

TITLE 4

PUBLIC HEALTH AND SAFETY

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CHAPTER 1

FIRE DEPARTMENT

SECTION:

- 4-1-1: Composition Of Department
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4-1-1: **COMPOSITION OF DEPARTMENT:** There is hereby continued in the City a Volunteer Fire Department consisting of a Chief, an Assistant Chief, three (3) captains and not fewer than fifteen (15) nor more than twenty five (25) firefighters. (1981 Code § 205.01)

4-1-2: **CHIEF, ASSISTANT CHIEF:**

A. Election: The Chief of the Fire Department and the Assistant Chief shall be elected annually by the members of the Department, subject to confirmation by the Council.

B. Term: The Chief and Assistant Chief shall hold office for one year and until their successors have been duly elected. (1981 Code§ 205,02)

C. Duties:

1. Firefighting Apparatus: The Chief shall have control of all the firefighting apparatus and shall be solely responsible for its care and condition.

2. Semi-Annual Reports: The Chief shall make a semi-annual report to the Council at its meeting in March and September on the condition of the equipment and needs of the Fire Department.

3. Additional Reports: The Chief may submit additional reports and recommendations at any meeting of the Council, and shall report each suspension by the Chief of a member of the Fire Department at the first meeting of the Council following such suspension.

4. Training And Discipline: The Chief shall be responsible for the proper training and discipline of the members of the Fire Department, and may suspend any member for refusal or neglect to obey orders pending final action by the Council on the member's discharge or retention. (1981 Code § 205.03)

5. Record Of Fires: The Chief shall keep in convenient form a complete record of all fires. Such a record shall include the time of the alarm, location of fire, cause of fire (if known), type of building and contents, members of the Department responding to the alarm and such other information as the Chief may deem advisable or as may be required from time to time by the Council or State Insurance Department. (1981 Code § 205.04)

D. Assistant Chief: In the absence or disability of the Chief, the Assistant Chief shall perform all the functions and exercise all of the authority of the Chief. (1981 Code § 205.06)

- E. Removal: The Chief and/or Assistant Chief may be removed by the Council for cause after a public hearing¹. (1981 Code § 205.02)

4-1-3: **FIREFIGHTERS:**

- A. Appointment: Firefighters and probationary firefighters shall be appointed by the members of the Department, subject to confirmation by the Council.
- B. Term: Firefighters shall continue as members of the Department during good behavior. (1981 Code § 205.02)
- C. Qualifications: All members of the Department shall be able-bodied and not less than eighteen (18) years of age. (1981 Code § 205.07; 1997 Code)
- D. Probationary Period: Candidates shall become members of the Fire Department only after a six (6) month probationary period.
- E. Minimum Requirements: The Council may require that each candidate, before becoming a probationary firefighter, must satisfy certain minimum requirements of height, weight, education and any other qualifications which may be specified by the Council.
- F. Mental And Physical Examination: The Council may require that each candidate must pass satisfactorily a mental and physical examination. (1981 Code § 205.07)
- G. Loss Of Membership: Absence of any firefighter from three (3) consecutive drills or calls, unless excused by the Chief, shall be cause for removal from the Department. (1981 Code § 205.08; 1997 Code)
- H. Removal: Firefighters may be removed by the Council only for cause after a public hearing. (1981 Code § 205.02)

4-1-4: **COMPENSATION:**

- A. Established By Council: Members and officers of the Fire Department shall receive compensation as provided for by Council resolution, in conjunction with the adoption of the budget to be effective January 1 of the following year.
- B. Reports: The Chief shall certify and submit a monthly report showing in detail the hours served by each member of the Department and the compensation to which each member is entitled therefor during the month. No payment of any compensation to firefighters shall be made until such report is filed. (1981 Code § 205.08)

4-1-5: **PRACTICE DRILLS:** The Chief shall, when the weather permits, hold a monthly practice drill of at least one hour's duration for the Fire Department and shall give or arrange for instruction to the firefighters in approved methods of firefighting and fire prevention. (1981 Code § 205.05)

4-1-6: **RELIEF ASSOCIATION:** The members and officers of the Fire Department may organize themselves into a firefighters' relief association in accordance with law. (1981 Code § 205.10)

4-1-7: **INTERFERENCE WITH DEPARTMENT:** No person shall give, make, or cause to be given or made, a fire alarm without probable cause, neglect or refuse to obey any reasonable order of the Chief at a fire, or interfere with the Fire Department in the discharge of its duties. (1981 Code § 205.11)

1. See Title 1, Chapter 7 of this Code.

CHAPTER 2

OPEN BURNING

SECTION:

- 4-2-1: Adoption Of Air Pollution Control Regulation
- 4-2-2: Open Burning Prohibited; Exception
- 4-2-3: Burning Of Leaves Prohibited
- 4-2-4: Prairie Burning

4-2-1: **ADOPTION OF AIR POLLUTION CONTROL REGULATION:**

A. Regulation 8 Adopted: Air Pollution Control Regulation 8, as amended, adopted by the Minnesota Pollution Control Agency, is hereby adopted by reference pursuant to Minnesota Statutes section 471.62, as amended.

B. Copy On File: One copy of said Regulation 8 shall be marked "Official Copy" and kept on file in the office of the Clerk-Treasurer for use and examination by the public. (1981 Code § 512.01)

4-2-2: **OPEN BURNING PROHIBITED; EXCEPTION:** No person shall dispose of refuse in the City by burning in an uncovered, outdoor container, or prairie burning unless as provided in Section 4-2-5 of this Chapter. (1981 Code § 512.02; 1997 Code)

4-2-3: **BURNING OF LEAVES PROHIBITED.** The burning of leaves and yard waste is prohibited in all areas within the corporate limits of the City. This is consistent with the Minnesota State Fire Code as amended and adopted by the City of Sartell.

4-2-4: **PRAIRIE BURNING**

The City of Sartell recognizes the maintenance requirements of natural prairies and will issue permits to a business, which have the personal, training and management experience to accommodate managed prescribed burns or a government agency that conducts prescribed burning and can provide proper forms of insurance. Permits will not be issued to the general public for prairie burning. Permits will be valid for a seven (7) -day period. The Fire Chief or Fire Marshal's office must review permits prior to any permits being issued. Applicants for the permit must provide the following information:

1. Site plan of proposed burn area.
 - a. Burn plan, to include the methods for burning and fire control during the prescribed burn.
 - b. Public relations plan which includes how residents within 100 feet of the area will be notified about the prescribed burn, in addition to the County Dispatch, Department of Natural Resources. Public notification should include that the burn is a controlled burn.
 - c. Smoke management plan.
2. Requested time frame for the prescribed burn.
3. A letter of permission to conduct the prescribed burn signed by the property owner.
4. The Fire Chief or Fire Marshal shall be notified and give final permission to conduct the burn the day the activity is to begin.
5. No burning of prairie areas shall take place during an air pollution alert, warning or emergency declared by the Minnesota Pollution Control Agency or during a fire danger alert declared by the Fire Chief or by the Commissioner of the Minnesota Department of Natural Resources
6. Any fire authorized by this Section shall be constantly attended by a competent person until such fire is

extinguished.

7. Expenses Related to Prairie Areas. If for reason it is determined that the burn will need the assistance of the Fire Department and Equipment, the property owner shall be responsible for the payment of all costs associated in the utilization of Fire Department Personal and the rental of fire equipment as determined by ordinance.

CHAPTER 3

POISONOUS LIQUIDS AND GASES

SECTION:

- 4-3-1: Possession And/Or Storage Restricted
- 4-3-2: Limitations
- 4-3-3: Precaution Necessary While Using
- 4-3-4: Storage Of Containers
- 4-3-5: Excessive Storage, Permit Required
- 4-3-6: Penalty

4-3-1: **POSSESSION AND/OR STORAGE RESTRICTED:** It shall be illegal for any person to have in his or her possession or stored on or upon his or her premises within the corporate limits of the City, any chlorine or any other substance which is an element in gaseous form and which is poisonous to humans and animals, or both, except as herein provided. (1981 Code § 515.01; 1997 Code)

4-3-2: **LIMITATIONS:**

- A. **Amount In Possession:** Any person who shall have in his or her possession or have stored for his or her own use on the premises, any chlorine or any other substance which is an element in gaseous form and which is poisonous and which storage drums are used for his or her convenience in the manufacturing or business enterprise conducted within the corporate limits of the City, may have in his or her possession not more than fifteen (15) drums or barrels at any one time; on condition, however, that each of said drums or barrels do not contain more than two thousand (2,000) pounds, or the equivalent thereof, and on condition that the same are stored as herein provided. (1981 Code § 515.02; 1997 Code)
- B. **Size Of Containers:** It shall be illegal for any person to withdraw any chlorine or any substance which is an element in gaseous or liquid form from any container which has a larger capacity than two thousand (2,000) pounds per container, or the equivalent thereof. (1981 Code § 515.03; 1997 Code)

4-3-3: **PRECAUTION NECESSARY WHILE USING:** All use, storage and disposal of such chlorine or other substances being an element in gaseous form shall be so conducted so as to prevent the escape of any part thereof into the atmosphere or into any public subsurface, sewer, drain, manhole or other underground tunnel, pipe, shaft or conduit or natural waterway. Should there be any evidence of the escape of any part of same as above described, any official of the City, including the Director of Emergency Services, shall have the power to order immediate corrective measures. Where such corrective measures are ineffective or not installed, said person may order the discontinuance of the operation or practice which in his/her opinion is responsible for the existing condition. (1981 Code § 515.04; 1997 Code)

4-3-4: **STORAGE OF CONTAINERS:**

- A. **Location:** The storage of any chlorine or other substance being an element in gaseous form shall be restricted to an area separate from any location in which said substance is being used and shall also be stored in any area separate from the storage of any combustible materials. (1981 Code § 515.05; 1997 Code)
- B. **Method:** Containers of chlorine or other substances being an element in gaseous form when piled one upon the other shall be separated by dunnage or other suitable means or devices sufficient to provide stability and to prevent excessive stress on container walls. The height of piles shall be consistent with stability. Drums and barrels stored on their sides shall have their heads facing the aisles so that leakage of bungs may be readily detected. All such containers when empty shall have

caps, plugs or bungs replaced immediately after use and where container is empty. (1981 Code § 515.06; 1997 Code)

4-3-5: **EXCESSIVE STORAGE, PERMIT REQUIRED:**

A. Permit Required: Any person desiring to store a greater amount of said chlorine or substances being an element in gaseous form and which is poisonous, must make application to the City Council for a special permit. (1981 Code § 515.07; 1997 Code)

B. Application For Permit:

1. Required Information: All applications shall contain the following information:

a. The nature of the business of the applicant.

b. The amount of such liquid or gases now stored on said premises.

c. The maximum amount of same intended to be stored on said premises, including a diagram showing the location of such storage place together with a description of any safety devices installed to protect the public against the escape of any part of same.

2. Statement From State Board Of Health: A statement from the State Board of Health showing that the quantity desired to be stored is not injurious to the health, safety and welfare of the residents of the City.

C. Issuance/Nonissuance Of Permit: The City Council may or may not grant said special permit and if said special safety and welfare of the residents of the City and shall take effect immediately upon its passage and publication. (1981 Code § 515.07)

4-3-6: **PENALTY:** Any person who shall violate or fail to comply with any of the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to penalty as provided in Section 1-4-1 of this Code for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. (1981 Code § 515.08; 1997 Code)

CHAPTER 4

EXPLOSIVES REGULATIONS

SECTION:

- 4-4- 1: Scope
- 4-4- 2: Definitions
- 4-4- 3: Acquisition And Use, Permit Required
- 4-4- 4: Application For Permit; Inspection Of Premises
- 4-4- 5: Permit Approval Or Denial
- 4-4- 6: Permit Fee
- 4-4- 7: Term Of Permit
- 4-4- 8: Blasting
- 4-4- 9: Sale Or Transfer
- 4-4-10: Seller's Record And Report
- 4-4-11 : Storage And Security Requirements
- 4-4-12: Report Of Thefts
- 4-4-13: Permit Revocation Or Suspension
- 4-4-14: Penalty

4-4-1: **SCOPE:**

- A. **Applicability:** This Chapter shall apply to the manufacture, keeping, having, storage, sale, transportation and use of explosives and blasting agents.
- B. **Excepted Acts:** This Chapter shall not apply to the following:
 - 1. Transportation of explosives or blasting agents when under the jurisdiction of and in compliance with the regulations of the Federal Department of Transportation.
 - 2. Shipment, transportation and handling of military explosives by the Armed Forces of the United States and the State militia.
 - 3. Transportation and use of explosives or blasting agents in the normal and emergency operation of Federal agencies or State or Municipal Fire and Police Departments; provided, that they are acting in their official capacities and in the proper performance of their duties.
 - 4. Sale, use or public display of pyrotechnics commonly known as fireworks.
- C. **Excepted Commodities:** This Chapter shall not apply to the following commodities and items:
 - 1. Stocks of small arms ammunition, propellant-actuated powder cartridges, small arms ammunition primers in quantities of less than one million (1,000,000) or smokeless propellant in quantities of less than seven hundred fifty (750) pounds.
 - 2. Explosive actuated powder devices when in quantities of less than fifty (50) pound net weight of explosives.
 - 3. Fuse lighters and fuse igniters.
 - 4. Safety fuse (safety fuse does not include cordeau detonant fuse), and three thirty-seconds inch (3/32") cannon fuses or matchlock fuses (slow match).
 - 5. The sale or transfer of black powder or other commonly used nonsmokeless propellant in

individual transactions involving quantities of five (5) pounds or less when used for muzzle-loaded sports equipment or used in the hand-loading of sports equipment. (Ord. 90-5, 8-27-1990)

4-4-2: **DEFINITIONS:** In this Chapter, the following words are used as defined in this Section:

BLASTING AGENT: Any material or mixture consisting of a fuel and oxidizer intended for blasting not otherwise classified as an explosive and in which none of the ingredients are classified as an explosive; provided, that the finished product, as mixed and packaged for use or shipment, cannot be detonated by means of a Number 8 test blasting cap when unconfined.

DOT: The Department of Transportation of the United States.

EXPLOSIVE Any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion, i.e., with substantially instantaneous release of gas and heat, unless such compound, mixture or device is otherwise specifically classified by the DOT (formerly ICC). The term "explosive" includes all material which is classified as Class A, Class B and Class C explosives by the DOT (formerly ICC), and includes, but is not limited to, Dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuse, fuse lighters, fuse igniters, squibs, cordeau detonant fuse, instantaneous fuse, igniter cord, igniters, small arms ammunition, small arms ammunition primers, smokeless propellants, cartridges for propellant actuated powder devices and cartridges for industrial guns and some special fireworks. (Commercial explosives are those explosives which are intended to be used in commercial or industrial operations.)

**EXPLOSIVE-
ACTUATED POWDER
DEVICE:** Any tool or special mechanized device which is actuated by explosives, but not to include propellant-activated powder devices. Examples of propellant-actuated powder devices. Examples explosive-activated devices are jet tappers and jet perforators.

**EXPLOSIVES,
CLASSIFICATION
OF, DESCRIBED
BY THE DOT
(FORMERLY ICC):**

A. Class A Explosives: Possessing, detonating or otherwise maximum hazard; such as dynamite, nitroglycerin, picric acid, lead azide fulminate of mercury, black powder, blasting caps and detonating primers.

B. Class B Explosives: Possessing flammable hazard, such as propellant explosives (including some smokeless propellants), photographic flash powders and some special fireworks.

C. Class C Explosives: Includes certain types of manufactured articles which contain Class A or Class B explosives, or both, as components but in restricted quantities.

D. Forbidden Or Not Acceptable Explosives: Explosives which are forbidden or not acceptable for transportation by common carriers, by rail freight, rail express, highway or water in accordance with the regulations of the DOT (formerly ICC).

E. Unclassified Materials: Certain chemicals and certain fuel materials may have explosive characteristics which are not specifically classified by the DOT (formerly ICC) and are not readily classified for coverage in the Code. Authoritative information should be obtained for such unclassified

materials and action commensurate with their hazards, location, isolation and safeguards should be taken.

HIGHWAY:	Any public street, public alley or public road.
ICC:	The Interstate Commerce Commission of the United States.
INHABITED BUILDING:	A building or structure regularly used in whole or in part as a place of human habitation. The term "inhabited building" also means any church, school, store, railway passenger station, airport terminal for passengers and any other building or structure where people are accustomed to congregate or assemble, but excluding any building or structure occupied in connection with the manufacture, transportation, storage and use of explosives.
MAGAZINE:	Any building or structure, other than an explosives manufacturing building, approved for the storage of explosives.
MOTOR VEHICLE:	Any self-propelled vehicle, truck, tractor, semitrailer or truck-full trailers used for the transportation of freight over public highways.
NITRO-CARBO-NITRATE:	Any blasting agent which has been classified as nitro-carbonite under the Department of Transportation regulations and which is packaged and shipped in compliance with the regulations of the Department of Transportation.
NUMBER 8 TEST BLASTING CAP	A blasting cap containing two (2) grams of a mixture of eighty percent (80%) mercury fulminate and twenty percent (20%) potassium chlorate, or a cap of equivalent strength.
PERSON:	Any individual, firm, partnership, corporation, company, association, joint stock association or other entity and includes a trustee, receiver, assignee or personal representative of any of the above.
PROPELLANT-ACTUATED POWDER DEVICES:	Any tool or special mechanized device or gas generator system which is actuated by a smokeless propellant or which releases and directs work through a smokeless propellant charge.
PUBLIC CONVEYANCE:	Any railroad car, streetcar, ferry, cab, bus, airplane, or other vehicle which is carrying passengers for hire.
RAILWAY:	Any steam, diesel, electric or other railway which carries passengers for hire on the particular line or branch in the vicinity where explosives are stored or where explosives manufacturing buildings are situated.
SMALL ARMS AMMUNITION:	Any shotgun, rifle, pistol or revolver cartridge and cartridge for propellant-actuated powder devices and industrial guns. Military-type ammunition containing explosives, bursting charges, spotting or pyrotechnic projectiles is excluded from this definition.
SMALL ARMS AMMUNITION PRIMERS:	Small percussion-sensitive explosive charges, encased in a cup, used to ignite propellant powder.
SMOKELESS PROPELLANTS:	Propellants, commonly called smokeless powders in the trade, used in small arms ammunition, cannon, rockets, propellant-actuated powder

devices, etc.

**SPECIAL INDUSTRIAL
EXPLOSIVE DEVICES:**

Explosive-actuated powder devices and propellant-actuated powder devices.

**SPECIAL INDUSTRIAL
EXPLOSIVE
MATERIALS:
TNT, PETN, RDS**

Shaped materials and sheet forms and various other extrusions, pellets and packages of high explosives, which include dynamite, and other compounds used for high energy rate forming, expanding and shaping in metal fabrication, and for dismemberment and quick reduction of scrap metal. (Ord. 90-5, 8-27-1990)

4-4-3: **ACQUISITION AND USE, PERMIT REQUIRED:** It is unlawful for any person to acquire, possess, use, sell or handle any "explosive" as defined in Section 4-4-2 of this Chapter, except as otherwise provided by Section 4-4-1 of this Chapter, within the City, without first having obtained a permit. (Ord. 90-5, 8-27-1990)

4-4-4: **APPLICATION FOR PERMIT; INSPECTION OF PREMISES:**

- A. Written Application: Any person desiring a permit shall make application therefor in writing to the Clerk-Treasurer on such forms as the City may prescribe.
- B. Required Information: The application for a permit shall be sworn to by the applicant and shall contain the following information:
 - 1. Name and address of the applicant;
 - 2. The applicant's date of birth and driver's license number;
 - 3. Where applicant intends to permanently store the explosives and the storage security measures provided at the storage and use sites;
 - 4. The applicant's intended use for explosives purchased pursuant to any permit that may be issued;
 - 5. All information relative to applicant with respect to facts required under subsection 4-4-5B of this Chapter; and
 - 6. All such additional information as may be prescribed by the City Council in determining whether the applicant is qualified to possess a permit under the requirements of this Chapter.
- C. Inspection Of Premises: Upon receipt of the application, the Clerk/Treasurer shall notify the City Fire Marshal that a permit has been requested. Upon receipt of notification, the Marshal shall inspect the premises upon which the applicant desires to store, handle and use the explosives set forth in the application and if the Marshal is satisfied: 1) that no serious fire hazard will be created, and 2) that the applicant plans to store and use the explosives in the manner prescribed by this Chapter, the Marshal shall endorse the Marshal's approval upon the application and return it to the Clerk-Treasurer.

4-4-5: **PERMIT APPROVAL OR DENIAL:**

- A. Council Approval: A permit shall be issued by the Clerk-Treasurer only after approval of the application by the Fire Marshal and Police Chief.

Grounds For Denial: The City may deny the issuance of a permit to anyone who:

- 1. Has been convicted within the past ten (10) years of a felony or gross misdemeanor involving

moral turpitude or anyone who is presently under indictment for any such crime; or

2. Has been within the past ten (10) years convicted of a crime in which the use, possession or sale of narcotics or illicit drugs was an element; or

3. Has been treated within the past ten (10) years for addiction to narcotic or illicit drugs, or has been within such time period admitted to any hospital or institution for treatment of narcotics or illicit drug addiction, or has been within such time period certified by a licensed medical doctor as being addicted to narcotic or illicit drugs; or

4. Has been within the past ten (10) years acquitted of any criminal charge by reason of insanity; or

5. Is not eighteen (18) years of age at the time when application for a permit is made. (Ord. 90-5, 8-27-1990)

6. Is or has been hospitalized or committed for treatment for the habitual use of a "narcotic drug", as defined in Minnesota Statutes section 152.01, subdivision 10, or a "controlled substance", as defined in Minnesota Statutes section 152.01, subdivision 4, or who has been certified by a medical doctor as being addicted to narcotic drugs or depressant or stimulant drugs, unless in possession of a certificate of a medical doctor or psychiatrist licensed to practice in this State, or other satisfactory proof, that the person no longer has this disability. (1997 Code)

4-4-6: **PERMIT FEE:** The Clerk-Treasurer shall, upon approval of the application and receipt of the required fee, prepare and mail the permit to the applicant. (Ord. 90-5, 8-27-1990; 1997 Code)

4-4-7: **TERM OF PERMIT:** No permit shall be granted for a period exceeding twelve (12) months. (Ord. 90-5, 8-27-1990)

4-4-8: **BLASTING:** In addition to the other requirements of this Chapter, persons using explosives or blasting agents for blasting activities shall observe the following requirements:

A. Presence Of City Engineer And/Or Public Works Director Required: No use of explosives or blasting agents for blasting activities shall take place without the City Engineer and/or Public Works Director or the City Engineer and/or Public Works Director's designee being present. Any person engaging in blasting activities must, no later than three (3) days before the intended activity, arrange with the Clerk-Treasurer to have the City Engineer and/or Public Works Director or a designee present during the blasting activity. The expense of having the Engineer and/or Public Works Director present shall be borne by the person(s) engaging in blasting activity.

B. Notice Requirements: Any person using explosives or blasting agents for blasting activities shall, at least three (3) days prior to engaging in such activities, notify in writing: 1) the Chief of Police, 2) the City Fire Marshal, and 3) all property owners within five hundred feet (500') of the site where blasting activities are to be conducted. (Ord. 90-5, 8-27-1990)

4-4-9: **SALE OR TRANSFER:** No person shall sell, transfer or give away any explosive or blasting agent to anyone who does not possess a valid permit issued under this Chapter. (Ord. 90-5, 8-27-1990)

4-4-10: **SELLER'S RECORD AND REPORT:**

A. Required Information: Every person selling or giving away any explosive covered by this Chapter shall keep at all times an accurate record in a bound book of all such explosives handled, indicating a detailed account of:

1. Date of each transference of explosives;
 2. Amount of each such transference;
 3. Name and address of each purchaser or transferee;
 4. Manufacturer of the explosives being transferred;
 5. The type of and any identification numbers of explosives being transferred;
 6. Explosives owner or user's permit number;
 7. Intended place of storage of the explosive by the purchaser or transferee;
 8. Intended use site; and
 9. Security measures provided at the storage site and at the use site.
- B. Inspection By City Officials: The record book shall at all reasonable times be open to the inspection of the City Fire Marshal and any law enforcement official of the City.
- C. Monthly Report To Fire Marshal: On the first day of every month, the seller or transferor shall make a report to the City Fire Marshal of the transactions which took place that month. (Ord. 90-5, 8-27-1990)

4-4-11: **STORAGE AND SECURITY REQUIREMENTS:** Any person storing, handling, using or in any way disposing of explosives covered by this Chapter shall maintain minimum safety and security features of all permanent and temporary storage facilities in a manner prescribed by the rules and regulations of the Minnesota State Fire Marshal governing the storage, handling, use and transportation of blasting agents and explosives. (Ord. 90-5, 8-27-1990)

4-4-12: **REPORT OF THEFTS:** Any person who has explosives in his/her possession and who incurs a loss or theft of all or a portion thereof, upon discovery of such loss or theft, shall immediately, and in no event longer than twenty four (24) hours from the time of discovery, inform the office of the local Chief of Police of the loss or theft, the amount missing and approximate time of the occurrence. (Ord. 90-5, 8-27-1990)

4-4-13: **PERMIT REVOCATION OR SUSPENSION:** A permit may be revoked or suspended at any time by order of the City for any violation of the provisions of this Chapter or upon the creation or existence of any condition which would, in the opinion of the City Fire Marshal, create or tend to create a serious fire hazard. (Ord. 90-5, 8-27-1990)

4-4-14: **PENALTY:** Any person who violates any provisions of this Chapter is guilty of a misdemeanor. (Ord. 90-5, 8-27-1990)

CHAPTER 5

FIRE PREVENTION AND PROTECTION

SECTION:

- 4-5-1: Storage Of Firewood
- 4-5-2: Barbecues And Deck Fires

4-5-1 : **STORAGE OF FIREWOOD:**

A. Statement Of Policy: The City Council finds that the use of renewable resources including wood is increasing. The Council recognizes that to protect public health and safety, wood piles must be erected, located and maintained in a safe and orderly fashion.

B. Scope: This Section applies to the storage of wood on residential properties within the City except for the exemptions noted below. This Section shall apply to any wood or wood product usually used or intended to be used as firewood in the residence or any accessory structure.

C. Conditions Of Storage: Firewood shall be stored in the following fashion:

1. In neat and secure stacks.
2. The height of a wood pile over three feet (3') high shall be no more than twice its width. The maximum height allowed is six feet (6').
3. In a manner and location to minimize possible problems of rat or other pest infestation.
4. No wood shall be stored within the required minimum area of setback from a street right of way or property line.
5. No wood shall be stored in a front yard or yard that is commonly considered the front yard.
6. The maximum amount of wood that may be stored is twelve (12) cords. (1 cord being 4 feet by 4 feet by 8 feet or 128 cubic feet.)

D. Exemptions: Wood storage under the following circumstances shall be exempt from the conditions outlined in subsection C of this Section:

1. Wood stored or kept in a covered structure impervious to the elements.
2. Temporary storage of logs for up to thirty (30) days outside of the required areas of setback from property lines and street is allowed for the purpose of cutting and splitting logs to a size useable in the resident's wood burning device.
3. Temporary storage for up to thirty (30) days of lumber and other wood products used in construction projects is allowed outside of the required areas of setback from property lines and street. (Ord. 86-8, 11-24-1985)

E, Penalty: Every person convicted of a violation of any provision of this Section shall be guilty of a misdemeanor, and shall be subject to penalty as provided in Section 1-4-1 of this Code. (Ord. 86-7, 11-24-1986; 1997 Code)

4-5-2: **BARBECUES AND DECK FIRES:**

A. Multi-Family Dwellings:

1. Use Restricted: No persons shall construct, erect, install or use any incinerator or barbecue, nor kindle or maintain any open flame, charcoal or other material on any balcony or patio which is attached to or is within fifteen feet (15') of any apartment building in which there are two (2) or more separate living units on more than one level unless the separate living units each have their own private means of ingress and egress.

2. Storage Prohibited: No person shall store or use any charcoal, lighter fluid, natural gas, fuel, torch, barbecue grill or other similar heating or lighting chemical or device in any place where fire, open flame or electric heating element is prohibited in subsection A1 of this Section.

B. Penalty: Any person who shall violate any of the provisions of this Section shall be guilty of a misdemeanor each day the violation continues. (Ord. 90-3, 6-11-1990)

CHAPTER 6

NUISANCES

SECTION:

- 4-6-1: Public Nuisance Defined
- 4-6-2: Health-Related Nuisances
- 4-6-3: Safety-Related Nuisances
- 4-6-4: Noise-Related Nuisances
- 4-6-5: Duties of City Officers
- 4-6-6: Abatement
- 4-6-7: Recovery of Cost
- 4-6-8: Penalty

4-6-1: **PUBLIC NUISANCE DEFINED:** Whoever by act or failure to perform a legal duty intentionally does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor.

- A. Maintains or permits a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public; or
- B. Interferes with, obstructs or renders dangerous for passage any public highway or right of way or waters used by the public; or
- C. Is guilty of any other act or omission declared by law or this Chapter to be a public nuisance and for which no sentence is specifically provided. (1981 Code § 801.00)

4-6-2: **HEALTH-RELATED NUISANCES:** The following are hereby declared to be nuisances affecting health:

- A. Decayed or Unwholesome Accumulations: Exposed accumulation of decayed or unwholesome food or vegetable matter.
- B. Diseased Animals: All diseased animals running at large.
- C. Stagnant Water: All ponds or pools or stagnant water.
- D. Animal Carcasses: Carcasses of animals not buried or destroyed within twenty-four (24) hours after death.
- E. Refuse Accumulations: Accumulations of manure, refuse or other debris.
- F. Privy Vaults, Garbage Cans: Privy vaults and garbage cans which are not rodent free or flytight or which are so maintained as to constitute a health hazard or emit foul or disagreeable odors.
- G. Water Pollution: The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substances.
- H. Noxious Weeds, Vegetation: All noxious weeds and other rank growths of vegetation, public or private.
- I. Smoke, Fumes: Dense smoke, noxious fumes, gas and soot or cinders in unreasonable quantities as stated by State and Federal air quality standards & to include the following:

- 1) Outdoor Solid Fuel Heating Device: A device, structure, or apparatus, which supplies direct or indirect heat from the burning of solid fuel, including but not limited to wood, to a building.
- 2) Stacks or Chimneys: Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel fired heating.
- 3) Outdoor solid fuel heating devices are prohibited and shall not be installed or operated within the City of Sartell.
- 4) All existing solid fuel units installed within the City limits at the time of adoption of this ordinance or annexed into the City limits following the adoption of this ordinance are required to meet emission standards currently required by the Environmental Protection Agency (EPA), which are hereby adopted by reference together with any amendments or modifications made to them in the future.
 - A) The minimum stack height for any solid fuel-fired heating device shall meet or exceed the manufacturer's guidelines.
 - B) Any existing non-complying stack shall be removed, replaced, or modified within a period of 60 days from the receipt of a notice generated from the Building Official.
 - C) All stacks or chimneys must be constructed to withstand high winds or other related elements.
 - D) Outdoor solid fuel heating devices may only be used from September 1st to May 31st each year, unless the furnace is being used to provide domestic water service.
 - E) Only the following materials may be burned in the outdoor solid fuel heating devices: biomass pellets, corn, firewood, and clean, untreated lumber or other wood product.
 - F) No outdoor solid fuel-heating device shall be utilized in any manner as a waste incinerator.

J. Contagious Disease: All public exposure of persons having a contagious disease.

K. Offensive Trade or Business: Any offensive trade or business as defined by statute and not licensed by the City Board of Health as defined by law. (1981 Code § 801.02)

4-6-3: **SAFETY-RELATED NUISANCES:** The following are declared to be nuisances affecting public safety:

- A. Snow, Ice: All snow and ice not removed from public sidewalks twelve (12) hours after the snow or other precipitation causing the condition has ceased to fall.
- B. Intersections, Obstructing View of Traffic: All trees, hedges, billboards or other obstructions which prevent persons from having a clear view of all traffic approaching an intersection for a distance of at least thirty feet (30') each from the intersection of the street right of way.
- C. Tree Limbs, Wires: All wires of any sort and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles.
- D. Obstructions, Excavations: Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks or public grounds except under such conditions as are permitted by this Code or other applicable law and where properly identified by warning signs and/or lights.
- E. Radio, Television Antennas: Radio aerials or television antenna erected or maintained in a dangerous manner.
- F. Large Crowds, Obstruction of Public Way: Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.
- G. Hanging Structures: All hanging signs, awnings and other similar structures over streets and sidewalks or so situated so as to endanger public safety, or not constructed and maintained as

provided by ordinance.

- H. Rain, Snow Falling from Building: The allowing of rain water, ice or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk.
- I. Barbed Wire Fence: Any barbed wire fence less than six feet (6') above the ground and within three feet (3') of a public sidewalk or way.
- J. Dangerous, Unguarded Machinery: All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public.
- K. Wastewater: Wastewater cast upon or permitted to flow upon streets or other public property. (1981 Code § 801.04)
- L. Junk, Debris: The piling, storing or keeping of old machinery, junked vehicles, any motorized vehicle, motorcycle, snowmobile, trailer, boat, all-terrain vehicles, cut and uncut scrap lumber, pipes and other junk or debris in a residential area. The keeping or storing of old machinery, scrap lumber, junked vehicles, other junk or debris in a commercial zone.
 - 1. For the purposes of this subsection a junked vehicle means any motorized vehicle, motorcycle, snowmobile, trailer, boat, or all-terrain vehicles as defined in Minnesota statutes 84.92, subd 8, that is extensively damaged, with the damage including such things as broken and missing wheels, motor, drivetrain, or transmission; is apparently inoperable; and doesn't have valid registration displayed.
 - 2. The storing on private property of an inoperative vehicle, for the purpose of repairing or restoring such vehicle, may be authorized by the Chief of Police for periods of up to ninety (90) days. The owner of said vehicle must procure a permit from the Chief of Police and the permit must be conspicuously displayed on or about the vehicle. Any vehicle of a class or category ordinarily required to have state registration, must have current registration displayed.
 - 3. All unguarded dangerous machinery, equipment or other property in any public place or so situated or operated on private property as to attract minor children.
 - 4. All other conditions or things which are likely to cause injury to the person or property of anyone. (Ord. 88-3, 7-11-1988)
- M. Uncovered Excavations: Any well, hole or similar excavation which is left uncovered or in such other condition as to constitute a hazard to any child coming on the premises where it is located.
- N. Obstruction of Free Flow: Obstruction to the free flow of water in natural waterway or a public street drain, gutter or ditch with trash or other materials.
- O. Nails, Glass on Public Way: The placing or throwing on any street, sidewalk or other public property of any glass, tacks, nails, bottles or other substance which may injure any person or animal or damage any pneumatic tire when passing over such substance.
- P. Garbage, Refuse on Public Way: The depositing of garbage or refuse on a public right of way or on adjacent private property.
- Q. Other Conditions: All other conditions or things which are likely to cause injury to the person or property of anyone.
- R. Unnecessary Noise: All unnecessary noises and annoying vibrations. (1981 Code § 801.04)

4-6-4: **NOISE-RELATED NUISANCES:**

- A. **Restricted Hours:** It shall be unlawful for any person in the City in a public or private place to make, cause to be made or allow the making of any noise between the hours of eleven o'clock (11:00) P.M. and seven o'clock (7:00) A.M. which is unnecessary or unusual, which noise annoys, disturbs or affects the comfort, repose, health or peace of others.
- B. **Noise and Vibration Level:** Any such noise that has the effect as hereinbefore described; or noise or vibration resulting from the operation of any device, machine, instrument, radio, sound or music amplification device in such a manner as to be plainly audible or physically felt at the property line of the structure or building in which it is located, in the hallway or apartment adjacent, or at a distance of 50 feet if the source is located outside a structure or building shall be prima facie evidence of a violation of this section.
- C. **Participation in Noisy Parties or Gatherings:** No person shall participate in any party or other gathering of people giving rise to noise, unreasonably disturbing the peace, quiet or repose of another person. When a police officer determines that a gathering is creating such a noise disturbance, the officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disperse immediately. No person shall refuse to leave after being ordered by a police officer to do so. Each owner or tenant of such premises who has such knowledge of the disturbance shall make every effort to see that the disturbance is stopped.
- D. **Noise from Motor Vehicles:** No person or persons operating or occupying a motor vehicle on any street highway, alley, parking lot or driveway shall operate or permit the operation of any sound amplification device or system from within or upon the vehicle so that the sound is audible or the vibration is physically felt at a distance of (50) feet or more from the vehicle. Nothing in this ordinance shall require the witnessing law enforcement officer to physically measure the distance from the officer to the allegedly offending vehicle operator and vehicle prior to the issuance of the citation. Loud sound amplification devices used for public safety, emergencies and authorized public events are exempt from this ordinance.
- E. **Persons Involved:** The prohibitions of this Chapter shall extend beyond the person making or causing to be made said noise and extend to any person in control of any real estate, vehicle or equipment from which the noise is emanating. Any such person so allowing the making of said noise from said real estate, vehicle or equipment controlled, owned or possessed by him/her, the making of which noise is unlawful by virtue of this Section shall be a violation of this Chapter. (1981 Code § 801.05)

4-6-5: **DUTIES OF CITY OFFICERS:**

- A. **Enforcement:** The City Engineer and/or Public Works Director and Police shall enforce the provisions relating to nuisances affecting public safety. The Police Department shall enforce provisions relating to nuisances affecting public safety.
- B. **Power to Inspect:** Such officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances. (1981 Code § 801.05)

4-6-6: **ABATEMENT:**

- A. **Notice of Determination:** Whenever the officer charged with enforcement determines that a public nuisance is being maintained or exists on premises in the City, the officer shall notify in writing the owner or occupant of the premises of such fact and shall order that such nuisance be terminated and abated.
- B. **Service of Notice:** The notice shall be served in person or by certified or registered mail. If the

premises are not occupied and the owner is unknown, the notice may be served by posting it on the premises.

- C. **Necessary Action:** The notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding thirty (30) days, within which the nuisance is to be abated.
- D. **Noncompliance:** If the notice is not complied with within the time specified, the enforcing officer shall report that fact forthwith to the Council.
- E. **Notice of Abatement:** The Council may, after notice to the owner or occupant and an opportunity to be heard, provide for abating the nuisance by the City. The notice shall be served in the same manner as notice by the enforcing officer is served and shall be given at least ten (10) days before the date stated in the notice when the Council will consider the matter. If notice is given by posting, at least thirty (30) days shall elapse between the day of the posting and the notice of the hearing. (1981 Code 801.06)

4-8-7: **RECOVERY OF COST:**

- A. **Personal Liability:** The owner of premises on which a nuisance has been abated by the City shall be personally liable for the cost to the City of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the Clerk/Treasurer or other official designated by the Council, shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the Clerk/Treasurer.
- B. **Assessment:** If the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of the streets or unsound or insect-infested trees, any unpaid charges by the City for the cost of elimination of the nuisance may be collected as a special assessment pursuant to Minnesota Statutes section 429.101. (1981 Code § 801.07)

4-6-8: **PENALTY:** Any person violating any provision of this Chapter shall be guilty of a misdemeanor and shall be subject to penalty as provided in Section 1-4-1 of this code. (1981 Code 801.05; 1997 Code)

CHAPTER 7

GARBAGE AND REFUSE

SECTION:

- 4-7-1: Definitions
- 4-7-2: General Regulations
- 4-7-3: Disposal Required
- 4-7-4: Containers
- 4-7-5: Licensed Collectors
- 4-7-6: Penalty; License Revocation

4-7-1: **DEFINITIONS:** For the purposes of this Chapter, the following words and phrases have the meanings given them in this Section:

GARBAGE: Organic waste resulting from the preparation of food and decayed and spoiled food from any source.

PERSON: For the purposes of the definition of "rubbish" only, "person" means mature individual. For the remainder of this Chapter, "person" shall mean any natural individual, firm, partnership, association or corporation. As applied to partnerships or associations, the term includes the partners or members; as applied to corporations the term includes the officers, agents or employees.

REFUSE: Includes garbage and rubbish.

RUBBISH: Inorganic solid waste such as tin cans, glass, paper, ashes, sweepings, etc. Rubbish does not mean or include stone, sod, earth, concrete, contractors' building materials, large automobile parts, large appliances, inflammable liquids, tree trunk sections over six inches (6") in diameter or articles so heavy or bulky that they cannot be handled by one person. (Ord. 92-5, 7-13-1992)

4-7-2: **GENERAL REGULATIONS:**

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

B. Refuse In Public Way, Private Property: 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 stream or other body of water.

C. Scattering Of Refuse: No person shall deposit anywhere within the City any refuse in such 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:

1. Restrictions: No person shall bury any refuse in the City except in a sanitary landfill, but leaves, grass clippings and easily biodegradable, nonpoisonous 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.

2. Council Approval Required: Such composting shall be done only after the Council gives its approval to such composting and after it finds that the composting will be done in accordance with these standards. (Ord. 92-5, 7-13-1992)

4-7-3: **DISPOSAL REQUIRED:** Every person shall, in a sanitary manner, dispose of refuse that may accumulate upon property owned or occupied by such person. Refuse shall be collected, or otherwise lawfully disposed of, on a regular basis. (Ord. 92-5, 7-13-1992)

4-7-4: **CONTAINERS:**

A. General Requirements: Every householder, occupant or owner of any residence and any restaurant, industrial establishment or commercial establishment shall provide, on the premises, one or more nuisance-free containers to receive and contain all refuse which may accumulate between collections. All normal accumulations of refuse shall be deposited in such containers.

Placement: Where an alley open to traffic is available, each container for premises abutting the alley shall be placed at the rear of the property next to the alley. Where no alley exists, the containers shall be stored near the rear door of the building to which it relates and be placed at the front property line for collection and shall be returned to the rear of the building by eight o'clock (8:00) P.M. the day of collection.

C. Use Of Containers: Refuse shall be drained of liquid, and highly inflammable or explosive material shall not be placed in containers. (Ord. 92-5, 7-13-1992)

4-7-5: **LICENSED COLLECTORS:**

A. Use Of Licensed Collector Required: Except as permitted by subsection K of this Section, no person shall permit refuse to be picked up from his/her premises by an unlicensed collector, nor shall an unlicensed collector pick up refuse from any premises.

B. Application For License; Investigation:

1. Written Application: Any person desiring a license shall make application to the Clerk-Treasurer on a prescribed application form. The application shall set forth:

- a. The name and the address of the applicant;
- b. A description of each piece of equipment proposed to be used in collection;
- c. The proposed charges to be made of those who use the service;
- d. A description of the kind of service proposed to be rendered;
- e. The place to which the refuse is to be hauled; and
- f. The manner in which the refuse is to be disposed.

2. Investigation; Issuance/Denial Of License: The City Council shall investigate each application and, after due consideration, grant or deny a license.

C. License Fee:

1. Original License Applies To Single Vehicle: The license fee shall be an amount fixed from time to time by resolution of the Council and shall entitle the licensee to one refuse hauling vehicle.

2. Additional Vehicles: The registration fee for additional vehicles shall be an amount fixed from time to time by resolution of the Council.
- D. Term Of License: Licenses shall be issued for a period of one year and shall expire on December 31 following issuance. (Ord. 92-5, 7-13-1992)
- E. Insurance Requirements: No license shall be issued until the applicant files with the Clerk-Treasurer the following:
1. Public Liability Insurance: A current certificate of public liability insurance covering all vehicles to be used by the applicant in the licensed business with the following minimum coverages: (Ord. 92-5, 7-13-1992; 1997 Code)
- a. Each person injured, at least one hundred thousand dollars (\$100,000.00);
 - b. Each accident, at least three hundred thousand dollars (\$300,000.00);
 - c. Property damage, at least fifty thousand dollars (\$50,000.00) per accident.
2. Workers' Compensation Insurance: A current policy for workers' compensation insurance covering all employees of the licensee.
- F. Limitations:
1. Number Of Licenses: The number of licenses issued shall be fixed from time to time by resolution of the Council.
2. Additional And/Or Replacement Vehicles: Each license holder is entitled to register each additional or replacement vehicle with the Clerk-Treasurer within ten (10) days of being placed in service as it chooses, provided this registration fee for each subsequent vehicle after the first is paid.
- G. Transfer Of License: No transfer of licenses between refuse hauling companies or from one owner to another shall be allowed.
- H. Rates And Charges: The licensee shall set the fee charged for any user of their refuse collection service including single-family residential, multi-unit residential, commercial and all residents of mobile home parks.
- I. Hours Of Collection: No licensee shall cause to be collected from any single-family residential dwelling any refuse before seven o'clock (7:00) A.M. of any day nor shall any refuse be collected after seven o'clock (7:00) P.M. of any day.
- J. Refuse Collection Equipment: All garbage and wet rubbish shall be hauled in covered vehicles having metal, watertight bodies to prevent scattering or dripping of contents. Dry refuse may be hauled in any type vehicle; provided however, that all necessary steps shall be taken, including tying or covering of the refuse to prevent scattering of any such refuse during transit.
- K. Exemptions: The owner or occupant of any premises used for industrial purposes shall not be required to use a refuse hauler licensed by the City. (Ord. 92-5, 7-13-1992)

4-7-6: **PENALTY; LICENSE REVOCATION:**

- A. Revocation Of License: The violation of any provision or condition of this Chapter by a licensee or

licensee's agent is grounds for revocation or suspension of the license.

- B. Compliance Secured: The provisions or conditions of this Chapter shall be provided for by the City in the case of nonconformance, and the costs associated with providing conformance shall be certified as a special assessment according to Minnesota Statutes Chapter 429. (Ord. 92-5, 7-13-1992)
- C. Penalty: Any person who shall violate any provision of this Chapter shall be subject to penalty as provided in Section 1-4-1 of this Code. (Ord. 92-5, 7-13-1992; 1997 Code)

CHAPTER 8

SHADE TREES

SECTION:

4-8- 1:	Declaration Of Policy
4-8- 2:	Forester
4-8- 3:	Epidemic Disease Program
4-8- 4:	Nuisances Declared
4-8- 5:	Inspection; Investigation
4-8- 6:	Spraying Elm Trees
4-8- 7:	Removal Of Infected Trees And Wood
4-8- 8:	Transporting Elm Or Oak Wood, Permit Required
4-8- 9:	Interference Prohibited
4-8-10:	Abatement Of Nuisance
4-8-11:	Penalty

4-8-1: **DECLARATION OF POLICY:** The City Council determines that the health of the elm and oak trees within the Municipal limits is threatened by fatal diseases known as Dutch elm and oak wilt diseases, and other trees may be threatened by other epidemic diseases of shade trees, It further determines that the loss of elm, oak and other trees growing upon public and private property would substantially depreciate the value of property within the City and impair the safety, good order, general welfare and convenience of the public. It is declared to be the intention of the Council to control and prevent the spread of those diseases and this Chapter is enacted for that purpose. (1981 Code § 802.01; 1997 Code)

4-8-2: **FORESTER:**

- A. Position Created; Duties Conferred: The powers and duties of the City Forester as set forth in this Chapter are hereby conferred upon the maintenance supervisor and the assistant supervisor.
- B. Duties: It is the duty of the Forester to coordinate, under the direction and control of the Council, all activities of the Municipality relating to the control and prevention of Dutch elm disease, oak wilt disease and other epidemic diseases of shade trees. The Forester shall recommend to the Council the details of a program for the control of such diseases and perform the duties incident to such a program adopted by the Council. (1981 Code § 802.02)

4-8-3: **EPIDEMIC DISEASE PROGRAM:** It is the intention of the Council to conduct a program of plant pest control pursuant to all the powers of this City, including the authority granted by Minnesota Statutes section 18.022. This program is concentrated on, but not limited to, the control and elimination of Dutch elm disease fungus, elm bark beetles and the oak wilt fungus and is undertaken at the recommendation of the Commissioner of Agriculture. (1981 Code § 802.03)

4-8-4: **NUISANCES DECLARED:**

- A. Trees Constituting Nuisance: The following are public nuisances whenever they may be found within the City:
 - 1. Dutch Elm Disease; Elm Bark Beetles:
 - a. Any living or standing elm tree or part thereof infected to any degree with the Dutch elm disease fungus *ceratocystis ulmi* (buisman) moreau or which harbors any of the elm bark beetles *scolytus multistriatus* (eichh.) or *hylungopinus rufipes* (marsh).

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

2. Oak Wilt Fungus:

a. Any living or standing oak tree or part thereof infected to any degree with the oak wilt fungus *ceratocystis fagacearum*.

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

3. Other Epidemic Disease: Any other shade trees with an epidemic disease.

B. Compliance Required: It is unlawful for any person to permit any "public nuisance" as defined in this Section to remain on any premises owned or controlled by such person within the City. Such nuisances may be abated in the manner prescribed in Section 4-8-10 of this Chapter. (1981 Code § 802.04)

4-8-5: **INSPECTION; INVESTIGATION:**

A. Inspection: As often as practicable, the Forester shall inspect all public and private premises within the City which might harbor any plant pest as defined in Minnesota Statutes section 18.46, subdivision 13, to determine whether any condition described in Section 4-8-4 of this Chapter exists thereon. The Forester shall investigate all reported incidents of infection of Dutch elm fungus, elm bark beetles, oak wilt fungus or any other epidemic disease of shade trees.

B. Entry On Private Premises: The Forester, or the Forester's duly authorized agents, may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned to the Forester under this Chapter.

C. Diagnosis: The Forester shall, upon finding conditions indicating Dutch elm, oak wilt or other infestation, immediately send appropriate specimens or samples to the Commissioner of Agriculture for analysis or take such other steps for diagnosis as may be recommended by the Commissioner. Except as provided in Section 4-8-7 of this Chapter, no action to remove infected trees or wood shall be taken until positive diagnosis of the disease has been made. (1981 Code § 802.05)

4-8-6: **SPRAYING ELM TREES:** Whenever the Forester determines that any elm tree or elm wood within the City is infected with Dutch elm fungus, the Forester may spray or treat all nearby high-value elm trees with an effective elm bark beetle-destroying concentrate or fungicide, or both. Activities authorized by this Section 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 the Commissioner's agents whenever possible. (1981 Code § 802.08)

4-8-7: **REMOVAL OF INFECTED TREES AND WOOD:**

A. Action By Forester: Whenever the Forester finds, with reasonable certainty, that the infestation defined in Section 4-8-4 of this Chapter exists in any tree or wood in any public or private place in the City, the Forester shall proceed as follows: (1981 Code § 802.07)

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

2. Noncompliance; Abatement By City: In cases of noncompliance by the property owner within the period specified by the notice, the Forester shall immediately abate the nuisance by using Municipal labor or by contracting for such services and shall report such action to the Council. (1981 Code § 802.07; 1997 Code)

3. Costs Of Abatement: The Forester may bill the owner of private property for costs incurred for abating such nuisance.

B. Record: The Forester shall keep a record of the costs of abatement done under this Section and shall report to the Clerk-Treasurer 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.

C. Special Assessment; Certification To Proper County Auditor: On or before September 1 of each year, the Clerk-Treasurer shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this Chapter. 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 any other pertinent statutes for certification to the proper County Auditor and collection the following year along with current taxes. (1981 Code § 802.07)

4-8-8: **TRANSPORTING ELM OR OAK WOOD, PERMIT REQUIRED:** It is unlawful for any person to transport within the City any bark-bearing elm or oak wood without first having obtained a permit from the Forester. The Forester shall grant such permits only when the purpose of this Chapter will be served thereby. (1981 Code § 802.09)

4-8-9: **INTERFERENCE PROHIBITED:** It is unlawful for any person to prevent, delay or interfere with the Forester or the Forester's agents while they are engaged in the performance of duties imposed by this Chapter. (1981 Code § 802.10)

4-8-10: **ABATEMENT OF NUISANCE:** In abating a nuisance defined in Section 4-8-4 of this Chapter, the Forester shall cause the infected tree or wood to be sprayed, removed, burned or otherwise effectively treated so as to destroy and prevent, as fully as possible, the spread of epidemic diseases including Dutch elm disease and oak wilt disease. The Forester shall also take such steps as are necessary to prevent root graft transmission of the disease. Such abatement procedures shall be carried out in accordance with current technical and expert opinions and plans as may be designated by the Commissioner of Agriculture. (1981 Code § 802.06)

4-8-11: **PENALTY:** Any person who violates the provisions of this Chapter is guilty of a misdemeanor and subject to penalty as provided in Section 1-4-1 of this Code. (1981 Code § 802.11; 1997 Code)

CHAPTER 9

ARTICLE A. REGISTRATION

SECTION:

- 4-9A- 1: Short Title
- 4-9A- 2: Purpose; Intent
- 4-9A- 3: Definitions
- 4-9A- 4: Uniform Housing Code Adopted
- 4-9A- 5: Registration Of Premises; Fee
- 4-9A- 6: Display Of Registration
- 4-9A- 7: Inspection; Right Of Entry
- 4-9A- 8: Health Department Inspection
- 4-9A- 9: Applicable Laws
- 4-9A-10: Termination Of Registration
- 4-9A-11: Criminal Background Checks

4-9A-1: **SHORT TITLE:** This Article may be referred to as the RENTAL PROPERTY REGISTRATION ORDINANCE. (Oral.95-2, 1-23-1995)

4-9B-1: **PURPOSE:INTENT:**

A. Purpose. The purpose of this Ordinance is to protect the public health, safety and welfare of the residents of the City who have, as their place of abode, a dwelling unit, manufactured home, lot or room furnished to them for the payment of rental charges to another.

B. Purpose. The Sartell City Council has determined that there are persons residing in rental property in Sartell engaging in disorderly conduct which results in a hostile environment for other Sartell citizens living near or close to the rental property. It is the declared purpose and intent of this section to protect and preserve the City's neighborhoods and the public health, safety and welfare of its citizens by providing a system at the local level for criminal history/background investigation of prospective tenants.

C. Intent. It is the intent of this Ordinance that a permanent mode of protecting and regulating the living conditions of these residents be established by providing minimum standards for cooking, heating and sanitary equipment necessary to the health and safety of occupants of rental property by providing minimum standards for light and ventilation necessary to health and safety and by providing minimum standards for the maintenance of rental property.

D. Savings Clause. With respect to rental disputes, and except as otherwise specifically provided by the terms of this ordinance, it is not the intention of the City Council to intrude upon the fair and accepted contractual relationship between tenant and landlord. The Council does not intend to intervene as an advocate of either party, nor to act as an arbiter, nor to be receptive to complaints from tenant or landlord which are not specifically and clearly relevant to the provisions of this Ordinance. In the absence of such relevancy with regard to rental disputes, it is intended that the contracting parties exercise such legal sanctions as are available to them without the intervention of City Government. Neither in enacting this Ordinance is it the intention of the City Council to interfere or permit interference with legal rights to personal privacy.

4-9A-3: **DEFINITIONS:**

BUILDING	Any structure used or intended for supporting or sheltering any use or occupancy.
DWELLING UNIT	One or more rooms which are arranged, designed or used as living quarters for one family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each dwelling unit.
HOUSING INSPECTOR	A designee appointed by the Sartell City Council authorized to administer and enforce this Ordinance.
LOT	An area within a manufactured home park or otherwise maintained and made available for occupancy by a manufactured home.
MANUFACTURED HOME	A structure, transportable in one or more sections, which in the traveling mode is eight (8) body feet in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the structure's plumbing, heating, air conditioning and electrical systems. The term includes any structure which meets all the requirements and with respect to which the manufacture voluntarily files a certification required by the secretary and complies with the standards established under this Ordinance and which meets the Manufactures Home Builders Code as defined in Minnesota Statutes 327.32, subdivision 3, as amended.
MANUFACTURED HOME PARK	Any site, lot, field or tract of land upon which two (2) or more occupied manufactured homes are located, either free of charge or for compensation, and includes may building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park.
MAXIMUM OCCUPANCY	That for each occupant in a dwelling unit 100 square feet of space must be provided.
OCCUPANT	Any person (including the owner or operator) living, sleeping, cooking and eating in a dwelling unit.
OPERATOR	The owner's or agent who has charge, care, control or management of a building or manufactured home park or part hereof, in which dwelling units, manufactured homes, lots or rooming units are let.
OWNER	Any person who alone or jointly or severally with others, shall be in actual possession of, or have charge, care or control of, any dwelling unit, manufactured home, lot, rooming house or sleeping unit within the City.

PERSON	Any natural person, his/her heirs, executors, administrators or assigns, and also includes a firm, partnership, limited liability company, cooperative or corporation, its or their successors or assigns, or the agent of any of the aforesaid.
RENTAL PROPERTY	Any real property or dwelling rented or leased by one person or entity to another person or entity for residential purposes, including but not limited to houses, apartments, townhouses, condominiums, manufactured or mobile homes or the lots on which they are located, and other similar structures.
ROOMING HOUSE	A building or structure providing a room or rooms intended for living and sleeping to persons in the status of tenant. This term shall include boarding houses, day care, fraternity houses and sorority houses, but does not include hotels, motels or hospitals.
SLEEPING ROOM	A room or enclosed floor space in a "rooming house" or "dwelling unit" as defined in this Ordinance, used or intended to be used primarily for sleeping purposes.
TENANT	One who has as his/her place of abode a dwelling unit, manufactured home, lot, rooming house or sleeping room furnished to him/her for payment of a rental charge to another.

4-9A-4: UNIFORM HOUSING CODE ADOPTED:

A. Uniform Housing Code. The Uniform Housing Code, 1997 Edition, as from time to time amended or modified, one copy of which is on file in the Office of the City Clerk, is hereby adopted by reference and is made a part of this Ordinance as if fully set out in length.

4-9A-5: REGISTRATION AND FEES:

A. Registration Required. No person shall occupy, allow to be occupied or let to another for occupancy any rental property in the City for which a registration statement has not been properly made and filed with the Housing Inspector.

B. Registration Statement.

1. Fee Prerequisite: The payment of fees as determined by the City Council shall be a prerequisite to this required registration.
2. Form - Required Information: Such registration statement shall be made and filed on a form furnished by the Housing Inspector for such purposes and shall set forth the following information.
 - a. Name, residence address and phone number of the owner of the rental property or an agent authorized by the owner to accept service of process and to receive and give receipt for notices and in cases where the owner of the rental property lives outside of the City of Sartell; fine registration shall be made by an agent who shall be legally responsible for compliance with this and other City Ordinances and such agent shall live within 20 miles of said City.
 - b. Name, address and phone number of any agent actively managing said rental property.

- c. Street address of the rental property.
 - d. Tax parcel number of the rental property or manufactured home park in which the rental property is located.
 - e. Number and kind of units within the rental property (dwelling units, manufactured homes, lots or sleeping rooms).
 - f. Name, phone number and address of the person authorized to make or order repairs and/or service to the building or manufactured home park, to provide required services necessary to protect the health, safety and welfare of the occupants or is able to contact the person so authorized.
 - g. Maximum number of people per dwelling unit, manufactured home, lot or sleeping room.
- C. Manner of Registration: The registration shall be made by the owner if such owner is a natural person; if the owner is a corporation, cooperative or limited liability company, by an officer thereof, if a partnership, by one of the partners; and if an unincorporated association, by the manager or managing officer thereof, in the office of file Housing Inspector. Notwithstanding renewal of registration as required annually by this Code may be made by filling out the required renewal form furnished by the Housing Inspector to the owner or agent of a rental property and mailing said form together with file required registration fee to the Housing Inspector. Such renewal of registration may only be made where there has not been a change of ownership, agent or type of occupancy as originally registered.
- D. Annual Registration Fee: A registration fee to be charged by the City annually shall be as follows:
- 1. Registration fee for each dwelling unit, manufactured home, lot or sleeping room shall be paid to the City on or before January 15 each year. The amount of the fee to be paid shall be set by City Council resolution and amended from time to time.
 - 2. Rental property which is licensed as a curing home or a boarding house by the State of Minnesota Department of Health pursuant to Minnesota Statutes chapter 157 shall be exempt from the registration fee required under this Section.
 - 3. If the registration fee required hereunder shall be paid after January 15, there shall be imposed penalties as set by Council resolution.
- E. Registration Before Occupancy: All rental property required to be registered pursuant to the provisions of this Article, shall be registered prior to occupancy or the letting to another for occupancy any dwelling unit, manufactured home or lot therein, and thereafter all registrations of such rental property shall be renewed no later than January 15 each year.
- F. Transfers: Every new owner of a rental property (whether as fee owner, contract purchaser, lessee subletting the entire building or manufactured home park or otherwise entitled to possession) shall register before taking possession. No registration fee shall be required of the new owner in the year of purchase, provided the previous owner has paid the registration fee, and further provided the new owner does not change the type of occupancy as originally registered.

4-9A-6: DISPLAY OF REGISTRATION

1. Every registrant of a building or manufactured home park with four (4) or more dwelling units, manufactured homes or lots shall conspicuously display at all times on file premises a copy of the current registration as filed with and approved by the City. This registration shall be located on the premises so as to be easily viewed and readable by the occupants of the rental property and shall be reasonably protected from wear by a plastic cover or similar protective device.

4-9A-7: INSPECTION; RIGHT OF ENTRY

1. In order to complete the compliance with the registration requirements, Housing Inspector shall have file authority enter any building or manufactured home park at reasonable times upon five (5) days' written notice to the tenant, to determine if said building or manufactured home park is operated as a "rental property" as defined in this Ordinance or to enforce the Uniform Housing Code, or both:

4-9A-8: HEALTH DEPARTMENT INSPECTION

1. The Stearns County Health Department shall have the right to inspect "rooming houses" and "manufactured homes", as defined in this Ordinance to enforce the sanitation requirements.

4-9A-9: APPLICABLE LAWS

1. Registrants shall be subject to all of the provisions of this Ordinance and the State relating to dwelling units and manufactured home parks; and this Ordinance shall not be construed or interpreted to supersede any other such applicable Ordinance or law.

4-9A10: VIOLATIONS AND TERMINATION OF REGISTRATION

1. Notice of Violation. At any time the Housing Inspector shall determine that any owner subject to this Ordinance has failed to comply with the provisions of this Ordinance, the Housing Inspector shall notify such owner in writing of such violation by U.S. mail or personally. If the owner cannot be found, the notice shall be posted on the rental property. The notice shall require compliance with the provisions of this Ordinance and specify a reasonable time of not less than thirty (30) days for compliance to be completed.

2. Additional Violations. Notwithstanding any finding of the housing inspector for other violations, any rental property having four or more rental units, whose property receives more than one (1) police call per unit within a twelve (12) month period or receives twenty-four (24) police calls or complaints within a twelve (12) Month period, whichever number is less, shall appear before the Sartell City Council, upon notice, to review the continuation of said owner to continue to hold a rental license in the City of Sartell. This criteria is not intended to be an exclusive remedy, but is intended to be a criteria for the property owners continuing to hold a rental license with the City.

3. Non Compliance. In the event compliance has not been completed within the time provided, or a hearing has not been requested by the owner in writing, the Housing Inspector shall recommend to the City and the City Council may terminate the registration.

4. Request for Hearing. In the event that a hearing is requested by the owner prior to expiration of the time specified for compliance, the City shall set a time for such hearing and shall inform the owner of the time and place at which the City Council will meet to consider such testimony as may be offered concerning the proposed violation.

5. Decision of the City Council On completion of such hearing, the City Council may make a

final order suspending or terminating the license in question.

4-9A-11: **CRIMINAL BACKGROUND CHECKS**

1. The Sartell Police Department shall conduct criminal history/background investigations on prospective tenants in rental property in the City of Sartell upon request by the owner or manager of the rental property. No such investigation shall be conducted using the state Criminal Justice Data Communications Network (CJDN) and no information obtained from the CJDN shall be disseminated unless the landlord presents an Informed Consent/Waiver form signed by the prospective tenant. The Informed Consent/Waiver form must meet the requirements of Minnesota Statutes Section 13.05 Subd 4(d). Each request must be on a form approved or provided by the Sartell Police Department. The applicant shall pay a fee as established by Council resolution or ordinance. (ord. 00-05, 11-13-00)

CHAPTER 9

RENTAL DWELLINGS

ARTICLE B. NOISE REGULATIONS

SECTION:

- 4-9B-1: Purpose And Intent
- 4-9B-2: Definitions
- 4-9B-3: Noisy Parties, Gatherings
- 4-9B-4: Landlord Liability
- 4-9B-5: Penalty

4-9B-1: **PURPOSE AND INTENT:** The purpose of this Article is to protect the public health, safety and welfare of the residents of the City from infringement upon the peace and tranquility of those residents occupying a rental unit, manufactured home or lot from infringement by others residing in a rental unit, manufactured home or lot by regulating the maintenance of a nuisance or times during which noisy parties and gatherings may occur at these properties on a reoccurring basis. (Oral. 95-1, 1-23-1995)

4-9B-2: **DEFINITIONS:** For the purpose of this Article, the following words and phrases shall have the meaning given to them in this Section:

CITY: The City of Sartell, Stearns and Benton Counties, Minnesota.

HOUSING INSPECTOR: The City Building Inspector or City police and their designated agents authorized to administer and enforce this Article.

LANDLORD OR OWNER: Any person who owns or leases for subletting a building, room or combination of rooms, manufactured home, lot or other rental Property for which registration is required pursuant to the ordinances of the City of Sartell.

LOT: An area within a manufactured home park or otherwise maintained and made available for occupancy by a manufactured home.

MANUFACTURED HOME: A structure, transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the State of Minnesota and complies with the standards established under the Manufactured Home Building Code, as adopted by the State of Minnesota and amended from time to time.

MANUFACTURED: Any site, lot, field or tract of land upon which two (2) or more

HOME PARK: occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park.

NOISY PARTY OR GATHERING: Any congregation of two (2) or more people from which noise emanates of a sufficient volume as to be clearly audible at a distance of fifty feet (50') from the rental unit, manufactured home or lot at which the noisy party or gathering is occurring or, in the case of an apartment building, in the adjacent hallway or apartment.

PERSON: Any individual, cooperative, corporation, firm, partnership, limited liability company, incorporated and unincorporated association, or any other legal or commercial entity.

PUBLIC NUISANCE: Any of the general or specific conditions specified as a public nuisance in Chapter 6 of this Title.

REGISTRATION: The annual registration required by Article A of this Chapter providing for the registration or licensing of rental properties in the City of Sartell.

RENTAL UNIT: Any building, room or combination of rooms, manufactured homes, lot or other rental property for which registration is required pursuant to Article A of this Chapter. (Ord. 95-1, 1-23-1995)

4-9B-3: **NOISY PARTIES, GATHERINGS:**

- A. Prohibition: No person shall, between the hours of ten o'clock 10:00 P.M. and seven o'clock (7:00) A.M., congregate at, or participate in any party or gathering of two (2) or more people from which noise emanates of a sufficient volume so as to disturb the peace, quiet or repose of another person. No person shall knowingly remain at such a noisy party or gathering.
- B. Duty To Disperse: When a police officer of the City determines that a noisy party or gathering exists in violation of this Article, the officer may order all persons present at the premises where the violation is occurring, other than the owner or tenants of the premises, to disperse immediately. No person shall knowingly remain at a noisy party or gathering.
- C. Exceptions: The following are exempt from violation of this Article:
 1. Activities which are duly authorized, sponsored or licensed by the City, so long as the activity is conducted pursuant to the conditions of the license, permit or contract authorizing such activity.
 2. Church bells, chimes or carillons.
 3. Persons who have gone to a party for the sole purpose of abating the violation.
 4. Upon special request made by contractors, the City Council may exempt contractors performing public works operations from time prohibitions set forth within this Section. (Ord. 95-1, 1-23-1995)

4-9B-4: **LANDLORD LIABILITY:**

- A. Responsible For Conduct Of Tenants: The owner of a rental unit, manufactured home or lot shall be responsible to cause persons occupying the rental unit, manufactured home or lot to conduct themselves in such a manner as to not cause the premises to be in violation of the prohibition against noisy parties and gatherings set forth in Section 4-9B-3 of this Article or to allow to exist on

the premises a public nuisance.

- B. Enforcement: The Housing Inspector shall be charged with the responsibility of enforcing subsection A of this Section.
- C. Notice Of Violation: Upon determination by the Housing Inspector that the rental unit, manufactured home or lot is being used in a manner in violation of subsection 4-9B-3A of this Article or has, on the premises a public nuisance, the Housing Inspector shall notify the owner and managing agent of the owner by regular mail of such violation and direct the owner and managing agent to take steps to prevent further violations at the premises.
- D. Second Violation; Written Report Required: If another violation occurs at the rental unit, manufactured home or lot within twelve (12) months of an incident for which notice provided in subsection C above was given, the owner and managing agent shall be notified of the subsequent violation by the Housing Inspector and shall be required to submit a written report of actions taken by the owner and/or managing agent to eliminate future violations. This written report shall be submitted to the Housing Inspector within five (5) days, excluding intervening weekends and holidays, of the notice of violation and shall detail all actions taken by the owner and/or managing agent in response to all notices of violations at the premises within the preceding twelve (12) months.
- E. Third Violation; Suspension Of Registration:
 - 1. Suspension: If another violation occurs at the rental unit, manufactured home or lot within twelve (12) months after receipt of notices pursuant to subsections C and D of this Section, the registration shall be suspended for such rental unit, manufactured home or lot for a period of six (6) months, subject to review as hereafter specified.
 - 2. Scope Of Suspension: Such suspension may be for all lots or manufactured homes in a manufactured home park or all units in a given building or complex of buildings. If the notice of violation has been with respect to a common area of the manufactured home park or a building or complex of buildings, then the license as to all units in such manufactured home park, building or complex of buildings may be suspended or revoked.
 - 3. Notice Of Suspension; Hearing: No suspension shall take effect until after the owner has received notice of the proposed suspension or revocation and has been afforded an opportunity for a hearing before the Health Appeals Committee, a Committee made up of the City Administrator, the Building Inspector and the Chief of Police.
 - 4. Findings Of Health Appeals Committee: If the Health Appeals Committee finds that either the owner or the rental unit, manufactured home or lot has failed to comply with this Section, the Health Appeals Committee shall give written notice of such findings to the owner by certified mail within ten (10) days of the hearing date excluding intervening weekends and holidays, of its recommendation to the City Council that the rental dwelling license be suspended.
 - 5. Previous Suspension, Conduct: In instances where the registration for the rental unit, manufactured home or lot has been previously suspended, or the records of the City show a pattern of conduct at the premises which is detrimental to the peace and tranquility of the general public, the Health Appeals Committee may recommend revocation of the registration.
- F. Council Action:

1. No Appeal Of Committee Recommendation: Unless the owner shall appeal the decision of the Committee to the City Council within five (5) days of issuance of the Committee's written notice, excluding intervening weekends and holidays, the City Council, at its next meeting shall suspend or revoke the rental dwelling license in accordance with the Committee's recommendation.

2. Appeal; Review: If the owner shall appeal the Committee's decision upon a form provided by the Housing Inspector's office within the time period set forth herein, the owner shall be afforded an opportunity to have the City Council review the Committee's findings and recommendations and either affirm the Committee's decision and suspend or revoke the rental dwelling license or to substitute its own findings and take whatever action it deems warranted.

- G. Reinstatement; Fee: The registration may be reinstated by the Housing Inspector after suspension or revocation, upon receipt of payment to the City of a reinstatement fee equal to one hundred dollars (\$100.00) for the rental unit, manufactured home or lot reinstated and twenty dollars (\$20.00) for each additional unit reinstated within such rental unit or manufactured home park.
- H. Pending Eviction Proceedings: No suspension or revocation shall be imposed for a violation of subsection A of this Section which occurred during the pendency of eviction proceedings (unlawful detainer) or within thirty (30) days, or such other time period required by the lease, of notice given by the owner or the owner's managing agent to a tenant to vacate the premises, where the violation related to or occurred in the unit for which eviction proceedings were undertaken or notice to vacate was given. Eviction proceedings shall not be a bar to sanctions pursuant to this Section unless they are diligently pursued by the owner or managing agent. No action shall be taken under this Section against an owner who was himself/herself, or through his/her agent, the complainant on the underlying violation of subsection 4-9B-3A of this Article or of the public nuisance.
- I. Conduct Clause Required: All written leases, rental agreements or manufactured home park rules for rental units, manufactured homes or lots which shall be in effect after December 31, 1994, shall contain a clause providing that conduct which would be violative of subsection A of this Section, shall constitute a material breach of the lease or rental agreement or rules and grounds for termination of such lease.
- J. Criminal Proceedings Irrelevant: It shall be irrelevant to proceedings hereunder that the owner or others were not criminally prosecuted or were acquitted of criminal charges for the incidents serving as the basis of the suspension or revocation. (Ord. 95-1, 1-23-1995)

4-9B-5: **PENALTY:** Every owner or tenant of the premises where a noisy party or gathering in violation of this Article occurs, who is present at such noisy party or gathering, is guilty of a misdemeanor. Any person who refuses to disperse from a party or gathering in violation of this Article after being ordered by a police officer to do so, is guilty of a misdemeanor. (Ord. 95-1, 1-23-1995)

CHAPTER 10

FIREWORKS REGULATIONS

SECTION:

- 4-10-1: Definitions
- 4-10-2: Permit Required
- 4-10-3: Sales and Storage of Fireworks
- 4-10-4: Use and Possession
- 4-10-5: Pyrotechnics
- 4-10-6: Penalties

4-10-1 DEFINITIONS:

- A. Fireworks. For the purposes of this section, fireworks will have the same definition as contained in Minnesota Statute Section 624.20 Subd. 1 or any superceding statute.

4-10-2 PERMIT REQUIRED: No person shall sell or possess for sale fireworks without first having obtained an annual permit from the City.

- A. Permit fee. The permit cannot be granted until the sponsor pays the permit fee, if any, established by the city through resolution
- B. The designated Fire Inspector shall give final approval or denial of an application for the manufacture, storage for commercial purposes or sale of fireworks within 30 days of such application being made to the City.
- C. Upon the successful inspection of the premise, permits shall be issued for the calendar year applied for and shall be issued on June 1st.
- D. Prior to processing the application, criminal records check may be conducted. Neither the applicant nor the responsible party for the permit shall have been convicted of a felony or a fire or fireworks related misdemeanor within the last three (3) years.
- E. Prior to processing the application, the designated Fire Inspector shall determine that the proposed location is code compliant.
- F. The application shall include a letter from the person legally responsible for the property on which the fireworks related activity would occur. This may include both a tenant and property owner. Such letter shall grant permission to the applicant of said property.

4-10-3 SALES AND STORAGE OF FIREWORKS:

- A. No person shall sell or store consumer fireworks on the exterior portion of a building located within ~~400~~ 50 feet of any fuel dispensing apparatus unless the total aggregate quantities of consumer fireworks are below the exempt amounts listed in Chapter 7 of NFPA 1124 *Code for the Manufacture, Transportation, Storage and Retail Sales of Fireworks and Pyrotechnic Articles*®, 2003 addition. Consumer Firework sales and displays shall be limited to mercantile occupancies as defined in NFPA 101, *Life Safety Code*®. No person shall construct a retail display nor offer for sale explosive materials, or fireworks upon highways, sidewalks, public property, or in assembly or educational occupancies. The designated Fire Inspector shall determine compliance.

- B. It shall be unlawful for any seller of any fireworks to permit smoking at any site containing fireworks, except in designated smoking areas. No Smoking signs must be conspicuously posted and approved fire extinguishers must be available for use.
- C. Exempt amounts: The requirements of NFPA 1124® shall not apply to consumer fireworks retail sales facilities or stores where the total quantity of consumer fireworks on hand does not exceed 56.8 kg [125lb (net)] of pyrotechnic composition, or in a building protected throughout with an approved automatic sprinkler system installed in accordance with NFPA 13, *Standard for the installation of Sprinkler Systems*®, 113.6 kg [250lb (net)] of pyrotechnic composition. Where the actual weight of the pyrotechnic composition of consumer fireworks is not known, 25 percent of the gross weight of the consumer fireworks, including packaging, shall be permitted to be used to determine the weight of the pyrotechnic composition. Amounts in excess of the exempt amounts shall be required to comply with NFPA 1124®.
- D. The requirements of this ordinance are in addition to any requirements imposed by any building and zoning regulations, fire codes or state law.
- E. Only persons 18 years of age or older may purchase fireworks and the age of the purchaser must be verified by photographic identification.
- F. Display, sales or transient sales of fireworks are permitted subject to a conditional use permit according to section provided in this code. Approved minimum separation distances in compliance with table 7.7.2. of NFPA 1124® shall be provided from the exterior display to adjacent buildings, combustibles or flammable liquids. No manufacturing, sales, or storage for commercial purposes shall occur on residentially zoned property or within 100' thereof.
- G. A list of consumer fireworks displayed for sale and stored on the property shall be available at all times. The list shall document the name, weight, and quantity of the fireworks and be accompanied by the material safety data sheets.
- H. Manufacturing, warehouse buildings, or sales displays in excess of the quantities listed in (C) for retail consumer fireworks shall be classified as defined in the Building Code and where applicable, subject to the requirements of NFPA 1124® and the current edition of the Minnesota State Fire Code.
- I. A handout created by the applicant describing fireworks use, safety and warnings shall be provided to each consumer purchasing fireworks by the retailer.

4-10-4 USE AND POSSESSION:

- A. It is unlawful to use, fire or discharge any fireworks along the route of and during any parade, in any place of public assembly, on any public property or in any commercial/industrial-zoning district.
- B. It is unlawful at any time to throw, toss, or aim any fireworks at any person, animal, vehicle or other thing or object or used in any manner that may threaten or cause possible harm to life or property.
- C. The discharge of fireworks shall be prohibited inside a building and within 15 feet of any building.
- D. The Fire Official may ban fireworks if dry or windy conditions occur.

- E. Juveniles may not possess fireworks unless under the direct supervision of a responsible adult.
- F. Fireworks shall not be discharged in such a manner that may create a nuisance nor between the hours of 11 pm and 7 am. Fireworks use shall be also subject to any additional ordinances such as noise and/or assembly.
- G. Officers may seize illegal fireworks. The State Fire Marshal, or any Sheriff, Police Officer, Constable, or local Fire Official, shall seize, take, remove, or cause to be removed, at the expense of the owner, all stocks of fireworks or combustibles offered or exposed for sale, stored, or held in violation of this ordinance.

4-10-5 **PYROTECHNICS:**

- A. **Permits:** The City of Sartell is authorized by state law to conduct a fireworks display within its own limits without a permit. Amusement parks and other organizations must obtain a permit approval from the City Council, prior to conducting such a display. The City Administrator and fire department will review before issuing the permit. A licensed operator, however, must still conduct all displays. There is no exemption for fire departments that would allow the fire department to conduct the display without a licensed operator.
- B. **Application timeframe:** A permit must be secured from the City Council prior to conducting a fireworks display. The sponsor of the proposed display must submit a written application for permit to the City Administrator at least 30 days in advance of the date of the display.
- C. **Restrictions on sponsors:** Fireworks displays are only allowed to be sponsored by a city, fair association, amusement park or other public or private organization. A public organization might be, for example, a county, township or other public entity. Examples of private organizations might include churches, fraternal organizations (e.g. Eagles, Elks, Legion Clubs, etc.), community based festivals, businesses, companies, lake associations and private colleges.

State law prohibits private individuals from sponsoring fireworks displays. A fireworks display company may sponsor displays for private parties.

- D. **Application form:** The sponsor must, as a minimum, provide the following information to the City Administrator in writing when applying for a permit approval to conduct a fireworks display:
 - 1. The name of the organization sponsoring the fireworks display, including the name, address and phone number of a contact person representing that organization. Permits are not transferable.
 - 2. The name and certification number of the pyrotechnic operator that will be supervising the display.
 - 3. The date, time of day and exact location of the proposed display.
 - 4. A diagram of the grounds where the display will be held. The diagram must show the point at which the fireworks are to be discharged; the location of all buildings, highways, streets, communication lines and other possible overhead obstructions; and the lines behind which the audience will be restrained. For proximate audience displays, the diagram must also show the fallout radius for each pyrotechnic device

used during the display. AT NO TIME WILL INDOOR DISPLAYS BE ALLOWED OR APPROVED.

5. The approximate number and types of fireworks and/or pyrotechnic special effects materials to be discharged.

For proximate audience displays, the fire chief must approve any changes adding fireworks or pyrotechnic special effects different from those described in the initial application in advance. Unless otherwise acceptable to the fire chief and/or fire inspector, all requests for changes must be submitted at least 24 hours prior to the display.

6. The number, names and ages of all assistants that will be present for the display. All assistants must be at least 18 years old. All assistants must be recorded on the display report. To be able to claim experience credit for working at a display, assistants must be recorded on the display report.

7. Proof of a bond or certificate of insurance in an amount deemed appropriate by the city for the payment of damages that could be caused either to persons or property as a result of the display and arising from acts of the sponsor or the pyrotechnic operator or their agents, employees or subcontractors. In addition the sponsor will need to agree to pay all costs incurred as a result of having representatives of the Fire Department and/or equipment in attendance at any fireworks display.

- E. Permit fee: The permit cannot be granted until the sponsor pays the permit fee, if any, established by the city through resolution. The City Council may reduce or waive permit fees for community based events and festivals.
- F. Upon receipt of an application for permit, the City Administrator must promptly refer the application to the chief of the local fire department and Fire Inspector for review. If, after conducting an appropriate investigation, the fire chief and/or fire inspector and City Administrator will present the request to the City Council for review and approval.
- G. Upon being notified by the City Administrator of an application for permit, the fire chief and/or fire inspector must conduct an investigation to determine the following:
 - 1. That the operator of the display is competent and certified by the State Fire Marshal.
 - 2. That the display is of such character and is to be so located, discharged or fired that it will not be hazardous to property or endanger any person. In addition to reviewing the diagram of the display area submitted with the permit application, the fire chief and/or fire inspector may want to:
 - a. Inspect the areas selected for the discharge site, spectator-viewing area, parking areas and designated landing (fallout) area.
 - b. For proximate audience displays request a walk-through and representative demonstration of the pyrotechnic special effects as a condition of approval for the issuance of a permit.
 - c. Request a written plan outlining: the manner and location of storage of fireworks both prior to delivery to the display site and at the display site, what type of fire protection (e.g. portable fire extinguishers,

standby apparatus/personnel) will be provided at the discharge site, and what provisions will be made for crowd control.

- H. 1. The Fire Chief and/or Fire Inspector may ban fireworks if dry or windy conditions occur.
- 2. Fireworks may not discharge in such a manner that may create a nuisance nor between the hours of 11 pm and 7 am. Fireworks use shall be also subject to any additional ordinances such as noise and/or assembly.

4-10-6

PENALTIES:

- A. Materials that violate and/or pose a threat to public safety may be confiscated and destroyed. Costs associated with disposal shall be assessed back to the property owners or permit holder.
- B. Violations of this regulation, city ordinance or state statute may result in revocation of the permit.
- C. Violations of these fire rules are misdemeanor offenses punishable by fines up to \$1000 and/or 90 days in jail.

CHAPTER 11

MAINTENANCE OF TURF GRASS AND VEGETATION

SECTION:

4-11-1:	Purpose
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4-11-3:	Where Planted
4-11-4:	Location of Restoration Areas and Planned Landscape Areas
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4-11-1: **Purpose:** It is the purpose of this Section to prohibit the uncontrolled growth of vegetation, while permitting the planting and maintenance of landscaping or garden treatments which add diversity and a richness to the quality of life. There are reasonable expectations regarding the proper maintenance of vegetation on any lot or parcel of land. It is in the public's interest to provide standards regarding the maintenance of vegetation because vegetation which is not maintained may threaten public health, safety and order, and may decrease property values. It is also in the public's interests to encourage diverse landscaping and garden treatments, particularly those which restore native vegetation which requires less moisture and place a lower demand on the public's water resources. The City enacts this Section to balance these competing interests.

4-11-2: **Definitions:** Unless the context clearly indicates otherwise, the following terms shall have the stated meanings.

NATIVE GRASSES AND FORBES: Grasses, including prairie grasses and flowering broad- leaf plants which are indigenous to the State.

NATURAL AREA: Any wetland or floodplain or any area of mature woodland, prairie and meadow vegetation native to the State.

ORNAMENTAL GRASSES AND GROUNDCOVER: Grasses and groundcovers not indigenous to the State. Ornamental grasses and groundcovers do not include turf grasses.

PLANNED LANDSCAPE AREA: An area where ornamental grasses and groundcovers or native grasses and forbs are planted pursuant to a plan.

RESTORATION AREA: An area where native grasses and forbs are being or have been intentionally reestablished.

TURF GRASS: Grasses commonly used in lawn areas, including any blue grass, fescue or rye grass blends or any other similar grasses.

WEED: Any plant which is identified by the City Weed Inspector or Assistant City Weed Inspector as a noxious weed pursuant to Minnesota Statute 18.77, Subd. 8, or any volunteer plant, except trees and other woody vegetation, which is not customarily or intentionally planted.

RAIN GARDEN:

A City designed and inspected planted depression that is designed to absorb rainwater runoff from **impervious** urban areas like roofs, driveways, walkways, and compacted lawn areas.

4-11-3: **Where Planted:**

1. Ornamental grasses and groundcovers shall be planted only in a planned landscape area.
2. Native grasses and forbs shall be planted only in a planned landscape area or a restoration area.

4-11-4: **Location of Restoration Areas and Planned Landscape Areas:**

1. **Setback:** A restoration area or a planned landscape area must provide the following minimum setbacks:
 - a. 20 feet front street, rear street, or side street setback (as measured from the traveled portion of the street).
 - b. 5 feet side yard or rear yard setback

Provided, however, that a required side yard or rear yard setback may be reduced to 0 feet if:

 - a. The restoration area or planned landscape area abuts a restoration area on any adjoining lot, a public park or open space, a vacant lot, a wetland, pond, lake or stream, or natural area, or
 - b. The restoration area or planned landscape area is located on slopes equal to or greater than three feet horizontal to one foot vertical.

4-11-5: **Maintenance Standards:** Every owner, lessee, occupant, or any other person having control of property shall maintain the vegetation growing thereon according to the following minimum standards:

1. Turf grasses shall be regularly cut such that no individual plant shall exceed, at any time, ten inches in height or length as measured from its base at the ground to the tip of each stalk, stem or blade. Provided, however, that turf grasses located on slopes equal to or steeper than three feet horizontal to one foot vertical (3:1) or within 20 feet of a wetland, pond, lake or stream, need not be maintained in accordance with this Section.
2. Property owners are responsible to plant and maintain the boulevard areas adjoining their property in a manner which enhances and improves the aesthetic appearance of city streets with turf grass, or rain gardens. To maintain an adequate site line and safe travel within the right-of-way, such plantings, excluding trees, shall not exceed thirty-two inches in height.
3. Weeds shall be regularly cut or controlled such that no individual plant shall exceed at any time ten inches in height or length as measured from its base at the ground to the tip of each stalk, stem, blade or leaf. Noxious weeds as defined by the State Commissioner of Agriculture shall be eradicated.

4. Planned landscape areas and restoration areas shall be cut at least once between May 1 and August 1 of each year or, if appropriate permits are obtained through the City Fire Marshal to burn. Provided, however, that planned landscape areas and restoration areas located on slopes equal to or steeper than three feet horizontal to one foot vertical (3:1) or within 20 feet of a wetland, lake, pond or stream, need not be cut. No person shall permit ornamental grasses and groundcovers growing on the person's property to invade adjoining properties.

4-11-6: **Non-Conforming Planned Landscape Areas and Restoration Areas:** Any planned landscape area or restoration area which lawfully existed prior to the effective date of this Chapter may continue to exist and need not comply with the requirements of Section 4-11-4, but shall comply with Section 4-11-5. Any expansion or addition to a non-conforming landscaped area or restoration area shall comply with all provisions of this Chapter.

4-11-7: **Exemptions:** The provisions of this chapter shall not apply to the following:

1. Non-noxious weeds, grasses and herbaceous vegetation within 50 feet of designated storm water ponds or within 50 feet of natural or altered creeks, rivers and stream corridors, including riparian buffer strips that convey water, provided they are cut to less than 10 inches at least once per year if located within 200 feet of an occupied residence or development property;
2. Non-noxious weed and grass vegetation growing on agriculturally zoned land, including pastures that are fenced and contain animals.
3. Temporary erosion control grasses.
4. Grass and non-noxious weed vegetation in publically owned parks designated as natural preserves or private property so designated by the City Council or natural undisturbed areas where the land and vegetation appears not to have been graded, landscaped or otherwise disturbed by human or mechanical means in recent time.
5. Grass and non-noxious weed vegetation on natural or altered slopes steeper than 2:1.
6. A city designed rain garden that is planted to absorb rainwater runoff from [impervious](#) urban areas like roofs, driveways, walkways, and compacted lawn areas.

4-11-8: **Notice, Abatement by City:**

1. **Nuisance:** Any vegetation which does not meet the requirements of this Chapter is declared to be a nuisance.
2. **Conditions Allowing Inspector to Enter Property:** Entry by the City Weed Inspector or Assistant City Weed Inspector for the purpose of inspecting, cutting, removing, destroying or eradicating vegetation shall be done only after written notice is served upon the owner, lessee, occupant, or other person having control of the property, and failure of the owner, lessee or occupant to cut down, remove or eradicate vegetation declared to be a nuisance, within the time, and in such a manner as the Weed Inspector or Assistant Weed Inspector shall designate in the notice. The notice shall be given in the manner prescribed by Minnesota Statute 18.83, Subd. 2, and shall allow a minimum of seven days for the property owner, lessee, occupant, or other person having control over the property to comply with the requirements of the notice.

3. **Owner's Responsibility for Costs Incurred:** The costs and expenses incurred by the City in connection with entering a property pursuant to Section 4-11-8 and cutting, removing, destroying and eradicating vegetation declared to be a nuisance shall be paid by the owner or occupant of the property. If unpaid within 30 days of invoice to owner or occupant, such amount shall become a lien in favor of the City and a penalty as established by the governing body shall be added to the amount due as of that date and the total cost, expenses and penalties shall be certified to the County Auditor for entry as a special assessment upon such property for collection as other real estate taxes are collected.

4-11-9: **Penalty:** Any person who shall neglect to cut and remove noxious weeds and turf grass, as directed in this Chapter, or who shall fail, neglect or refuse to comply with provisions of any notice herein provided or who shall violate any of the provisions of this Chapter or who shall resist or obstruct the city or its employees in the cutting and removal of weeds, grass, brush and other vegetation, shall be guilty of a petty misdemeanor. Each day on which such violation continues shall constitute a separate offense.