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CHAPTER 10

PUBLIC PROTECTION, CRIMES AND OFFENSES

Health

SECTION 10.01. UNLAWFUL DEPOSIT OF GARBAGE, LITTER OR LIKE.
It is unlawful for any person to deposit garbage, rubbish, offal, the body of a dead animal, human or animal excrement, or other litter in or upon any public street, public waters or the ice therein, public lands, or, without the consent of the owner, private lands or water or ice thereon.

SECTION 10.02. SOLID WASTE COLLECTION AND DISPOSAL.

Subd. 1. Definitions.

- A. "Agency" - Minnesota Pollution Control Agency.
- B. "City" - City of Hallock, Minnesota.
- C. "Collection" - The aggregation of solid wastes from the place at which it is generated, including all activities up to the time the solid waste is delivered to a solid waste facility.
- D. "Commercial Hauler" - Any person who operates a vehicle or vehicles for a fee, for hire as part of a commercial transaction for the purpose of collection and transportation of solid wastes.
- E. "Composting" - The control of microbial degradation of organic solid waste to yield a humous-like product.
- F. "Compost Pile" - The aggregation of organic solid waste for the purposes of composting.
- G. "County" - The County of Kittson, State of Minnesota.
- H. "Demolition Waste" - The solid waste which consists of concrete, asphalt chunks, brick, blocks, structural metal, lumber, wallboard, wall plaster and other wood from demolished buildings, and other inert waste materials as may be designated by the solid waste officer as demolition waste.
- I. "Disposal" - The discharge, deposit, injection, dumping, spilling, leaking, or placement of any solid waste into or on any land or water so that the waste or any constituent thereof enter the environment or may be emitted into the air, or discharged into any waters, including ground waters.

J. "Franchisee" - LaMar Anderson or anyone who succeeds LaMar Anderson in accordance with the terms of this Ordinance.

K. "Franchisor" - City of Hallock, Minnesota.

L. "Garbage" - All discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.

M. "Hazardous Waste" - Any refuse, sludge, or other waste material or combination of refuse, sludge, or other waste materials in solid, semi-solid, liquid or contained gaseous form which, because of its quantity, concentration or chemical, physical or infectious characteristics may:

- a. Cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible illness.
- b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed. Categories of hazardous waste and materials include, but are not limited to, explosives, inflammables, oxidizers, poisons, irritants, and corrosives. Hazardous waste includes all material designated as hazardous and regulated by state or federal laws and regulations.

N. "Major Appliances" - Larger household appliances including, but not limited to, clothes washers and dryers, dishwashers, hot water heaters, residential furnaces, garbage disposals, trash compactors, conventional and microwave ovens, ranges, stoves, air conditioners, dehumidifiers, refrigerators and freezers and televisions.

O. "Misdemeanor" - As defined by Minnesota Statutes, as amended.

P. "Nuisance" - A condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort, or repose of members of the public.

Q. "Person" - Any person, firm, partnership, association, corporation or organization of any kind and any other legally recognized entity, customer, or those persons receiving solid waste collection services furnished under this Ordinance by Franchisee.

R. "Recyclables" - Paper, plastic, tin cans, aluminum, motor oil, glass and other metal goods, each separated or otherwise prepared so as to be acceptable to a recycling center where they are to be deposited.

S. "Recycling Center" - The premises located within the City used for

the receipt, storage or processing of recyclables designated and approved as such by the City Council.

T. "Refuse" - Garbage and rubbish.

U. "Rubbish" - Inorganic solid waste such as tin cans, glass, paper, ashes, sweepings, etc.

V. "Solid Waste" - Garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility and other discarded waste materials and sludges in solid, semi-solid, liquid or contained gaseous form, resulting from industrial, commercial, mining and agricultural operations, or from community activities. Solid waste does not include any of the following: auto bodies; major appliances; tires; street sweeping; boulders; rocks; trees; yard waste; agricultural waste; sewage sludge; solid or undissolved material in domestic sewage or other pollutants in water resources such as silt, dissolved or suspended solids and industrial waste water effluents or discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Acts, as amended; dissolved materials and irrigation return flows; source specific nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended; or other materials collected or processed and disposed of as separate waste streams.

W. "Solid Waste Officer" - The person, persons or department appointed by the City Council to carry out and enforce the provisions of this Ordinance.

X. "Trees, Agricultural and Yard Waste" - All plant-based organic waste matter resulting from the collection of waste from yards, gardens, farms and such.

Subd. 2. General Regulations.

A. Unauthorized Accumulation. Any unauthorized accumulation of refuse on any premises is a nuisance and prohibited.

B. Refuse in Streets, etc. No person shall place any refuse in any street, alley, or public place or upon any private property except in proper containers for collection. No person shall throw or deposit refuse in any street or other body of water.

C. Scattering of Refuse. No person shall deposit anywhere within the City any refuse in any manner that it may be carried or deposited by the elements upon any public or private premises within the City.

D. Burying of Refuse; Composting. No person shall bury any refuse in the City except in an approved sanitary landfill, but leaves, grass, clippings, and easily biodegradable, non-poisonous garbage may be composted on the premises where such refuse has been accumulated. Garbage may be composted only in a rodent-proof structure and in an otherwise sanitary manner and after the Council gives its approval to such composting after it finds that the composting will be done in accordance with these standards.

Subd. 3. Disposal Required. Every person shall, in a sanitary manner, dispose of refuse that may accumulate upon property owned or occupied by him. Solid waste shall be collected and transported by the commercial hauler who has a franchise with the City to provide such collection services.

Subd. 4. Containers.

A. General Requirement. Every householder, occupant or owner of any residence and any restaurant, industrial establishment, or commercial establishment shall provide on the premises one or more containers to receive and contain all refuse which may accumulate between collections. All normal accumulations of refuse shall be deposited in such containers. Leaves, trimmings from shrubs, grass clippings, shavings, excelsior and other rubbish of similar volume and weight may be stored in closed containers not meeting the requirements of subparagraph B below.

B. Container Requirements. Each container shall be water-tight, shall be impervious to insects and rodents, shall be fireproof, and shall not exceed 32 gallons in capacity, except that any commercial or business establishment having refuse volume exceeding two cubic yards per week shall provide bulk or box-type refuse storage containers of a type approved by the City Council. Containers shall be maintained in good and sanitary condition. Any container not conforming to the requirements of this chapter or having ragged or sharp edges or any other defect is likely to hamper or injure the person collecting the contents shall be promptly replaced after notice by the City. Larger items such as furniture and building demolition which cannot be contained will be handled individually and addressed in the rate schedule (Subd. 5. below).

C. Placement, Residential, Light Commercial. Garbage must be placed in an approved bag purchased from the franchisee. On collection day, the bag shall be removed from the approved container, securely tied at the top and placed as described below. Where an alley open to traffic is available, each bag for premises abutting the alley shall be placed at the rear of the property next to the alley. Where no alley exists, the bag shall be placed at the front property line for collection, but it shall not be so placed except on the day of collection and shall be removed by 6:00 p.m. the day of collection.

Subd. 5. Rates and Charges. The rates and charges payable to the commercial hauler who holds the solid waste collection franchise with the City shall be approved and adopted by the resolution of the City Council, notice of which shall be provided to the public. Any changes to the rates and charges shall be in accordance with the rate change procedure set forth in Section 3.66 "Solid Waste Collection Franchise".

Subd. 6. Billing. The service charge shall be billed by the commercial hauler directly to the owner or occupant of each building serviced. Service charges shall be payable at the time said bills are presented and if any charges are unpaid on September 1 of any year, the commercial hauler may certify the delinquent bill to the City Clerk-Administrator, and the City Council shall levy an assessment against the real property equal to the unpaid

charge as of the date, plus the legal rate of interest. The Clerk-Administrator shall certify the assessment with the County Auditor for collection in the same manner as assessments for local improvements.

SECTION 10.03. TOILET INSTALLATION REQUIRED. It is the duty of every owner or occupant of any property within the City, having a dwelling house or business building situated thereon, which property is located in the street or an easement immediately adjacent to any municipal water and sewer mains, to install a toilet in such dwelling or business building and make connection thereof with such water and sewer mains. whenever the non-compliance of the owner or occupant of such property is reported to the City Health Officer, he shall forthwith make such investigation as he deems necessary or proper to report his findings to the Council. If the City Health Officer finds and reports that in his opinion the lack of toilet facilities is an unhealthful or insanitary condition, the City shall forthwith serve written notice upon said owner or occupant requiring the installation of toilet facilities upon premises described in said notice, and connection thereof with the sewer and water mains, all of which shall be done within thirty (30) days after service of such written notice. Whenever any owner or occupant shall default in compliance with such written notice the Council may by resolution direct that a toilet be installed and connection made with the water and sewer mains and that the actual cost of such installation be paid in the first instance out of the General Revenue Fund, and assessed against the property so benefitted. After such installation and connection is completed by order of the Council, the City shall serve a written notice of intention to make an assessment therefor. If such assessment is not paid within ten (10) days the city shall certify the amount thereof to the County Auditor in the same manner as with other special assessments, provided that the Council may by resolution provide that the assessment be spread over a term of three (3) years upon written require by the owner of the property.

(Revised 11/7/94)

SECTION 10.04 UNLAWFUL USE AND FURNISHING OF TOBACCO.

Subd. 1. It is unlawful for any person, under the age of eighteen (18) years, to use tobacco in any form.

Subd. 2. It is unlawful for any person to furnish tobacco, by any manner or means and in any form, to any person under the age of eighteen (18) years.

Subd. 3. It is a petty misdemeanor for any person under the age of eighteen (18) years to possess cigarettes or tobacco related devices outside of the household of their parent or guardian. For the purposes of this Section "tobacco related devices" means cigarette papers or pipes for smoking.

SECTION 10.05. DRUG PARAPHERNALIA - POSSESSION, MANUFACTURE, DELIVERY AND ADVERTISEMENT PROHIBITED.

Subd. 1. State Law Incorporated by Reference. Minnesota Statutes 1978 and Minnesota Statutes 1979 Supplement, both as amended by Laws 1980, Chapter 152, is hereby adopted as part of the City Code and is incorporated by reference as fully as if set forth herein. The City Clerk shall keep at least one copy of Chapter 152 in his office and shall mark said copy as the "official copy" which shall be open for examination and use by the public.

Subd. 2. Definitions.

A. Drug Paraphernalia. "Drug Paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designated for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of this Code. The term includes, but is not limited to:

1. Kits used, intended for use, or designated for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

2. Kits used, intended for use, or designated for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.

3. Isomerization devices used, intended for use, or designated for use in increasing the potency of any species of plant which is a controlled substance;

4. Testing equipment used, intended for use, or designated for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;

5. Scales and balances used, intended for use, or designated for use in weighing or measuring controlled substances;

6. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose used, intended for use, or designated for use in cutting controlled substances;

7. Separation gins and sifters used, intended for use, or designated for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana;

8. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;

9. Capsules, balloons, envelopes and other containers used, intended for use in storing or concealing controlled substances;

10. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;

11. Hypodermic syringes, needles and other objects used, intended for use, or designated for use in parenterally injecting controlled substances into the human body;

12. Objects used, intended for use, or designated for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body such as:

- (a) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens hashish heads or puncture metal bows;
- (b) Water pipes;
- (c) Carburetion tubes and devices;
- (d) Smoking and carburetion masks;
- (e) Roach clips: meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
- (f) Miniature cocaine spoons, and cocaine vials;
- (g) Chamber pipes;
- (h) Carburetor pipes;

- (i) Electric pipes;
- (j) Air-driven pipes;
- (k) Chillums;
- (l) Bongs;
- (m) Ice pipes or chillers.

B. Other Terms. Other terms are defined in Minnesota Statutes, Section 152.01.

Subd. 3. Evidence. In determining whether an object is drug paraphernalia a court or other authority should consider, in addition to other logically relevant factors, the following:

A. Statements by an owner or by anyone in control of the object concerning its use;

B. Prior convictions, if any, of an owner, or of anyone in control of the object, under any State or Federal law relating to any controlled substances;

C. The proximity of the object, in time and space, to a direct violation of this Section;

D. The proximity of the object to controlled substances;

E. The existence of any residue of controlled substances on the object;

F. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of this Section; the innocence of the owner, or of anyone in control of the object, as to a direct violation of this Section shall not prevent a finding that the object is intended for use, or designed for use in drug paraphernalia;

G. Instructions, oral or written, provided with the object concerning its use;

H. Descriptive materials accompanying the object which explain or depict its use;

I. National and local advertising concerning its use;

J. The manner in which the object is displayed for sale;

K. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

L. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;

M. The existence and scope of legitimate uses for the object in the community;

N. Expert testimony concerning its use.

Subd. 4. Prohibitions.

A. **Possession of Drug Paraphernalia.** It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal or to inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this Section.

B. **Manufacture or Delivery of Drug Paraphernalia.** It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal or to inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this Section.

C. **Delivery of Drug Paraphernalia to a Minor.** Any person eighteen (18) years of age or over who violates Subparagraph B, above, by delivering drug paraphernalia to a person under eighteen (18) years of age who is at least three years his junior is guilty of a special offense.

D. **Advertisement of Drug Paraphernalia.** It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication, any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

E. **Civil Forfeiture.** In addition to all forfeitures as set forth in Minnesota Statutes, Section 152.19, all drug paraphernalia as defined by Subdivision 2 hereof, is subject to forfeiture, subject to the provisions set forth in Minnesota Statutes, Section 152.19, Subdivision 2.

SECTION 10.06. RAT AND VERMIN CONTROL.

Subd. 1. **Nuisance.** Rats and rat harborages are declared a public nuisance

and shall be removed or exterminated in accordance with the provisions of this Section.

Subd. 2. Definitions. The following terms, as used in this Section, shall have the meanings stated:

A. The term "rats" shall include all rats, mice, rodents and vermin not regulated or controlled by the State of Minnesota.

B. The term "rat harborage" shall mean any physical condition or place which may provide shelter or protection for rats, thus favoring their multiplication or existence inside, outside, over or under a structure of any kind on any lot or premises within the City.

Subd. 3. Elimination of Rat Feeding. It is unlawful for the owner, lessee, or occupant of any property within the City to place, leave, dump or allow to accumulate any animal, fruit or vegetable matter, garbage, rubbish or trash in any building or on any premises, improved or vacant, or on any open lot or alley within the City, so that the same may provide food or harborage for rats. Any waste material of animal, fruit or vegetable origin shall be stored in ratproof containers with tight fitting doors or covers.

Subd. 4. Elimination of Rat Harborage. It is unlawful for the owner, lessee or occupant of any property within the City to accumulate or store on property, any building materials, lumber boxes, cartons or other containers, machinery, scrap metal, junk, raw materials, fabricated goods, and other items in such a manner as to become infested with rats.

Subd. 5. Notice. When any premises are found to be infested with rats or to be a rat harborage, the owner, or the person in possession thereof if other than the owner shall, upon written notice from the Health Officer or his authorized representative, exterminate the rats and remove all said harborage. Notice shall be served personally or by certified mail directed to the last known address of the person to be served. Should the person served fail to comply with the notice within three (3) days following such service, the Health Officer or his authorized representative shall take all necessary action to abate the public nuisance and cost thereof can be recovered in a civil action against the owner or person in possession of said premises or both.

Subd. 6. Other Unlawful Acts. It is unlawful for any person to fail to abate a nuisance as set forth in this Section or to fail to comply with the provisions of any notice provided herein.

SECTION 10.07. BURNING OF LEAVES.

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Subd. 1. The burning of leaves will only be permitted under the following conditions:

A. Such burning of leaves will only be permitted September 15 through December 1.

B. A responsible person shall be in constant attendance until the fire is completely extinguished.

C. Burning will only be allowed between the hours of 8:00 a.m. and 8:00 p.m. All fires are to be extinguished by 8:00 p.m.

D. Such fires shall not be less than 5 feet from any property line.

E. The burning of leaves is prohibited on City Streets, alleys, sidewalks, boulevards, riverbanks, or any public property by private citizens.

F. No open burning of leaves shall take place during an air pollution alert warning or emergency declared by the Minnesota Environmental Protection Agency.

G. The Council may temporarily discontinue burning between September 15 and December 1 due to unsafe conditions (i.e. excessive dryness, etc.). At the Council's direction, the last day of burning may be extended through December 1.

Subd. 2. This Section pertains only to the burning of leaves. It is unlawful for any person to burn rubbish, trash or other material.

(Sections 10.08 through 10.19, inclusive, reserved for future expansion)

2009 Minnesota Statutes

116.082 OPEN BURNING OF LEAVES; LOCAL ORDINANCES.

Subject to sections 88.16, 88.17 and 88.22, but notwithstanding any law or rule to the contrary, a town or home rule charter or statutory city located outside the metropolitan area as defined in section 473.121, subdivision 2, by adoption of an ordinance, may permit the open burning of dried leaves within the boundaries of the town or city. The ordinance shall limit leaf burning to the period between September 15 and December 1 and shall set forth limits and conditions on leaf burning to minimize air pollution and fire danger and any other hazards or nuisance conditions. No open burning of leaves shall take place during an air pollution alert, warning or emergency declared by the agency. Any town or city adopting an ordinance pursuant to this section shall submit a copy of the ordinance to the agency and the Department of Natural Resources.

History: 1982 c 569 s 37

**AN ORDINANCE ESTABLISHING FEES FOR EMERGENCY PROTECTION
FIRE SERVICES**

**The City Council of Hallock, Minnesota ordains and revises the City Code as
follows:**

SECTION 10.08: FEES FOR EMERGENCY PROTECTION FIRE SERVICES

Subd. 1: Purpose and Intent

This ordinance is adopted for the purpose of authorizing the City of Hallock to charge for fire service as authorized by Minn. Stat. §§ 366.011, 366.012, and 415.01.

Subd 2: Definitions

- (A) "Fire service" means any deployment of firefighting personnel and/or equipment to extinguish a fire or perform any preventative measure in an effort to protect equipment, life, or property in an area threatened by fire. It also includes the deployment of firefighting personnel and/or equipment to provide fire suppression, rescue, extrication, and any other services related to fire and rescue as may occasionally occur.
- (B) "Fire service charge" means the charge imposed by the City for receiving fire service.
- (C) "Motor vehicle" means any self-propelled vehicle designed and originally manufactured to operate primarily upon public roads and highways, and not operated exclusively upon railroad tracks. It includes semi-trailers. It does not include snowmobiles, manufactured homes, all-terrain vehicles, or park trailers.
- (D) "Fire protection contract" means a contract between the City and a town or other city for the City to provide fire service.
- (E) "Mutual aid agreement" means an agreement between the City and a town or other city for the City's fire department to provide assistance to the fire department of a town or other city.

Subd 3: Parties Affected

- (A) Owners of property within the City who receive fire service.
- (B) Anyone who receives fire service as a result of a motor vehicle accident or fire within the City or the surrounding area.
- (C) Owners of property in towns, townships or cities to which the City provides fire service pursuant to a fire protection contract. All fire protection contracts shall control billing, if any, under this Section.

Subd 4: Rates

The City of Hallock will charge a flat fee of \$1000 per residential structure fire call; \$500 per motor vehicle crash, and the DNR rates for all other facilities. If the call involves more than one party, as in the case of a motor vehicle accident, the fee will be divided evenly per vehicle involved in the accident.

Subd 5: Billing and Collection

- (A) Parties requesting and receiving fire services may be billed directly by the City. Additionally, if the party receiving fire services did not request services but a fire or other situation exists which, at the discretion of the fire department personnel in charge requires fire service, the party will be charged and billed. All parties will be billed whether or not the fire service is covered by insurance. Any billable amount of the fire charge not covered by a party's insurance remains a debt of the party receiving the fire service.
- (B) Parties billed for fire service will have 60 days to pay. If the fire service charge is not paid by that time, it will be considered delinquent and the City will send a notice of delinquency.
- (C) If the fire service charge remains unpaid for 30 days after this notice of delinquency is sent, the City will use all practical and reasonable legal means to collect the fire service charge. The party receiving fire service shall be liable for all collection costs incurred by the City including, but not limited to, reasonable attorney fees and court costs.
- (D) If the fire service charge remains unpaid for 30 days after the notice of delinquency is sent, the City Council may also, on or before October 15 of each year, certify the unpaid fire service charge to the county auditor in which the recipient of the services owns real property for collection with property taxes. The county auditor is responsible for remitting to the city all charges collected on behalf of the city. The City must give the property owner notice of its intent to certify the unpaid fire service charge by September 15.
- (E) False alarms shall not be billed as a fire call.

Subd 6: Mutual Aid Agreement

When the City fire department provides fire service to another fire department pursuant to a Mutual Aid Agreement, the billing will be determined by the Mutual Aid Agreement.


Subd 7: Application of Collections to Budget

All collected fire charges will be City funds and used to offset the expenses of the City fire department in providing fire services under the sole purview of the Hallock City Council.

Subd 8: Effective Date

The ordinance shall become effective upon publication.

Passed by the City Council of Hallock, Minnesota this 3 day of June, 2019.


Mayor

Attested:


City Clerk/Administrator

Safety

SECTION 10.20. DANGEROUS WEAPONS AND ARTICLES.

Subd. 1. Acts Prohibited. It is unlawful for any person to:

A. Recklessly handle or use a gun or other dangerous weapon or explosive so as to endanger the safety of another, or

B. Intentionally point a gun of any kind, capable of injuring or killing a human being and whether loaded or unloaded, at or toward another; or

C. Manufacture or sell for any unlawful purpose any weapon known as a sling-shot or sand club; or

D. Manufacture, transfer or possess metal knuckles or a switch blade knife opening automatically; or

E. Possess any other dangerous article or substance for the purpose of being used unlawfully as a weapon against another; or

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or

G. Permit, as a parent or guardian, any child under fourteen (14) years of age to handle or use, outside of the parent's or guardian's presence, a firearm or air gun of any kind, or any ammunition or explosive; or

H. Furnish a minor under eighteen (18) years of age with a firearm, air gun, ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.

Subd. 2. Exception. Nothing in Subdivision 1 of this Section shall prohibit the possession of the articles therein mentioned if the purpose of such possession is for public exhibition by museums or collectors of art.

Subd. 3. Discharge of Firearms and Explosives. It is unlawful for any person to fire or discharge any cannon, gun, pistol or other firearm, firecracker, sky rocket, or other fireworks, air gun, air rifle, or other similar device commonly referred to as a B-B gun.

Subd. 4. Exception. Nothing in Subdivision 3 of this Section shall apply to a display of fireworks by an organization or group of organizations authorized in writing by the Council, or to a peace officer in the discharge of his duty, or to a person in the lawful defense of his person or family. This Section shall not apply to the discharge of firearms in a range authorized in writing by the Council.

Subd. 5. Possession and Sale of Fireworks. It is unlawful for any person to sell, possess, or have in possession for the purpose of sale,

except as allowed in Subdivision 4 of this Section, any firecrackers, sky rockets or other fireworks.

Subd. 6. Exposure of Unused Container. It is unlawful for any person, being the owner or in possession or control thereof, to permit an unused refrigerator, ice box, or other container, sufficiently large to retain any child and with doors which fasten automatically when closed, to expose the same accessible to children, without removing the doors, lids, hinges, or latches.

Subd. 7. Use of Bow and Arrow. It is unlawful for any person to shoot a bow and arrow except in the Physical Education Program in a school supervised by a member of its faculty, a community-wide supervised class or event specifically authorized by the Chief of Police, or a bow and arrow range authorized by the Council.

SECTION 10.21. DOG REGULATION AND LICENSING.

Subd. 1. Running at Large Prohibited. It is unlawful for the owner of any dog to permit such animal to run at large. Any dog shall be deemed to be running at large with the permission of the owner unless it is on a durable leash secured to an object which it cannot move and on the premises of the owner, or on a leash and under the control of an accompanying person of suitable age and discretion.

Subd. 2. Immunization. All applications for dog licenses shall be accompanied by a current certificate of immunization for rabies signed by a veterinarian duly licensed to practice veterinary medicine in the State of Minnesota, and stating (1) the owner's name; (2) a description of the dog; and (3) the date beyond which such immunization is not considered effective. On or prior to the date of expiration of the effective immunization, the owner of a dog shall file with the City a new certificate containing the same information as herein required.

Subd. 3. Other Unlawful Acts. It is unlawful for the owner of any dog to (1) own or keep a dog or cat which is dangerous (any such animal which has caused injury to persons or property shall be deemed "dangerous"), or (2) interfere with any police officer, or other City employee, in the performance of his duty to enforce this Section, or (3) fail to keep his dog from barking, howling or whining, or (4) fail to prevent his dog from defecating in or upon public property or the premises of another, or (5) permit solid waste of a dog to accumulate on his premises for more than twenty-four (24) hours.

Subd. 4. Animal Pound. Any dog found in the City running at large, shall be placed in the Animal Pound, and an accurate record of the time of such placement shall be kept on each animal. Every dog so placed in the Animal Pound shall be held for redemption by the owner for a period of not less than five regular business days. A "regular business day" is one during which the Pound is open for business to the public for at least four hours between 8:00 o'clock a.m. and 7:00 o'clock p.m. Impoundment records shall be preserved for a minimum of six months and shall show (1) the description of the animal by specie, breed, sex, approximate age, and other

distinguishing traits; (2) the location at which the animal was seized; (3) the date of seizure; (4) the name and address of the person from whom any animal three months of age or over was received; and (5) the name and address of the person to whom any animal three months of age or over was transferred. If unclaimed, such animal shall be humanely destroyed and the carcass disposed of, unless it is requested by a licensed educational or scientific institution under authority of Minnesota Statutes, Section 35.71. Provided, however, that if a tag affixed to the animal, or a statement by the animal's owner after seizure specifies that the animal should not be used for research, such animal shall not be made available to any such institution but may be destroyed after the expiration of the five-day period.

Subd. 5. Notice of Impounding. Upon the impounding of any dog or cat, the owner shall be notified, or if the owner is unknown, written notice shall be posted for five (5) days at the City Hall describing the dog or cat and the place and time of taking.

Subd. 6. Release From Animal Pound. Dogs or cats shall be released to their owners, as follows:

A. If such dog or cat is owned by a resident of the City, payment of an impounding fee of \$10.00 together with \$5.00 per day or part thereof after the first day for which the dog or cat was impounded.

B. If such dog or cat is owned by a person not a resident of the City, after immunization of any such dog or cat for rabies, and payment of an impounding fee of \$10.00 together with \$5.00 per day or part thereof after the first day for which the dog or cat was impounded.

Subd. 7. Persons in Possession. Any person who feeds or houses a dog or cat temporarily or permanently shall have all of the duties and bear the responsibilities of an owner under the provisions of this Section.

SECTION 10.22. ANIMALS AND FOWL - KEEPING, HOUSING, TREATMENT, RESTRAINT, CONFINEMENT AND TRESPASSES.

Subd. 1. Definition. The term "animals" means cattle, horses, mules, sheep, goats, swine, ponies, ducks, geese, turkeys, chickens, guinea hens, dogs, cats, and all other animals and feathered fowl; provided, that this definition shall extend to this Section only.

Subd. 2. Keeping. It is unlawful for any person to keep any animal, not in transit, in any part of the City not zoned for agricultural purposes, except for pets which shall be only dogs, cats, fish, caged birds if confined on the premises, or gerbils.

Subd. 3. Housing. It is unlawful for any person to keep any animals in any structure infested by rodents, vermin, flies or insects.

Subd. 4. Treatment. It is unlawful for any person to treat any animal in a cruel or inhuman manner.

Subd. 5. Restraint and Confinement. It is unlawful for any person to (1) suffer or permit animals to run at large in the streets or public places; or (2) to be herded or driven on any street unless confined within a vehicle or unless each animal is restrained by means of bridles, halters, ropes, or other means of individual restraint; or (3) to drive, ride or lead any animal at a rate of speed greater than six miles per hour; or (4) to ride, lead or drive any animal on property owned or leased by the City, or on which the City has a proprietary interest of any type.

Subd. 6. Trespasses. It is unlawful for any person to herd, ride, or drive any animal over and upon any grass, turf, boulevard, city park, cemetery, garden or lot without specific permission therefor from the owner.

SECTION 10.23. DANGEROUS TRESPASSES AND OTHER ACTS. It is unlawful for any person to: (1) smoke in the presence of explosives, or inflammable materials, or in a building, or area, in which "No Smoking" notices have been prominently posted; or (2) interfere with or obstruct the prevention or extinguishing of any fire, or destroy the lawful orders of a law enforcement officer or fireman present at the fire; or (3) show a false light or signal or interfere with any light, signal or sign controlling or guiding traffic upon a highway; railway track, navigable water, or in the air; or (4) place an obstruction upon a railroad track; or (5) expose another or his property to an obnoxious or harmful gas, fluid or substance, with intent to injure, molest or coerce; or (6) trespass or permit animals under his control to trespass upon a railroad track; or (7) permit domestic animals or fowls under his control to go upon the lands of another within the City; or (8) interfere unlawfully with any monument, sign or pointer erected or marked to designate a point of a boundary, line or a political subdivision, or a tract of land; or (9) trespass upon the premises of another without claim of right; or (10) enter the premises of another with intent to take or injure any fruit, fruit trees or vegetables growing thereon without the permission of the owner or occupant; or (11) without the permission of the owner tamper with or get into or upon a motor vehicle, or ride in or upon such motor vehicle knowing it was taken and is being driven by another without the permission of the owner.

SECTION 10.24. DISORDERLY CONDUCT. It is unlawful for any person, in a public or private place, knowing, or having reasonable grounds to know, that it will, or will tend to, alarm, anger or disturb others or provoke any assault or breach of the peace, to do or permit upon premises owned or controlled by him, the following: (1) engage in brawling or fighting; or (2) disturb an assembly or meeting, not unlawful in its character; or (3) engage in offensive, obscene or abusive language or in boisterous and noisy conduct tending reasonably to arouse alarm, anger or resentment in others; or (4) willfully and lewdly exposes his person or the private parts thereof, or procures another to so expose himself; and any open or gross lewdness or lascivious behavior, or any act of public indecency; or (5) voluntarily enters the water of any lake, river or City public swimming pool within the limits of the City between the hours of 10:00 o'clock P.M. and 8:00 o'clock A.M. except with specific permission; or, enters such water without being garbed in a bathing suit sufficient to cover his person and equal to the standards generally adopted and accepted by the

public; or (6) races the motor of any motor vehicle; or (7) causes the spinning or skidding of wheels or tires causing tire squeals or similar noise; or (8) causes the making or production of an unnecessary noise by shouting or by any other means of mechanism including the blowing of any automobile or other vehicle horn; or (9) use a flash or spotlight in a manner so as to annoy or endanger others; or (10) drinks or displays any intoxicating liquor or non-intoxicating malt liquor in or about any premises where such drinking or display is prohibited by law; or (11) causes defacement, destruction or otherwise damage to any premises or any property located thereon; or (12) strews, scatters, litters, throws, disposes of or deposits any refuse, garbage, or rubbish unto any premises except into receptacles provided for such purpose; or (13) enters any motor vehicle of another without the consent of the owner or operator; or (14) fails or refuses to vacate or leave any premises after being requested or ordered, whether orally or in writing, to do so, by the owner, or person in charge thereof, or by any law enforcement agent or official; provided, however, that this provision shall not apply to any person who is owner or tenant of the premises involved not to any law enforcement or other government official who may be present thereon at that time as part of his official duty, nor shall it include the wife, children, employee or tenant of such owner or occupier.

SECTION 10.25. RECEIVING STOLEN GOODS. It is unlawful for any person to receive, buy or conceal any stolen property or property obtained by robbery, knowing or believing the same to be stolen or obtained by robbery.

SECTION 10.26. FALSELY REPORTING CRIME. It is unlawful for any person to inform a law officer that a crime has been committed, knowing that it is false and intending that the officer shall act in reliance upon it.

SECTION 10.27. FALSELY REPORTING FIRE. It is unlawful for any person to inform the Fire Department that a fire is in progress, knowing that it is false and intending that the Fire Department shall act in reliance upon it.

(Sections 10.28 through 10.39, inclusive, reserved for future expansion.)

Other Public Protection

SECTION 10.40. SHADE TREE DISEASE CONTROL AND PREVENTION.

Subd. 1. Policy and Purpose. The City has determined that the health of oak and elm trees is threatened by fatal diseases known as oak wilt and Dutch elm disease. It has further determined that the loss of oak and elm trees located on public and private property would substantially depreciate the value of property and impair the safety, good order, general welfare and convenience of the public. It is declared to be the intention of the Council to control and prevent the spread of these diseases, and provide for the removal of dead or diseased trees, as nuisances.

Subd. 2. Definitions. The following terms, as used in this Section, shall have the meanings stated:

A. The term "shade tree disease" means Dutch elm disease or oak wilt disease.

B. The term "City Forester" means such employee of the City as the Council may designate and who shall thereafter qualify, together with his duly designated assistants.

C. The term "nuisance" means (1) any living or standing tree infected to any degree with a shade tree disease; or (2) any logs, branches, stumps or other parts of any dead or dying tree, so infected, unless such parts have been fully burned or treated under the direction of the City Forester.

Subd. 3. Scope and Adoption by Reference. Minnesota Statutes, Section 18.023, is hereby adopted by reference, together with the Rules and Regulations of the Minnesota Commissioner of Agriculture relating to shade tree diseases; provided, that this Section shall supersede such Statutes, Rules and Regulations, only to the extent of inconsistencies.

Subd. 4. Unlawful Act. It is unlawful for any person to keep, maintain, or permit upon premises owned by him or upon public property where he has the duty of tree maintenance, any nuisance as herein defined.

Subd. 5. Inspection and Diagnosis. It is the power and duty of the City Forester to enter upon public and private property, at any reasonable time, for the purpose of inspecting for, and diagnosing, shade tree disease. In cases of suspected shade tree disease, and in performance of his duties, the City Forester may remove such specimens, samples and biopsies as may be necessary or desirable for diagnosis.

Subd. 6. Abatement of Nuisance. Abatement of a nuisance, defined herein, shall be by spraying, removing, burning or otherwise effectively treating the infected tree or wood to prevent spread of shade tree disease. Such abatement procedures shall be carried out in accordance with the current technical and expert methods and plans as may be designed by the Commissioner of Agriculture of the State of Minnesota. The City shall

establish specifications for tree removal and disposal methods consistent therewith.

Subd. 7. Procedure for Removal of Infected Trees and Wood.

A. Whenever the City Forester finds with reasonable certainty that the infection, or danger of infection, exists in any tree or wood on any public or private property, he shall proceed as follows:

1. If the City Forester finds that the danger of infection of other trees is not imminent because of dormancy of shade tree disease, he shall make a written report of his finding to the Council which shall proceed by (a) abating the nuisance as a public improvement under Minnesota Statute, Chapter 429, or (b) abating the nuisance as provided in Subparagraph B of this Subdivision.

2. If the City Forester finds that the danger of infection of other trees is imminent, he shall notify the owner of the property, or the abutting property, as the case may be, by registered or certified mail that the nuisance exists. The City Forester shall immediately report such action to the Council, and after the expiration of the time limited by the notice he may abate the nuisance.

3. If the City Forester finds with reasonable certainty that immediate action is required to prevent the spread of shade tree disease, he may proceed to abate the nuisance forthwith. He shall report such action immediately to the Council and to the abutting property owner, or to the owner of the property where the nuisance is located.

B. Upon receipt of the City Forester's report required by Subparagraph A, item 1, the Council shall by resolution order the nuisance abated. Before action is taken on such resolution, the Council shall publish notice of its intention to meet to consider taking action to abate the nuisance. This notice shall be mailed to affected property owners and published once no less than one week prior to such meeting. The notice shall state the time and place of the meeting, the streets affected, action proposed and the estimated cost of the abatement, and the proposed basis of assessment, if any, of costs. At such hearing or adjournment thereof, the Council shall hear property owners with reference to the scope and desirability of the proposed project. The Council shall thereafter adopt a resolution confirming the original resolution with such modifications as it appears desirable and provide for the doing of the work by day labor or by contract.

C. The City Forester shall keep a record of the costs of abatements done under this Subdivision and shall report to the Council, on or before September 1, of each year, all work done for which assessments are to be made stating and certifying the description of the land, lots, parcels involved and the amount chargeable to each. The Council may then spread the charges or any portion thereof against the property involved as a special assessment under Minnesota Statutes, Section 429.101 and other pertinent statutes for certification to the County Auditor and collection and the following year along with current taxes.

D. No damage shall be awarded the owner for destruction of any tree, wood or part thereof pursuant to this Section.

Subd. 8. Spraying Trees.

A. Whenever the City Forester determines that any tree or wood is infected or threatened with infection, he may spray or treat all nearby high value trees with an effective concentrate or fungicide or both. Activities authorized by this Subdivision shall be conducted in accordance with technical and expert opinions and plans of the Commissioner of Agriculture and under the supervision of the Commissioner and his agents whenever possible.

B. The notice and assessment provisions of Subdivision 7 apply to spraying and treatment operations conducted under this Subdivision.

Subd. 9. Transporting Wood Prohibited. It is unlawful for any person to transport or stockpile any bark-bearing elm wood, or, in the months of April, May or June, to transport any oak wood, without having obtained a permit from the City Forester, or into or through any designated "disease control area" which is defined by Minnesota Statutes, Section 18.023, to be the area approved by the Minnesota Commissioner of Agriculture within which a municipality will conduct an approved disease control program. The City Forester shall issue permits to transport and stockpile bark-bearing elm wood during the period from September 15 through April 1 of any given year. This prohibition shall not apply to movement of such wood pursuant to an approved wood disposal or utilization program authorized Minnesota Statutes, Section 18.023, or transportation of elm wood intended for industrial use not to include firewood, provided such transportation of elm logs for industrial use continues without interruption through the City or "disease control area" to their intended destination lying outside the City and "disease control area".

*am/ka from
9/15 to 9/01*

Subd. 10. Interference Prohibited. It is unlawful for any person to prevent, delay or interfere with the City Forester while he is engaged in the performance of duties imposed by this Section.

Subd. 11. Additional Duties of City Forester. It is the additional duty of the City Forester to coordinate, under the direction and control of the Council, all activities of the City relating to the control and prevention of shade tree disease. He shall recommend to the Council the details of a program for the control of the diseases, and perform the duties incident to such a program adopted by the Council.

Subd. 12. Diseased Trees in Streets. The rights, duties and responsibilities of property owners set forth in this Section shall be equally applicable to, and binding upon, abutting property owners with tree maintenance responsibilities under the Section of the City Code entitled "Regulation of Grass, Weeds and Trees in Streets".

Subd. 13. Subsidies. The duty of any property owner to bear the cost of removing or maintaining trees, whether by private contract or

assessment, shall be subject to a subsidy policy, if any, established by the City for the treatment or removal of trees infected with shade tree disease.

Subd. 14. Penalty. Any person, firm or corporation who shall violate any provision of this Section shall be guilty of a misdemeanor.

SECTION 10.41. ADOPTION OF MINNESOTA UNIFORM FIRE CODE.

Subd. 1. The 1982 Edition of the Minnesota Uniform Fire Code is hereby adopted as though set forth verbatim herein. One copy of said Code shall be marked CITY OF HALLOCK - OFFICIAL COPY and kept on file in the office of the City Clerk and open to inspection and use by the public.

Subd. 2. No bulk plants for storage of flammable or combustible liquids, or bulk storage of liquified petroleum gas, not established on the effective date of this Section, shall be permitted. No storage of explosives or blasting agents shall be permitted. Provided, however, that the aboveground storage of combustible liquids shall be permitted when there is a direct connection with the combustion chamber of an engine, burner, or other similar installation.

SECTION 10.42. JUNK CARS, FURNITURE, HOUSEHOLD FURNISHINGS AND APPLIANCES STORED ON PUBLIC OR PRIVATE PROPERTY. It is unlawful to park or store any unlicensed, unregistered or inoperable vehicle, furniture, household furnishings or appliances, or parts or components thereof, on any property, public or private, unless housed within a building, and any violation is hereby declared to be a nuisance. For the purposes of this Section, an inoperable vehicle shall be defined as in Minnesota Statutes.

SECTION 10.43. ABANDONING A MOTOR VEHICLE. It is unlawful for any person to abandon a motor vehicle on any public or private property without the consent of the person in control of such property. For the purpose of this Section, a "motor vehicle" is as defined in Minnesota Statutes, Chapter 169. For the purpose of this Section, an "abandoned motor vehicle" is defined as in the Section of the City Code relating to disposal of abandoned motor vehicles.

SECTION 10.44. STORAGE OF ANHYDROUS AMMONIA. It is unlawful to store anhydrous ammonia except by special permit from the Council. For the purpose of this Section, the words "store" and "storage" shall mean confining in any type of container except as is then in transit upon a vehicle or other means of transportation.

SECTION 10.45. GRASS AND WEEDS ON PRIVATE PROPERTY.

Subd. 1. It is unlawful for any owner, occupant or agent of any lot or parcel of land in the City to allow any weeds or grass growing upon any such lot or parcel of land to grow to a greater height than six inches or to allow such weeds or grass to go to seed.

Subd. 2. If any such owner, occupant or agent fails to comply with this height limitation and after notice given by the City Clerk has not within seven (7) days of such notice complied, the City shall cause such

weeds or grass to be cut and the expenses thus incurred shall be a lien upon such real estate. The City Clerk shall certify to the County Auditor of Kittson County, a statement of the amount of the cost incurred by the City. Such amount together with interest shall be entered as a special assessment against such lot or parcel of land and be collected in the same manner as real estate taxes.

SECTION 10.46. FAIR HOUSING.

Subd. 1. Declarations of Fair Housing Policy. Discrimination with regard to housing on the basis of race, sex, creed, religion, marital status, and disability adversely affects the health, welfare, peace, and safety of the community. Persons subject to such discrimination suffer depressed living conditions, and create conditions which endanger the public peace and order. The public policy of the City is declared to be to foster equal opportunity for all to obtain decent, safe and sanitary housing without regard to their race, creed, color, national origin, marital status, disability status, sex and strictly in accord with their individual merits as human beings. It is also the policy of the City to protect all persons from all unfounded charges of discrimination.

Subd. 2. Definitions. For the purposes of this Section, the following terms, phrases, words, and their deviations, shall have the meaning given herein unless the context otherwise indicates:

A. "Discriminate" or "discrimination" includes segregate or separation.

B. "Disability" - A mental or physical condition, which constitutes a handicap. Nothing in this Section shall be construed to prohibit any program, service, facility or privilege afforded to a person with a disability which is intended to habitate, rehabilitate or accommodate that person.

C. "Marital status" - The standing, state or condition of one as single or married person.

Subd. 3. Prohibited Acts in Regard to Housing. It is an unlawful discriminatory practice:

A. For any person to discriminate on grounds of race, creed, religion, color, sex, marital status, status with regard to public assistance, national origin, age or disability, in the sale, lease, or rental of any housing unit or units.

B. For any broker, agent, salesman or other person acting in behalf of another to so discriminate in the sale, lease, or rental of any housing unit or units belonging to such other person.

C. For any persons engaged in the business of financing the purchase, rehabilitation, remodeling or repair of housing units or in the business of selling insurance with respect to housing units to refuse to provide such financing or insurance or to discriminate with regard to the

terms or conditions thereof by reason of the race, color, sex, religion, creed, national origin, marital status, status with regard to public assistance, age or disability of the applicant or because of the location of the unit or units in areas of the City occupied by persons of a particular race, color, sex, religion, creed, national origin, marital status, status with regard to public assistance, age or disability; or to discriminate by treating differently any person or group of persons who desire to purchase, lease, acquire, construct, rehabilitate, repair or maintain real property in a specific urban area because of social, economic or environmental conditions of the area in the granting, withholding, extending, modifying, or renewing, or in the rates, terms, conditions, or privileges of any such financial assistance or in the extension of services in connection therewith. The bona fide programs of Federal, State or local governmental units or agencies, however, structured or authorized to upgrade or improve in any manner a specific urban area shall not be deemed to be a violation of this Section.

D. For any person, having sold, leased, or rented a housing unit or units to any person, to discriminate with respect to facilities, services, or privileges of occupancy by reason of race, color, sex, creed, religion, national origin, age or disability, marital status, or status with regard to public assistance.

E. For any person to make or publish any statement evidencing an intent to discriminate, on grounds of race, creed, religion, color, sex, national origin or ancestry, marital status, status with regard to public assistance, age or disability in the sale, lease, or rental of a housing unit or units.

F. For any person to make an inquiry regarding race, color, sex, creed, religion, national origin, marital status, status with regard to public assistance, age or disability, or to keep any record or use any form of application, designed to elicit such information, in connection with the sale, lease, rental, or financing of a business unit or units.

G. For any person, for the purpose of inducing a real estate transaction from which he may benefit financially:

1. To represent that a change has occurred or will or may occur in the composition of the block, neighborhood, or area in which the property is located, in respect of the race, color, sex, creed, religion, national origin, marital status, status with regard to public assistance, age or disability of those living there; or,

2. To represent that this change will or may result in the lowering of property values, an increase in crime, or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area concerned.

H. Nothing in this Section shall be construed to require any person or group of persons selling, renting or leasing property to modify the property in any way, or exercise a higher degree of care for a person having a disability than for a person who does not have a disability; nor shall this Section be construed to relieve any person or persons of any obligations

generally imposed on all persons regardless of any disability in a written lease, rental agreement, or contract of purchase or sale, or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations of such lease, agreement or contract.

1. The provisions of this Section shall not apply to:

1. The rental of a portion of a dwelling containing accommodations for two (2) families, one of which is occupied by the owner; or

2. The rental by an owner or occupier of a one-family accommodation in which he resides of a room or rooms in such accommodation to another person or persons if the discrimination is by sex, marital status, status with regard to public assistance or disability. Nothing in this Section shall be construed to require any person or group of persons selling, renting or leasing property to modify the property in any way, or exercise a higher degree of care for a person having a disability than for a person who does not have a disability; nor shall this Section be construed to relieve any person or persons of any obligations generally imposed on all persons regardless of any disability in a written lease, rental agreement, or contract of purchase or sale, or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations, of such lease agreement or contract.

Subd. 4. Enforcement Procedures. The City Clerk-Administrator's office in and for the City, is designated as the enforcement agency for this Section and shall have the power to receive, hear and determine complaints as provided herein. The Clerk-Administrator shall promptly investigate, upon complaint or upon his own motion, any violations of this Section. If, after investigation, he shall have reason to believe a violation has occurred, he may refer the matter to the City Attorney for criminal prosecution, initiate civil enforcement procedures as herein provided, or enter into a settlement agreement which, when approved by the Council, shall have the same force as a Council order.

Subd. 5. Statute of Limitations. No action may be brought for civil enforcement or criminal prosecution unless the charge of alleged discriminatory practice was filed with the City within 180 days from the occurrence of the practice.

Subd. 6. Civil Enforcement Procedure. Civil enforcement procedures shall be prosecuted by the Clerk-Administrator before the Council in the following manner:

A. The Clerk-Administrator shall serve upon the respondent by certified mail a complaint, signed by him, which shall set forth a clear and concise statement of the facts constituting the violation, set a time and place for hearing, and advise the respondent of his right to file an answer to appear in person or by an attorney and to examine and cross-examine witnesses.

B. The hearing shall not be less than 20 days after service of the complaint. Any time prior to the hearing the respondent may file an answer. Facts not denied by answer shall be deemed admitted. If the answer sets out new matter, it shall be deemed denied by the Clerk-Administrator.

C. The complaint or answer may be amended at any given time prior to the hearing with the consent of the opposing party.

D. Hearings shall be before the Council.

E. The Clerk-Administrator may obtain subpoenas from the District Court to compel the attendance of witnesses and the production of documents at any hearing.

F. If, after hearing, the panel shall conclude that a violation has occurred, it shall prepare an order which may contain any provision deemed desirable to do justice to the complainant or to prevent further violations. It may include provisions which require the respondent to rent, sell, or lease particular housing to the complainant or to do any other thing as may be just. The panel's findings of fact and order shall be served on the respondent and each member of the HRA Board of Commissioners (hereinafter referred to as the HRA Board) by mail shall become the findings and order of the HRA Board unless, within ten days after mailing of the findings and order, the HRA Board shall revoke or amend the order, but any order of a panel may be modified by the HRA Board at any time.

SECTION 10.47 OUTDOOR STORAGE OF WOOD

Subd. 1. Statement of policy. The City Council finds that the use of alternative energy sources such as wood is viable and acceptable. The Council also realizes that young children become attracted to wood piles and the climbing of such wood piles can result in injury to the children. To protect the public health and safety, the City Council enacts the following regulations.

Subd. 2. Scope. This section shall apply to the storage or keeping of wood within the City of Hallock. It shall apply to any wood or wood product usually used or intended to be used as firewood in any residence. No person shall keep or allow wood to be kept or stored on his or her property or on property under his or her control, unless said wood is kept or stored in compliance with the provisions of this ordinance.

Subd. 3. Conditions of storage. Wood stored or kept in the City which is not contained in an enclosure impervious to the elements shall be stored or kept as follows:

A. In neat and secure stacks no more than 6 feet high, as measured from the bottom of the stack.

B. No wood shall be stacked within the required area of setback from a public street right-of-way or property line and in any event no closer to the street than the front of the house.

Subd. 4. Existing woodpiles. Any woodpile in existence as of the first day of December, 1987, which does not comply with the provisions of this section must be removed or placed in compliance within one year after written notice to comply is given by the City Clerk-Administrator. Such notice shall be in writing and shall be served upon the property owner either in person or by certified publication.

Source: Ordinance No. 159
Effective Date: July 19, 1988

(Sections 10.48 through 10.59, inclusive, reserved for future expansion.)

SECTION 10.60. CLOSING HOUR FOR ALL PUBLIC PARKS. It is unlawful for any person to be upon any park premises between the hours of 10:00 o'clock p.m. of one day and 6:00 o'clock a.m. of the succeeding day without the express consent of the Police Department, provided that such hours shall be prominently sign-posted at all public park entrances.

SECTION 10.61. CONSUMPTION OF BEER OR LIQUOR ON STREETS AND PUBLIC PROPERTY. It is unlawful for any person to consume or possess in an unsealed container, beer or liquor, as those terms are defined in Chapter 5 of the City Code, on any street or other public property except where permission has been specifically granted by the Council. Provided, that this Section shall not apply to the possession of an unsealed container in a motor vehicle on streets or public property when the container is kept in the trunk of such vehicle if it is equipped with a trunk, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the motor vehicle is not equipped with a trunk. For the purpose of this Section, a utility or glove compartment shall be deemed to be within the area occupied by the driver or passengers.

SECTION 10.62. RADIO AND TELEVISION INTERFERENCE. It is unlawful for any person to maintain, use or operate any apparatus or device whether electrical, mechanical or of any other type, so as to cause interference with radio or television reception. This Section shall not apply to electro-medical devices provided that they are equipped so far as reasonably possible with apparatus tending to reduce such interference.

SECTION 10.63. RECREATIONAL VEHICLE AND RECREATIONAL VEHICLE PARK

Subd. 1. DEFINITIONS. For the purpose of this ordinance, certain terms used herein are defined as follows:

A. "Recreational Vehicle" - A vehicular type unit primarily designed as recreational living quarters for camping or travel use, which either has its own mode of power, or is mounted on or drawn by another vehicle. The basis entities are: travel trailer, camping trailer, truck camper and motor home.

B. "Recreational Vehicle Park" - Gilbert Olson Park, Horseshoe Park and all licensed mobile home parks.

Subd. 2. Permitted Uses. Recreational Vehicles are permitted:

- A. In a recreational vehicle park; and
- B. Stored in the commercial/industrial district; and
- C. Stored in the side or rear yard in the residential district (only one unit per yard); and

D. On Lot 18 of Block 5 in the Original Townsite of the City of Hallock, Minnesota. However, only the legal owner of said land may be permitted to park the owner's own recreational vehicle on said land for the purpose of living in said recreational vehicle.

E. On a commercial lot during a housing emergency, and then only by permit granted pursuant to regulations adopted by the City Council for emergency recreational vehicle housing. A housing emergency may be declared by resolution of the City Council upon majority vote. Such a declaration may only be made effective for up to twelve months at a time.

Subd. 3. Unlawful Acts. Except as provided above, it is unlawful for any person:

A. To leave or park a recreational vehicle on or within the limits of any street or right of way for a continuous period in excess of twenty-four (24) hours.

B. To park a recreational vehicle upon public property for human habitation.

C. Any other acts not covered by Subd. 2., Permitted Uses.

SECTION 10.64. OPEN PITS, BASEMENTS AND OTHER EXCAVATION. It is unlawful for any person owning or in control of real estate to have any pit, basement, well, septic tank, cesspool or other excavation on said premises open and without protection for the public.

SECTION 10.65. BARBED WIRE FENCES. It is unlawful for any person to erect or maintain a barbed wire fence upon his property, which fence abuts upon any street or within 10 feet of his property line with an abutting property owner.

SECTION 10.66. SALE, DELIVERY AND TRANSPORTATION OF ANHYDROUS AMMONIA.

Subd. 1. Application. Any individual, partnership, corporation, or other form of business that sells, delivers, or transports anhydrous ammonia within the City shall be subject to the following provision.

Subd. 2. Streets for Transportation. The Council shall designate certain streets within the City over which anhydrous ammonia can be transported. It is illegal to transport anhydrous ammonia over other streets within the City.

Subd. 3. Transporting.

A. Nurse tanks shall not be loaded beyond 90% of their capacity.

B. Only one nurse tank may be pulled by a vehicle at any one time, except, two empty nurse tanks may be pulled by a vehicle. An empty nurse tank is defined as having 5% or less of capacity.

Subd. 4. Parking.

A. Anhydrous ammonia tanks shall not be parked in areas zoned as residential neighborhood commerce, downtown, commerce, or downtown fringe.

B. Anhydrous ammonia tanks shall not be parked on allowable streets unless attached to a vehicle as permitted in Subdivision 3 and shall be parked on allowable streets for more than two (2) hours.

Subd. 5. Lighting. All areas that are used to store anhydrous ammonia shall have sufficient lighting to meet the requirements prescribed by the Police Department.

Subd. 6. Personnel. Transfer of anhydrous ammonia from storage tank to nurse tank shall only be completed by employees of the distributor or dealer who are trained in the handling and distribution of anhydrous ammonia.

Subd. 7. Equipment. All anhydrous ammonia tanks and tank storage areas shall have the safety equipment required by Minnesota law, by the office of the Occupational Safety and Health Administration (OSHA) and as prescribed by the Police Department.

Subd. 8. Inspection. The Police Department, and others it shall designate, shall be allowed to semi-annually inspect all anhydrous ammonia tank storage areas and tanks for violations of this Section.

Subd. 9. Spills or Leaks. A liquid spill or visible leak of anhydrous ammonia shall be immediately reported to the Police Department who shall then investigate the matter.

Subd. 10. Tampering. It is unlawful for any person to tamper with anhydrous tanks or safety equipment for the tanks without the permission of the owner.

(Sections 10.67 through 10.98, inclusive, reserved for future expansion)

SECTION 10.99. VIOLATION A MISDEMEANOR OR PETTY MISDEMEANOR. Every person who violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as follows:

Subd. 1. Where the specific section, subdivision, paragraph or provision specifically makes violation a petty misdemeanor, he shall be punished as for a petty misdemeanor.

Subd. 2. As to any violation not constituting a petty misdemeanor under the provisions of Subdivision 1 hereof, he shall be punished as for a misdemeanor.