rental charges made against such property by the City of St. Paul and City of White Bear Lake and City of Mahtomedi.
- (c) In respect to property which shall be connected with the City Sanitary Sewer System for the discharge and disposal of sewage or industrial wastes from other residential, commercial or industrial property, the City shall impose a total charge which shall be double the total of all annual charges and annual sewer rental charges made against such property by the City of St. Paul and City of White Bear Lake and the City of Mahtomedi.

1210.030 **Property Outside City.** In the event any lot, parcel of land, building or premises discharging sanitary sewage, industrial wastes, water or other liquids into the sewer system, directly or indirectly, is situated outside of the City limits, then in each such case the sewer service charge shall be fixed and determined by the City Council in such manner and by such method as they may find to be just, equitable and practicable in the light of attendant conditions and circumstances in each case.

1210.040 **Modification.** The City Council shall have the power to increase or decrease all rates or charges established under the foregoing paragraph c 1201.020 as the same may from time to time be reasonably required.

1210.050 **Special Meter.** When any lot, parcel of land, building or premises discharging sanitary sewage, industrial wastes, water or other liquids, directly or indirectly, in the sewer system, is not a user of water supplied from the City water system, the amount of water used thereon or therein shall be measured by a meter acceptable to the City.

1210.060 **Billing.** Billing statements for sewer service shall be mailed by the City Clerk to each customer on or before the tenth of January, April, July and October or each year. Payment for such statement shall be due within thirty (30) days from the date of billing. All statements not paid within

thirty (30) days after date of billing will be assessed a penalty of \$3.00 for each month such statement remains unpaid.

1210.070 **Review.** The City Council shall provide for an annual review of the sewer charges within the City of Willernie to ensure such charges properly reflect the costs of the operation and maintenance of the municipal sewage disposal system.

1210.080 **Civil Action.** Any unpaid charges levied by and pursuant to this Ordinance, and properly billed to the owner or occupant of any premises served, may be recovered in a civil action by the City in any court of competent jurisdiction.

1210.090 **Separate Fund.** There shall be kept and maintained a separate fund, to be designated as the "Sanitary Sewer Revenue Fund", into which fund shall be placed all sewer service charges when collected, and all monies received from the sale of any sewer facilities or equipment or any by-products of sewage treatment or disposal. Said fund shall be used first to pay the normal, reasonable and current costs of administering, operating and maintaining the sewer system and facilities. Net revenues from time to time received in excess of such costs may be pledged by Resolution of the Council, or may be used, though not so pledged, for the payment of principal and interest on obligations issued to pay the cost of reconstructing, repairing, enlarging, or improving the sewer system and facilities of the City or any portion thereof, or to pay such portion of said principal and interest as may be directed in such Resolution.

1300 **CHARITABLE GAMBLING**

1301 **LICENSING**

1301.010 **Licenses.** Prior to applying for a charitable gambling license, or renewal of a license, an organization must show evidence that it is qualified to hold a license under Chapter 349 of Minnesota Statutes and applicable rules of the State of Minnesota and that it has a lease agreement for premises within the City.

1301.020 **General Requirements.** A qualified organization is one which meets the requirements of chapter 1300 of the City Code and complies with State statutes and rules. Licenses for charitable gambling in the City shall be issued only to qualified organizations.

1301.030 **Residency.** A qualified organization must have 60% of its members residing within the communities that are included within the boundaries

of Independent School District 832 unless the organization demonstrates that hardship arises from the residency requirement. Upon request of an organization, the City Council shall hold a public hearing to consider whether a hardship exists which would exempt the organization from the residency requirement. The City Council shall determine that a hardship exists if it finds that no qualified organization which meets the residency requirements of this chapter is willing to conduct charitable gambling activity within the proposed leased premises or that the rent offered by all qualified organizations meeting the residency requirement is below market value for the same type of lease premises. The City Council shall not find a hardship solely on the basis that the rent proposed by a qualified organization meeting the residency requirement is lower than that proposed by an unqualified organization unless the rent proposed by the qualified organization is below market value as determined by rents paid for similar leased premises within the area. In determining whether a hardship exists, the City Council may consider the following factors:

- A. The financial stability of the organizations.
- B. The likelihood of proceeds from the activity being used to benefit residents of the City.
- C. The record of the organizations proposing to conduct the activity.

1301.040 **Trade Area.** An organization which receives a charitable gambling License for activity within the City shall donate a minimum of 60% of the Profits from premises within the City for lawful purposes as defined in Minnesota Statutes Chapter 349 and State rules to activities and/or Organizations within the boundaries of Independent School District 832.

1301.050 **Reporting Requirements.** Upon request of the City, an organization shall file with the City a list of its membership including names and addresses for all members. A licensed organization shall file with the City quarterly reports setting forth the income, expenses and profits from activity within the City and showing the distributions to activities and/or organizations within Independent School District 832. For IRS Code 501 c(3) the distribution report must include a breakdown of the amounts distributed to programs sponsored internally by the organization and the report must disclose any reimbursement or payment received by the organization from another organization or activity accepting a lawful purpose donation, service or program. All organizations must report the salaries of the gambling manager, gambling site managers and officers and board members of the organization to the City at the time of initial license application and on an annual basis thereafter. a licensed organization shall attend one City Council meeting per year to deliver an annual summary of the gaming activity.

1301.060 **License Revocation.** The City Council may refuse to renew a license, recommend to the State that a license previously approved by the City be revoked or suspended or initiate any other action it deems proper for violations of City Ordinances or State Statutes.

1311: REGULATIONS OF UTILITY

Section 1311.01: **Purpose.** The purpose of this Article is to provide minimal reasonable regulations as to the location and construction of public utilities facilities within any public easement, road easement or right-of-way within the City of Willernie.

Section 1311.02 **Words and Phrases Defined.** The definitions contained in this Article shall apply to this Article.

- (a) Changed Pipeline. Any Pipeline which is filled with Natural Gas.
- (b) Distribution System. All of the facilities, lines, pipes, equipment, and fixtures of a Utility which are designed for distribution of the Utility's services to more than one customer.
- (c) Electric Facilities. Electric transmission and distribution towers, poles, lines, guys, anchors, ducts, fixtures, and necessary appurtenances owned or operated by an Electric Utility for the purpose of providing electric energy for public use.
- (d) Natural Gas. A product in gaseous form designed and used for the purpose of combustion in furnaces and appliances.
- (e) Pipeline. Any Pipeline, above-ground or underground, which has been installed by any party for the purpose of transmitting Natural Gas, including mains and lines connecting mains to individual buildings.
- (f) Public Land. Land owned by the City for park, open space or similar purpose, which is held for use in common by the public.
- (g) Public Way. All roads, streets, alleys, public right-of-ways,

Utility easements and public grounds of the City to which it has the right to grant the use to a Utility.

- (h) Service Connection/Service Line. The connection and line from a Utility's Distribution System to a Single Customer's dwelling or building.
- (i) City Utility System. The facilities used for providing sewer or any other public Utility service owned or operated by the City or agency thereof.
- (j) Utility. Any publicly or privately owned or operated system which publicly provided energy services (electric, Natural Gas, liquid petroleum, and other), communication services (telephone, cable TV, and Other), or water and sewer services (potable water, sanitary sewer, storm sewer and others).

Section 1311.03

All Utilities Subject to This Article

All utilities operating or maintaining lines, facilities or equipment within a City street right-of-way or upon Public Land are subject to the regulations of this Article.

Section 1311.04

Construction Permits

No Utility company shall open, excavate, or disturb the surface of any public ground or right-of-way for any purpose without first having obtained a construction permit from the City Clerk. The City Clerk shall require proof of workers' compensation insurance coverage from either the Utility or its subcontractor prior to issuance of any construction permit.

The Utility shall indemnify and hold harmless the City against liability, claims and lawsuits of any kind, arising directly or indirectly from any act of the contractor, its agents, suppliers, employees or subcontractors in the course of the work.

- (a) Distribution System Permits.
 - (1) Prior to construction of any lines, equipment, facilities, or other parts of a Distribution System, a Utility shall first obtain a construction permit from the City. The application for a permit shall be submitted in duplicate to the City. The

application shall include: a scale area map showing the proposed location of the lines or equipment to be constructed; depictions and specifications for lines, cables, equipment or facilities to be installed and a road cross-sectional schematic showing the proposed location of any buried lines or cables. The application shall be accompanied by a fee in an account determined from time to time by the City Council to cover the cost to the City for City expenses including but not limited to engineering and legal review.

- (2) The complete application shall be forwarded to the City Engineer for review. The City Clerk shall not issue the permit until the City Engineer has approved the application in writing and until the City has been reimbursed by the applicant for its actual expenses incurred in reviewing the application, including all professional consulting fees, including engineering fees, by the utility or they will be deducted from the escrow amount prior to the return of the escrow deposit.
 - (3) Construction shall not commence until the Utility has deposited a letter or credit or cash escrow with City, in an amount of 125% of the total cost of the restoration as estimated by the City Engineer and held until released by the City to assure that restoration will be completed equal to or better than the conditions which existed prior to the start of installation. The escrow amount shall be \$5,000.00 unless a different amount is recommended by the City Engineer.
- (b) Service Connection Permits. Prior to any construction or relocation and reconstruction of any Service Connection, a Utility shall first obtain a construction permit from the City Clerk. The application shall be accompanied by a map showing the address and location of the Service Line to be installed or reconstructed. The City Clerk may issue the permit upon receipt of the completed application. The purpose of the permit is to provide the City with information regarding the location, time and extent of the construction or excavation activity.

- (c) Repair or Maintenance Permits. Prior to any excavation or construction to repair or maintain any portion of a Distribution System, a Utility shall first obtain a construction permit from the City Clerk. The application shall be accompanied by a map showing the location of the equipment or line to be repaired or excavated. The City Clerk may issue the permit upon receipt of the completed application. The purpose of the permit is to provide the City with information regarding the location, time and extend of the construction or excavation activity.

- (d) Emergencies. A Utility may excavate or perform other work without a permit where an emergency exists requiring the immediate repair of its lines or facilities. Within three (3) working days after effecting emergency repairs, the Utility shall make application for the appropriate permit. For emergency repair to a Distribution System, the permit:
 - (1) Shall include the Utility's certification that the repaired line has not been relocated; or
 - (2) Shall include map(s) and schematic(s) to show the relocation of the repaired line or equipment.

Section 1311.05

Restoration Work

After undertaking any work requiring the opening of any Public Way or Public Ground the Utility shall restore the same, including paving and its foundation, to as good condition as formerly existed, and shall maintain the same in good condition. The work shall be completed as promptly as weather permits, and if the Utility shall not promptly perform and complete the work, remove all dirt, rubbish, equipment and material, and put the Public Way or Public Ground in the said condition, the City shall have, after demand to the Utility to cure and the passage of a reasonable period of time following the demand, but not to exceed five (5) days, the right to make the restoration at the expense of the utility. The Utility shall pay to the City the cost of such work done for or performed by the City, including its administrative expense and overhead, plus ten percent (10%) additional as liquidated damages. This remedy shall be in addition to any other remedy available to the City.

Section 1311.06

Relocation of Utilities

- (a) Relocation of Utilities in Public Ways. If the City determines to vacate for a City improvement project, or to grade, regrade, or change the right-of-way lines of any Public Way, or construct or reconstruct any Utility System and Public Way, it may order the utility to relocate its Facilities presently therein. The City shall give the utility reasonable notice of plans to vacate for a City improvement project, or to grade, regrade, or change the line of any right-of-way or to construct or reconstruct any City Utility System. If a relocation is ordered within five (5) years of a prior relocation of the same Facilities at Utility expense, the City shall reimburse for non-betterment expenses on a time and material basis, unless a subsequent relocation is required because of the extension of a City Utility System to a previously unserved area. Service to previously unserved areas shall be at the Utility's expense. Nothing in this Article requires Utility to relocate, remove, replace or reconnect at its own expense its facilities where such relocation, removal replacement or reconstruction is solely for the convenience of the City and is not reasonable necessary for the construction or reconstruction of a Public Way or City Utility System or other City improvement. In no case shall the City be liable to the utility for failure to specifically preserve right-of-way under Minnesota Statute 160.29.
- (b) Relocation of Utility in Public Ground. The City may require the Utility to relocate or remove its Facilities from Public Ground upon a finding by the City that the facilities have become or will become a substantial impairment of the public use to which the Public Ground is or will be located. The relocation or removal shall be at the Utility's expense.

Section 1311.07

Relocation When Public Ground Vacated

The vacation of any Public Ground shall not deprive the Utility of of the right to operate and maintain its facilities therein. Unless ordered under 1311.07, the utility need not relocate until the reasonable cost of relocating and the loss and expense resulting from such relocation are first paid to the utility. When the vacation

is for the benefit of the City in the furtherance of public purpose, the Utility shall relocate at its own expense.

Section 1311.08

Street Improvements, Paving or Resurfacing

- (a) The City shall give the Utility reasonable written notice of plans for street improvements where paving or resurfacing of a permanent nature is involved. The notice shall contain the nature and character of the improvements, the streets upon which the improvements are to be made, the extent of the improvements and the time when the City will start the work, and, if more than one street is involved, the order in which this work is to proceed. The notice shall be given to the utility a sufficient length of time, considering reasonable working conditions, in advance of the actual commencement of the work to allow the Utility to make any additions, alterations or repairs to its facilities the Utility deems necessary.
- (b) In cases where streets are at final width and grade and the City has installed underground sewer mains and Service Connections to the property line abutting the streets prior to a permanent paving or resurfacing of such streets, and the Utility's main is located under such street, the Utility may be required to install Service Connections prior to such paving or resurfacing, whenever it is apparent that service will be required during the five (5) years following the paving or resurfacing.

Section 1311.09

Location of Facilities

- (a) Location of Above-Ground Facilities. Above ground Utilities shall be located and constructed so as not to interfere with the safety and convenience of ordinary travel along and over Public Ways. A permit to construct facilities on Public Grounds or Public Ways may be disallowed by the City Council upon finding that the proposed facility constitutes a hazard in the right-of-way. A "hazard in the right-of-way" is any construction, at any location within the full width of the right-of-way, which because of position, site and proximity to the traveled portion of the right-of-way and because of strength, density and mass of construction would be the kind of impediment

to a motor vehicle traveling at the posted speed limit sufficient to cause bodily harm to a vehicle passengers when impacted by said vehicle after it has left the traveled portion of the right-of-way. Upon such a finding, the Utility shall be required to construct its facility outside of the right-of-way. The Utility's construction, reconstruction, operation, repair, maintenance and location of above-ground facilities shall be subject to other reasonable regulations of the City.

- (b) Field Location. The Company shall provide field locations for any of its underground facilities within a reasonable period of time on request by the City. The period of time will be considered reasonable if it compares favorably with the average time required by the municipalities in the same county to locate municipal underground facilities for the utility.
- (c) Licensee's Annual Report. The Utility company shall provide an annual revised City map showing location of its Distribution System in the City.

Section 1311.10

Utility Permit Required; Application

- (a) Permit Required. Prior to utility installation, with the City road right-of-ways, a utility company shall first obtain a Utility Permit from the City.
- (b) Permit Application. Application for the Utility Permit shall be made by completing a form provided by the City. The permit shall contain the following information:
 - (1) The name and address of the utility to be performing the installation.
 - (2) A general description of the work to be performed and the method used for placement.
 - (3) The location of the proposed utility installation and shown on a Utilities Placement Map.
 - (4) The proposed time frame for beginning and

completing the work.

- (5) Description of restoration work any trimming.
- (c) Restoration. City road right-of-ways shall be restored to the same or better condition as they were immediately prior to the placement of the utility.
- (d) Resident Complaints Against Utilities. Upon notification from the utility company of completion of the project, the City Clerk will put a notice of same in the City legal newspaper. Any resident with a complaint regarding the installation or restoration may notify the City Clerk who in turn will notify the Utility. The Utility will have (30) days to correct this problem and notify the City of its actions. If the problem is not resolved, to the City's satisfaction, the City shall use the escrow funds to correct the problem. All costs incurred by the City for this procedure shall be paid by the Utility.

Section 1311.11

Miscellaneous Provisions

- (a) Notice. No work for which a construction permit is required shall be commenced by a utility until it has made reasonable efforts to notify owners of property abutting the proposed construction area of the purpose of the construction activity and the time frame during which the construction activity will occur.
- (b) Severability. If any portion of this Article is found to be invalid for any reason whatsoever, the validity of the rest of this Article shall not be affected.
- (c) Penalty. Any person, firm, or corporation violating any provision of this Article and upon conviction thereof, shall be guilty of a misdemeanor and punishable by a fine not exceeding the maximum fine for a misdemeanor under state law or imprisonment for a term not exceeding the maximum term allowed by state law or both.

