**CITY OF SANBORN**

**CODE OF ORDINANCES**

**(2015)**

Updated June 13, 2019

TABLE OF CONTENTS

CHAPTER 1 – GENERAL PROVISIONS PAGE
Citation and Purpose 7
Effect or Organization and Identifying Designations 7
Construction of Provisions 7
Definitions of Words and Phrases 8
Severability 9
Form of Government 9

CHAPTER 2 – CITY COUNCIL AND LEGISLATION
Council 10
Salaries and Fees 10
Budget 10

CHAPTER 3 – OFFICERS AND EMPLOYEES
Clerk-Treasurer 11
Public Safety 11
Volunteer Fire Department 11
Civil Defense 14
Water, Sewer, Streets, Community Center, Parks and Recreation 14
Indemnification of Officers and Employees 15

CHAPTER 4 – ELECTIONS
Regular City Elections 15
Special City Elections 15

CHAPTER 5 – URBAN AND RURAL SERVICE DISTRICTS
Urban and Rural Service Districts 16
Flood Plain Ordinance 18

CHAPTER 6 – UTILITIES
Connections to Water System 18
Connections to Sanitary Sewer System 19
Franchise Ordinances 23

Miscellaneous 23

Adjustments to Utility Bills 24

CHAPTER 7 – STREETS AND PUBLIC PLACES
Making of Excavation 25
Removal of Snow and Other Natural Debris 26
Obstruction of Streets 29
Obstruction of Sidewalks 29
Vending Machines 30
Bicycles, Skateboards, Roller Blades, Roller Skates, In-Line Skates,
 Scooters and Roller Skis 30
Intoxicating Liquor 31

CHAPTER 8 – VEHICLES AND TRAFFIC
General Traffic and Road Restrictions 31
Parking Regulations 31
Snowmobile Operation Regulation 34

CHAPTER 9 – HOUSES, BUILDING AND STRUCTURES 36

CHAPTER 10 – SANITATION
Garbage, Trash and Refuse 40
Garbage, Trash and Refuse Removal 40
Yard Waste 41

CHAPTER 11 – ENVIRONMENTAL CONTROL
Weeds and Grass 42
Planting, Maintenance, and Removal of Trees and Shrubs 42
Visual Pollution 44
Public Nuisances 45
Grass Clippings and Other Debris 46
Posting 46
Dutch Elm Disease 46
Noise Pollution 46

CHAPTER 12 – PUBLIC SAFETY
Civil Defense 49

CHAPTER 13 – FIRE PREVENTION
Fire Prevention and Control 53
Firearms, Weapons and Firecrackers 53
Open Burning 53

CHAPTER 14 – ANIMALS
Dogs and Cats 55
Dog Kennels 55
Raising or Keeping of Animals 56
Feeding of Animals 56

 Animal Waste 56

 Potentially Dangerous and Dangerous Dogs……………………………………….57

CHAPTER 15 – ALCOHOLIC BEVERAGES
Intoxicating Malt Liquor 60
Non-intoxicating Malt Liquors 63

CHAPTER 16 – ADULT ESTABLISHMENTS
Licenses and Fees 66

CHAPTER 17 – MISCELLANEOUS PROVISIONS
Curfew 66
Bingo 67

CHAPTER 18 – OFFENSES
Penalty for Misdemeanor 68
Offenses 68

CHAPTER 19 – CAMPGROUND 69

CHAPTER 20 – CEMETERY 70

CHAPTER 21 – PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS 74

APPENDIX 84

**CITY OF SANBORN**

ORDINANCE NO. 118

**AN ORDINANCE ADOPTING REVISION AND COMPLETE RESTATEMENT OF THE SANBORN CITY CODE;
PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES;
PROVIDING FOR THE PRESERVATION OF CERTAIN RIGHTS;
PROVIDING FOR A PENALTY FOR VIOLATION OF THE SANBORN CITY CODE; AND PROVIDING FOR THE PUBLICATION OF
THE SANBORN CITY CODE**

THE CITY COUNCIL OF SANBORN, MINNESOTA, ORDAINS:

Section 1. **Adoption of Code.** This ordinance, consisting of Chapters 1 through 20, inclusive, enacts a revision and complete restatement of the Code of Ordinances of the City of Sanborn, to be known as the Sanborn City Code, as the same is printed and attached hereto for purposes of enactment in this ordinance.

Section 2. **Repeal of Ordinances.** All ordinances heretofore passed and adopted by the City Council of the city of Sanborn are hereby repealed, except the following ordinances which are special or limited in application or which are otherwise retained in their original form and renumbered and made part of the Sanborn City code as specified:

Ordinance No. Section of Sanborn City Code

 Ordinance # 104 5.201
Ordinance # 97 6.301
Ordinance # 113 6.302
Ordinance # 63 6.303
Ordinance # 101 6.304
Ordinance # 27 6.305
Ordinance # 77 11.701
Ordinance # 115 16.101

Section 3. **Effect of Codification on Retained Ordinances.** The ordinances listed for retention and renumbering as stated in Section 2 are hereby confirmed and ratified in all respects, and their renumbering for purposes of inclusion in the Sanborn City Code shall not operate to change their effect in any respect.

Section 4. **Preservation of Rights.** The repeal of any ordinance or portion thereof by Section 2 shall not affect or impair any act done or right vested or accrued and any proceeding, suite or prosecution had or commenced shall remain in full force and effect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed by Section 2 or altered by the Sanborn city code shall be discharged or affected by such repeal or alteration, but prosecutions and suits for such offenses, liabilities, penalties and forfeitures shall be instituted and proceeded in all respects as if such prior ordinances or parts thereof had not been repealed or altered.

Section 5. **Violations and Penalty.** Any person violating any provision of the Sanborn City code shall be guilty of such an offense and subject to such penalty as is provided in the applicable provisions of the Sanborn City Code.

Section 6. **Publication of Code.** The Sanborn City Code, together with such tables, indexes, supplements, appendices and other material as the City Council may designate, shall be published in book, loose leaf or other suitable form and shall be made available in substantial quantities for general distribution to the public. A summary of this ordinance and a notice that copies of the Sanborn City Code are available at the office of the City Clerk shall be published forthwith in the official newspaper of the City for two successive weeks.

Section 7. **Effective Date.** This ordinance, and the Sanborn City Code enacted by it, shall become operative and effective upon passage and publication as required in Section 6.

Adopted by the City Council this 4th day of August, 2015.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
Mayor

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
 Clerk

**CHAPTER 1
GENERAL PROVISIONS**

**CITATION AND PURPOSE**

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

 For chapter: “Ch.” Plus the chapter number;

 For section: “Sec.” plus the section number;

 For subsection: Indicating section as above, immediately followed by subsection number in parentheses.

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

**EFFECT OF ORGANIZATION AND IDENTIFYING DESIGNATIONS**

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

 **1.202. Effect of Organization and Designation.** The organization of this code and chapter, article and sub article titles, section numbers and section headnotes may be considered in ascertaining the intent of the City council in enacting provisions of this code, but in case of conflict, the provisions of any section control over organization and designations, and specific designations control over general designations.

 **1.203. Cross References, Table of Contents, Appendix and Index.** Cross references, the Table of Contents, all Appendixes, the Index and other supplemental materials not expressly made a part of this code are included merely to assist the user of the code and do not form any part of it.

**CONSTRUCTION OF PROVISIONS**

 **1.301. Construction of Words and Phrases.** In construing this code, the following canons of interpretation are to govern, unless their observance would involve a construction inconsistent with the manifest intent of the City council, or be repugnant to the context of the relevant provisions of this Code:

 (1) Words and phrases are construed according to rules of grammar and according to their common and approved usage; but technical words and phrases and such others as have acquired a special meaning or are defined in this code are construed according to such special meaning or definition.

 (2) The singular includes the plural, and the plural includes the singular.

 (3) Words in the masculine, feminine or neuter gender shall include all other genders.

 (4) Words used in the past or present tense include the future.

 (5) General words are restricted in meaning by particular words.

 **1.302. Construction of May and Shall.** As used in this code, “shall” is always mandatory and “may” is permissive.

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

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

 (1) If a special provision is in irreconcilable conflict with a general provision, the special provision will prevail and be construed as an exception to the general provision unless the general provision has been enacted later and shows a manifest intention of the Council that the general provision shall prevail.

 (2) If enacted at different times, the latest in date of enactment will prevail.

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

**DEFINITIONS OF WORDS AND PHRASES**

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

1. “City” means the City of Sanborn, Redwood County, Minnesota.
2. “Code” means the Sanborn City Code as amended.
3. “Mayor” means the mayor of the City of Sanborn, Redwood County, Minnesota, and in his absence, this shall mean the acting mayor who is appointed annually at the first Council meeting of each year.
4. “Clerk-Treasurer” means the clerk-treasurer of the City of Sanborn, Redwood County, Minnesota.
5. “Council” means the City Council of the City of Sanborn, Redwood County, Minnesota, composed of the mayor and four members of the Council, all elected as required by law.
6. “Person” means any natural person of either sex, a co-partnership, a corporation, an association of person, and an agent or manager of any of the aforesaid.

**SEVERABILITY: EFFECT OF REPEALS**

 **1.501. Severability of Provisions.** Every chapter, section, subsection or part thereof, of this code shall be severable. If any part of this code, or a chapter, section, subsection or other part, shall be declared invalid or is otherwise severed, the remaining provisions thereof shall remain valid, unless the Court finds the remaining valid parts thereof to be so essentially and inseparately connected with, and so dependent upon, the void parts that the Court cannot presume the Council would have enacted the remaining valid parts, or, standing alone, said remaining parts thereof are incomplete and are incapable of being executed in accordance with the intent of the Council.

**FORM OF GOVERNMENT**

 **1.601. Optional Plan A In Effect.** In accordance with Minnesota Statutes 1971, Sections 412.541 to 412.572 and other applicable provisions of law, and an election had as required thereunder, the city shall be governed under the plan of government known in such statutes as the Optional Plan A. As provided by Statute, the city shall be governed by the City council composed of the mayor and four members of the Council, all elected as required by law. Three members of the Council present shall constitute a quorum for the transaction of business. The office of clerk-treasurer shall be appointed by the Council, all as provided in the Statutes.

**CHAPTER 2
CITY COUNCIL AND LEGISLATION**

**COUNCIL
Meetings**

 **2.101. Regular Meetings.** Regular meetings of the City Council shall be held on the first Tuesday of each month, unless otherwise established by the City Council. If the next meeting date falls on a holiday or New Year’s Eve, it shall be held on such future date as the Council may determine. All meetings of the Council shall be held at the City Office in Sanborn, Minnesota.

 **2.102. Special Meetings.** Special meetings may be called by the Mayor or by any two members of the Council by writing and filed with the City Clerk who shall then serve notice either personally by telephone or in writing or by mail upon all members of the Council, including the time, place and purpose of the meeting, at least 24 hours prior thereto and by a posting of the notice at City Hall. Notice of a special meeting may be dispensed within a situation which requires immediate emergency action. In determining what constitutes such an emergency, the Council shall be guided by considerations of whether the situation calls for immediate action involving the protection of public peace, health or safety, and in all such cases, the members of the Council in attendance shall sign a waiver of notice which shall be made a part of the minutes of the meeting.

**Salaries and Fees**

 **2.201. Salary of Mayor and Members of the Council.** The salary of the mayor shall be $1,440.00 per year and the salary of each member of the City Council shall be $720.00 per year. In addition, the Mayor and the members of the Council shall be entitled to a $30.00 per diem for each special meeting.

 **2.202. Salary of Clerk-Treasurer.** The salary of the Clerk-Treasurer shall be set by the City Council each year.

 **2.203. Permit and License Fees.** All permit and license fees shall be set by the City council each year unless otherwise set forth in this Code.

**Budget**

 **2.301. Council Approves Annual Budget.** The Council each year at its September meeting shall propose an annual operating budget for the city. Following any required truth-in-taxation hearing, the budget will be approved at a regular or special meeting held in December. The budget will include the salaries of all employees and such other items as the Council deems necessary.

**CHAPTER 3
OFFICERS AND EMPLOYEES**

**CLERK-TREASURER**

 **3.101. Office of the Clerk-Treasurer.** The clerk-treasurer shall be appointed by the City Council and shall serve at the direction of the Council.

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

**PUBLIC SAFETY
Police Department**

 **3.201. Police Department.** The Council may appoint a Chief of Police on either a part time or full-time basis who shall receive such compensation as the Council may fix and who shall serve at the direction of the Council. The Chief of Police shall perform such duties and keep such records as may be prescribed by law, or as the Council may require. Irrespective of the foregoing, the Council shall not be required to appoint either a part time or full time Chief of Police and the Council may rely on the Redwood County sheriff’s Department for police protection.

**Volunteer Fire Department**

 **3.301. Fire Department Established.** There is hereby established in the City of Sanborn a volunteer fire department consisting of a Fire Chief, an assistant fire chief, and not less than fifteen (15) firemen, 18 years of age or older and 65 years of age or younger.

 **3.302. Chief of the Fire Department.** The chief of the fire department shall be hired by the Council, and his/her term shall extend until the time of retirement, dismissal by the City Council or resignation. During any year, the chief may be removed only for cause after a public hearing. No council member shall hold the office of fire chief.

 **3.303. Selection of Firefighters and Probationary Firefighters.** Firefighters and probationary firefighters shall be hired by the Council with. All appointments herein shall not become effective until the appointment is approved by the City Council and a record of such approval entered upon the Minutes of the City Council. Firefighters shall continue as members of the Fire Department during good behavior and may be removed by the Council only for cause after a public hearing. Probationary firefighters may be removed for any reason by a majority vote of the members of the Fire Department. The probationary period shall be the first six (6) months after approval by the City Council and may be extended upon recommendation of the City Council.

**3.304. Duties of the Chief of the Fire Department.**

 (1) The chief shall have control over all of the firefighting apparatus and shall have sole responsibility for its care and condition.

 (2) 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, when physically unfit for firefighting service, or when suspension is necessary for the welfare of the fire department. He shall report any suspension of any member to the City council at the first meeting of the Council following such suspension, and the City council, after notice of hearing is given to any suspended member and a hearing held on such suspension, shall take final action on the member’s discharge or retention.

 (3) The chief shall make a report to the City Council each year as to the condition of the equipment and needs of the fire department.

 **3.305. Records.** The chief shall keep in convenient form a complete record of all fires. Such records shall include the time of the alarm, location of fire, cause of fire, if known, type of building, name of owner and tenant, purpose for which occupied, value of building and contents, members of the department responding to the alarm, and such other information as he may deem advisable or as may be required from time to time by the City Council or the State Insurance Department. The chief may appoint from among the firemen a secretary to keep such records and other records of the volunteer fire department.

 **3.306. Practice Drills.** It shall be the duty of the chief to hold monthly practice drills of at least one-hour duration for the fire department when the weather permits, and to give the firemen instructions in approved methods of firefighting and fire preventing.

 **3.307. Definitions**

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

**3.308. Parties Affected**

1. Owners of property within the City limits who receive fire service.
2. Anyone who receives fire service as a result of a motor vehicle accident or fire within the City protection or mutual aid area.
3. Owners of property in towns, townships, or entities to which the City provides fire service pursuant to a fire protection contract.

**3.309. Rates** The base fee for a fire call shall be established annually on the fee schedule and approved by the City Council at its January meeting. The base fee includes water and man power for the first two (2) hours of the fire call, after the first two (2) hours, an hourly fee will be billed per firemen on the call, the hourly rate will be set annually on the fee schedule. All costs associated with the fire call will be billed to the party receiving fire services, these fees may include outside labor and equipment, chemicals used to fight the fire and damages to fire equipment, these fees will be billed out on an hourly basis or at their actual replacement costs.

**3.310. Billing and Collection**

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

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

 **3.312. Application of Collections to Budget** All collected fire charges will be City funds and used to offset the expenses of the City fire department in providing fire services.

**Civil Defense**

 **3.401. Civil Defense Director.** The Council shall appoint a Civil Defense Director from time to time who shall receive such compensation as the Council may fix and shall serve for such term as the Council may determine. The Civil Defense Director shall perform the duties outline in Chapter 12. Additionally, the Civil Defense Director shall annually inform residents, in such manner as directed by the Council, of the location of the City disaster shelter the event of a natural disaster.

**WATER, SEWER, STREETS, COMMUNITY CENTER, PARKS & RECREATION**

 **3.501. Water and Sewer Inspector.** Annually in January of each year, a water and sewer inspector may be appointed by the City Council. He may, but shall not be required to be a member of the council and he or she shall serve at the direction of the Council. The water and sewer inspector shall have charge of and supervise the construction and maintenance of all water and sewer lines and connections thereto and of the water plant and all facilities relating thereto. The inspector shall perform such other duties and maintain such records as the Council may require. If the City Council does not appoint a water and sewer inspector, the City’s maintenance person shall act as water and sewer inspector and perform all required duties.

 **3.601. Street Inspector.** Annually in January of each year a street inspector may be appointed by the City Council. He may but shall not be required to be a member of the Council, and shall serve at the direction of the Council. The street inspector shall have the responsibility of supervising the repair and maintenance of all streets and sidewalks within the City. If the City council does not appoint a street inspector, the city’s maintenance person shall act as street inspector and perform all required duties.

 **3.701. Parks and Recreation Inspector.** Annually in January of each year, a parks and recreation inspector may be appointed by the City council. He may, but shall not be required to be a member of the council, and shall serve at the direction of the Council. The parks and recreation inspector shall see that all of the parks and recreational facilities belonging to the City and located within the City are properly maintained. If the City council does not appoint a parks and recreation inspector, the City’s maintenance person shall act as parks and recreation inspector and perform all required duties.

**INDEMNIFICATION OF OFFICERS AND EMPLOYEES**

 **3.801.** The governing body of the City of Sanborn shall defend, save harmless and indemnify any of its officers and employees, whether elective or appointive, and including its police officers, against any tort claim or demand, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of duty.

 **3.802. Exceptions.** The provisions of this section shall not apply in the case of malfeasance in office or willful or wanton neglect of duty.

 **3.803. Severability.** If any section clause, provision or portion of this ordinance is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected thereby.

 **3.901.** The City shall by resolution, establish a personnel policy governing the employees of the City and a copy of said policy as amended from time to time shall be maintained in the City office and copies made available to all employees.

**CHAPTER 4
ELECTIONS**

**REGULAR CITY ELECTIONS**

 **4.101. Date of Regular Election.** The regular city election shall be held bi-annually on the second Tuesday in November in every even numbered year.

 **4.102. Terms.** Two councilmen shall be elected at every biannual City election, each for a four-year term. The mayor shall be elected for a two-year term at each such election.

**SPECIAL CITY ELECTIONS**

 **4.201. Dates of Special City Elections.** Special City elections may be held on any question which the voters are authorized by law to determine. The City Council shall follow the procedures set forth in Minnesota Statutes regulating special City elections.

**CHAPTER 5
URBAN AND RURAL SERVICE DISTRICTS**

 **5.101. Urban and Rural Service Districts.** The City of Sanborn hereby divides the area within its limits into an Urban Service District and a Rural Service District, constituting separate taxing districts for the purpose of all municipal property taxes except those levied for the payment of bonds and judgments and interest thereon.

 **5.102.** The Urban Service District shall include all properties within the limits of the City of Sanborn, except those listed in this Chapter or otherwise set forth by ordinance as Rural Service District.

 **5.103.** The rural Service Districts shall include only such unplotted lands which need not be contiguous to one another as in the judgment of the City council at the time of adoption of the ordinance are rural in character, and are not developed for commercial, industrial, or urban residential purposes and for these reasons are not benefited to the same degree as other lands by municipal services financed by general taxation. This ordinance may include lands outside the City of Sanborn which are annexed and determined to be properly included in the Rural Service District.

 **5.104.** The Rural Service District shall consist of those unplotted lands described in Section 5.108, all of which lands are rural in character and not developed for commercial, industrial or urban purposes.

 **5.105.** Whenever any parcel of land included in the Rural Service District is platted in whole or in part, or whenever application is made for a permit for construction of a commercial, industrial or residential building or improvement; or whenever such improvement or building is commenced without a permit; or otherwise fails to meet the criteria for includability in the Rural Service District, the governing body may make and enter an order by resolution transferring said parcel or part thereof from the Rural Service District to the Urban Service District. No parcel shall be included in a Rural Service District of ten acres or less and no parcel shall remain in a Rural Service District unless such parcel consists of ten acres or more; provided, however, that if a parcel consists of 10 acres or more, a portion of which is used as a building site receiving municipal services, ten acres, including the building site, shall continue to be classified as urban.

 **5.106.** In the judgment of the Council of the City of Sanborn, the tax to be levied on the lands included in the Rural Service District shall be levied at a rate as determined by the City Council.

 **5.107.** Any parcel within a rural Service District for ten years without development shall be considered by the council of the City of Sanborn for exclusion from the rural Service District. By amendment hereof such parcel shall be included in the Urban Service District if any area adjacent thereto is determined by the Council of the city of Sanborn to be substantially developed as urban property.

1. No City service beyond that normally provided by the townships of Redwood County will be provided by the City in a rural Service District, except fire, police and planning services.
2. Land in a rural Service District must be open, rural in character and maintained in farm crops or seeded.
3. Grading is not considered as development provided grading is such as to hold storm runoff on the land and not produce storm runoff problems and provided graded acres are cropped or reseeded within one year.
4. Any fill hauled in shall be graded off and seeded at least once a year.

 **5.108. Lands Included in the Rural Service District**

Parcel #1: Brian and Jennifer Runck (Parcel #90-025-2010 – 80 Acres) NW1/4 of 25-109N-36W

Aldin & Elna Dammann (Parcel #90-025-2020 – 80 Acres) NW1/4 of 25-109N-36W

Parcel #2: Curt & Diane Thram (Parcel #90-025-3010 – 10 Acres Building Site) SW1/4 of 25-109N-36W North of Railroad right of way.

 Curt & Diane Thram (Parcel #90-025-3011 – 102 Acres) SW1/4 of 25-109N-36W North of Railroad right of way except platted potion, and except 10 acres of building site.

Parcel #3: Wayne & Judith Pankonin (Parcel #90-026-1010 – 160 Acres) NE1/4 of 26-109N-36W.

Parcel #4: Michael Hofmann (Parcel #90-206-4012 – 94.7 Acres) SE1/4 of 26-109N-36W, except tracts.

Parcel #5: John Simonson (Parcel #90-035-1010 – 75.66 Acres) NE1/4 of 35-109N-36W, south of river.

Parcel #6: John Simonson (Parcel #90-035-4010 – 132.45 Acres) SE1/4 of 35-109N-36W, except tracts.

 David Geis (Parcel #90-035-4015 – 27.55 Acres) SE1/4 of 35-109N-36W, except tracts.

Parcel #7: Brian Pabst (Parcel #90-036-2010 – 8.51 Acres Building Site) NW ¼ of 36-109N-36W

 Brian Pabst (Parcel #90-036-2011 – 112 Acres) NW ¼ of 36-109N-36W, except tracts and building site.

Parcel #8: Herb Scheffler (Parcel #90-306-3010 – 99.37 Acres) SE1/4 of SW1/4 and W1/2 of SW1/4 of 36-109N-36, except tracts.

Parcel #9: Paula R. Roiger- Living Trust / Robert and Shirley Simonson (Parcel #90-036-3020 – 32.8 Acres)

 NE1/4 of SW1/4 of 36-109N-36, except a 7.2 acre tract.

**5.201. Flood Plain Ordinance.** Ordinance #117 previously adopted by the City Council, relating to regulation of the flood plain, remain in full force and effect as fully as if set forth herein; a copy of which is included in the Appendix to this City Code.

**CHAPTER 6
UTILITIES**

**CONNECTIONS TO CITY WATER SYSTEM**

 **6.101. Connection Required.** For the protection of the public health, the owner of each lot, piece or parcel of land in the City, on which shall be situated any residential dwelling or business, is required to connect such residence or business to the water system of the City, if city water is available to the property.

 **6.102. Application for Service.** Any person, firm or corporation desiring a connection with the municipal water system shall apply to the clerk for a permit to make such a connection. The City may require that the application be submitted in writing on a form to be supplied by the City, and if written application is requested, it shall contain an exact description of the property to be served, the estimated maximum amount of water to be used per month and the uses to which the water is to be put, both general and special.

 **6.103. Connection Charge.** Any person, firm or corporation shall pay a connection charge in an amount as the City council by resolution may from time to time determine to cover the cost of hook-up into the municipal water system.

 **6.104. All Water to be Metered.**

1. All water furnished by the City water system shall be metered by meters furnished by the City at the property owner’s expense. At the time the water meter is furnished to any user, a deposit shall be required in such an amount as the Council may from time to time determine. The owner of the premises shall furnish to the City, on a monthly basis, a meter reading. Any owner who does not furnish such meter reading shall be subject to a fee of $25.00, and shall allow City access to the premises to take a meter reading.
2. Dual Meters. A residential sewer customer may purchase a dual water meter from the City to record outside water usage to more accurately reflect residential sewer usage. The type of meter and cost of the meter will be determined annually by the City. The residential customer will be responsible for hiring a certified plumber to install the meter and inform the City when the dual meter has been installed so that the Public Works Department can inspect the meter to ensure that it has been properly installed. The resident will read both the water meter and dual meter monthly and the sewer usage will be calculated by subtracting the water usage on the dual meter from the main water meter.

 **6.105. Exemptions.** Residential homes and businesses shall be exempt from metering if the City deems it impossible or improbable for said meter to be installed.

 **6.106. Service Charge.** For water, water service, and the availability thereof, each premise shall pay an amount per month as the City Council by resolution may from time to time determine, and the Council by resolution shall further provide a minimum charge for each premise. Any house that is connected to city water services shall be charged at least the minimum charge for services each month.

 **6.107. Unmetered Charge.** For cases in which meters are improbable or impossible, there shall be a flat charge per month as set by the council by resolution.

 **6.108. Collection of Fees.** If any person, business or corporation shall refuse payment of said water usage charge, such account shall be subject to a penalty of $10.00 per month, and they shall be given a ten (10) day written notice of such delinquency. If after said period of time, payment has not been made, the City has the authority to discontinue water service, and the Council may direct the clerk to levy the charges against the property as a special assessment to be paid in a single installment with the following year’s property taxes and the clerk shall certify said levy with the County Auditor on or before October 1 of each year. Water service that is discontinued shall not be restored until payment in full and a shut-off fee, established by the City Council, have been paid.

 **6.109. Maintenance.** Property owners shall be responsible for maintaining the water line from their property to the main line. They shall use only suitable materials for any necessary repairs, and shall bear the cost of such repairs. Upon seven (7) days’ written notice to the property owner that such repairs are necessary, if the repairs have not been made, the City of Sanborn may have such repairs made and certify the costs of such repairs as any other special assessment. In the event such repairs are emergent in nature, the City of Sanborn may immediately have such repairs made without notice, and the costs of such repairs may be collected from the property owner or assessed as a special assessment against the property. The City shall be responsible for maintenance of the main water line. If any city street or sidewalk is damaged during repairs to any residential, commercial, or industrial water line, the property owner responsible for such repairs shall return the street or sidewalk to its previous condition.

**CONNECTIONS TO SANITARY SEWER SYSTEM**

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

 (1) The term “sewage” means water-carried waste products from residences, public buildings, institutions or other buildings or premises, including the excrement or other discharge from the bodies of human beings or animals, together with such ground water infiltration and surface water as may be present.

 (2) The term “industrial waste” means any liquid, gaseous or solid waste substance resulting from any process of industry, manufacturing, trade or business, or from development of any natural resources.

 (3) The term “sewerage system” includes all street lateral, main and intersecting sewers and structures by which sewage or industrial wastes are collected, transported, treated and disposed of; provided that this shall not include plumbing inside or a part of a building or premises served, or service sewers from a building to the street lateral.

 (4) The term “sewerage service” means the use of and/or benefit from the sewerage system, including the collection, transportation, pumping, treatment and final disposal of sewage.

 **6.202. Connection Required.** For the protection of public health, the owner of each lot, piece or parcel of land in the City on which there shall be situated any residential dwelling or business, from which there is discharged sewage or industrial waste, is required to connect such residence or business to the municipal sewer system of the City if the municipal sewer system is available to the property.

 **6.203. Application for Service.** Any person, firm or corporation desiring a connection with the municipal sewer system shall apply to the clerk for a permit to make such connection. The City may require that the application be submitted in writing on a form to be supplied by the City, and if written application is requested, it shall contain the exact description of the property to be served and it shall specify that it will be used either for sanitary sewage or industrial wastes or both.

 **6.204. Connection Charge.** Any person, firm or corporation shall pay a connection charge in an amount as the Council may by resolution from time to time determine to cover the cost of hook-up into the municipal sanitary sewer system.

 **6.205. Service Charges.** For sanitary sewer service or the availability thereof, each premise shall pay an amount per month as the Council may by resolution from time to time determine. The Council may establish different rates for single-person households, persons over 65 years of age, and for businesses, institutions or industry. The council may also impose different charges for sanitary sewage and industrial wastes and shall further provide a minimum charge for each premise. The Council, in its resolution, may base the charge for sanitary sewage upon the quantity of water used on the premises as the same is measured by the city water meter on the premises. If the charges are so determined, they shall provide separate charges for those premises not served by the municipal water system. The Council shall specify that payment shall be made monthly or quarterly. In the event the City receives an application for a connection from an industrial user and in the event the City has received from the federal government certain grants for the construction of a sanitary sewer system, then, the City shall, by resolution, adopt rules and regulations for the implementation of an industrial user cost recovery system in accordance with the provisions of Sec. 35.925-11 through 35.936, as set forth in the Federal Register, Vol. 33 #188 for September 27, 1978. Any premise that is connected to sanitary sewer services shall be charged at least the minimum charge for services each month.

 **6.206. Collection of Fees.** If any person, business or corporation shall refuse payment of said sewer charge, they shall be given a ten (10) day written notice. If after said period of time, payment has not been made, the City has the authority to discontinue sewer service, and the Council may direct the clerk to levy the charges against the property as a special assessment to be paid in a single installment with the following year’s property taxes and the clerk shall certify said levy with the County Auditor on or before October 1 of each year.

 **6.207. Classification of Industrial Wastes.** The City shall have authority to classify as industrial wastes the sewage from any lot, piece or parcel of land, building or premises discharged therefrom into the sewerage system of the City, taking into consideration the quantity of sewage produced and it is concentration, strength of river pollution qualities in general and of any other factors entering prescribing a distinct rate of rental or use charge should it be found that as to such sewer uses the water basis consumption does not provide a practicable method in the premises, but until so determined and such distinct rate fixed, the water consumption basis hereinbefore prescribed shall remain in full force and effect as to such commercial or industrial users.

 **6.208. Deleterious Substances.** No sewage, including industrial wastes, shall contain any substance which is deemed deleterious by the City to the operation of the sewerage system or to any plant or facilities used in the treatment or disposal of such sewage. If a user of the sewerage discharges excessive loads or any deleterious substances therein which are likely to retard or injuriously affect sewerage operations, he shall discontinue such practice and such practice is hereby declared to be a violation of this Section and he shall be subject upon conviction to a fine of not less than $25.00 nor more than $100.00. Each day of such violation continuing after having been notified in writing by the City clerk to discontinue such practice shall be deemed a separate violation.

 **6.209. Unlawful Discharge.** It is unlawful to discharge any of the following described wastes into the sewerage system:

1. Liquids having a temperature higher than 150º Fahrenheit.
2. Water or waste which contains more than 1 ppm. by weight of fat, oil, or grease.
3. Gasoline, benzene, naphtha, fuel oil or other inflammable or explosive liquid, solid or gas.
4. Garbage, except such as has been properly shredded.
5. Ashes, cinders, shavings, feathers, tar or other liquid or viscous substance capable of causing obstruction to the flow in sewerage system or other interference with the proper operation of the system.
6. Noxious or malodorous substances capable of creating a public nuisance.
7. No water from any roof, surface, ground, sump pump, footing tile, or other natural precipitation shall be discharged into the sanitary sewerage system. Dwellings and other buildings and structures which require, because of the infiltration of water into basements, crawl spaces and the like, a sump pump system to discharge excess water, shall have a permanently installed discharge line which shall not at any time discharge water into the sanitary sewerage system, except as provided herein. A permanent installation shall be one which provides for year-around discharge capability to either the outside of the dwelling, building or structure, or is connected to the City storm sewer or discharges through the curb and gutter to the street. It shall consist of a rigid discharge line, without valving or quick connections for altering the path of discharge, and if connected to the City storm sewer line, include a check valve.
8. **Disconnection:** Before April 1, any person, firm, or corporation having a roof, surface, groundwater, sump pump, footing tile, drainage tile, swimming pool or hot tub now connected and/or discharging into the sanitary sewer system shall disconnect and/or remove same. Any disconnects or openings in the sanitary sewer shall be closed or repaired in an effective, workmanlike manner, as approved by the City’s designated representative.
9. **Inspection:** Every person owning improved real estate that discharges into the City sanitary sewer system shall allow an employee of the City or their designated representative to inspect the buildings to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system. In lieu of having the City inspect their property, any person may furnish a certificate from a licensed plumber certifying that their property is in compliance with this subsection. Any person refusing to allow their property to be inspected or refusing to furnish a plumber’s certificate within fourteen (14) days of the date City employee(s) or their designated representatives are denied admittance to the property, shall immediately become subject to the surcharge hereinafter provided for. Any property found to violate this subsection shall make the necessary changes to comply with this subsection and furnish proof of the changes to the City within 30 days after receiving written notice from the City demanding compliance.
10. **Future Inspections:** At any future time, if the City has reason to suspect that an illegal connection may exist in a premise, the owner of any improved real estate shall allow re-inspection of the building or obtain a plumber’s certificate as described in paragraph B., above.
11. **Waivers:** A property owner may request a waiver allowing water prohibited by other provisions of this subsection to be discharged into the sanitary sewer. The property owner shall make application for the waiver by applying at the City Clerk's Office. A City employee or designee of the City shall remove the seal allowing unauthorized water into the sanitary sewer. Upon approval of a waiver, a property owner shall be allowed to temporarily discharge directly into the sanitary sewer system between the dates of October 15 through April 1, and provided the applicant agrees to pay an additional fee as established by resolution of the City Council for the additional sewer service. The holder of a waiver shall disconnect from the sanitary sewer and have sealed the connection which allowed the unauthorized water into the sanitary sewer by a City employee or party designated by the City. Failure to seal the connection as specified will place the waiver holder in violation of this subsection.
12. **Surcharge:** A surcharge of One Hundred Dollars ($100.00) per month is hereby imposed and added to every sewer billing mailed on and after April 1, 2019, to property owners who are not in compliance with subsection B. The surcharge shall be added every month, to be included in the monthly utility bills, until the property is in compliance. All properties found out of compliance during future inspections shall have a surcharge of ($100.00) imposed each month until the property is in compliance. Any surcharges or penalties not paid by September of each year will be certified to the County as a special assessment toward the property.
13. **Penalties:** Any person violating any provision of this section is guilty of a petty misdemeanor and is subject to a fine of not more than $200.00, plus costs of prosecution. Each day of non-compliance with this section shall constitute a separate offense.

 **6.210 Maintenance.** Property owners shall be responsible for maintaining the sewer line from their property to the main. They shall use only suitable materials for any necessary repairs, and shall bear the cost of such repairs. Upon seven (7) days’ written notice to the property owner that such repairs are necessary, if the repairs have not been made, the City of Sanborn may have such repairs made and certify the costs of such repairs as any other special assessment. In the event such repairs are emergent in nature, the City of Sanborn may immediately have such repairs made without notice, and the costs of such repairs may be collected from the property owner or assessed as a special assessment against the property. The City shall be responsible for maintenance of the main sewer line. If any city street or sidewalk is damaged during repairs to any residential, commercial, or industrial sewer line, the property owner responsible for such repairs shall return the street or sidewalk to its previous condition.

**FRANCHISES**

 **6.301.** Ordinance #97 previously adopted by the City Council, granting to Mark Twain Cablevision a franchise for the purpose of supplying cable communication services to the City of Sanborn, shall remain in full force and effect as fully as if set forth herein; a copy of which is included in the Appendix to this City Code.

 **6.302.** Ordinance #113 previously adopted by the City Council, granting to Western Telephone Company a second franchise for the purpose of supplying cable communication services to the City of Sanborn, shall remain in full force and effect as fully as if set forth herein; a copy of which is included in the Appendix to this City Code.

 **6.303.** Ordinance #63 previously adopted by the City Council, granting to People’s Natural Gas, a corporation, authority to supply and operate natural gas to the City of Sanborn, shall remain in full force and effect as fully as if set forth herein; a copy of which is included in the Appendix to this City Code.

 **6.304.** Ordinance #101 previously adopted by the City Council, granting to Interstate Power company, a corporation, non-exclusive authority to maintain and supply electricity to the City of Sanborn, shall remain in full force and effect as fully as if set forth herein; a copy of which is included in the Appendix to this City Code.

 **6.305.** Ordinance #27 previously adopted by the City Council, granting to Western Telephone company, a corporation, authority to maintain and supply telephone service to the City of Sanborn, shall remain in full force and effect as fully as if set forth herein; a copy of which is included in the Appendix to this City Code.

 **6.306** Ordinance #139 previously adopted by the City Council, granting to Nuvera Communications, Inc., as successor to Western Telephone Company, a corporation, authority to maintain and supply cable communication services to the City of Sanborn, shall remain in full force and effect as fully as if set forth herein; a copy of which is included in the Appendix to this City Code.

**MISCELLANEOUS**

 **6.401** **Rental properties.** The homeowner of any property which is being used for rental purposes shall be responsible for payment of all water and sewer charges. Any such charges incurred shall be charged to the owner of the property.

 **6.402 Prevention of frozen pipes.** The City shall not charge for up to 50 gallons of water over the monthly average of city residents during the months of December through March, to prevent the freezing of pipes during these months. Any amount of water over that gallon amount shall be the sole responsibility of the homeowner.

 **6.403 Sump pumps.** Sump pumps shall not be connected directly into the City Sanitary Sewer or the City storm sewer systems, and instead shall be discharged upon the surface of the property which they are serving.

**ADJUSTMENTS TO UTILITY BILLS**

**6.501.**  **Policy and Purpose.** It is the policy of the City of Sanborn to make adjustments to customer utility bills where said adjustment is necessary to correct billing errors, to correct errors due to equipment failure, or to fairly apply the rates and rules of the utility. The purpose of this policy is to improve customer service by enabling staff to quickly and accurately respond to customer requests for adjustments to utility bills rather than waiting for the matter to come before the City Council and also setting forth the situations where adjustments will and will not be considered.

**6.502.** **Responsibility.** A panel made up of the public works coordinator and the city clerk-treasurer shall determine the amount, if any, of the adjustment to be made. The city clerk shall receive requests and notify the customer of the determination.

**6.503.** **Adjustments Allowed.** The clerk-treasurer is authorized to make adjustments to utility bills, without City Council action, in the following cases:

1. Billing Errors. Where an error has occurred that results in an inaccurate utility bill being sent to a customer, the clerk shall correct the error as soon as discovered, whether by the customer or by the clerk. These adjustments include data recording and entry errors as well as meter failures if tested and found to be inaccurate.
2. Late Fees. Where a customer incurs late fees and requests an adjustment, the clerk may reduce or remove the late fee based on the customer’s circumstances and payment history.
3. Sanitary Sewer. Where a customer experiences extraordinary water consumption during a billing period due to break in customer owned plumbing, equipment malfunction, etc. and said water did not enter the sanitary sewer system, the clerk may adjust the sanitary sewer charge to an amount that is more typical of that customer’s normal usage.

**6.504.** **Adjustments Not Allowed.** The City will not consider adjustments for the following situations:

1. Water. Adjustments to water charges where customer experiences extraordinary water consumption during a billing period due to a break in customer owned plumbing, equipment malfunction, etc.
2. Sanitary Sewer. Adjustments to sanitary sewer charges for customers who do not have a dual meter and who claim normal outdoor water usage (i.e. lawn or garden sprinkling, car washing, filling swimming pools, etc.) where the water used did not enter the sanitary sewer system.

**6.505. Requests for Adjustments.** The city clerk treasurer may require the request to be in writing. Written requests shall state the name of the account holder, service address, contact information, and the reason for the requested adjustment. The customer shall provide all information requested by the City and deemed necessary to make a determination on the request.

**6.506. Response.** The clerk shall respond to the written request for adjustment within ten (10) business days after receiving from the customer all the information necessary to make a determination on the request. When an adjustment is made, a credit for the amount of the adjustment, including any sales tax shall be made to the customer’s account. When a customer makes a written request for an adjustment, the amount under consideration for adjustment shall not be payable until a determination on the adjustment is made. All other amounts not in dispute shall be due according to utility rules. When a customer pays an amount that is later adjusted, the credit shall remain on the account. No cash refunds shall be made for adjustments unless the account has been or is subsequently closed and a credit balance remains.

 **6.507. Appeals.** Customers who disagree with the determination of the clerk regarding their requested adjustments may appeal to the City Council. Said appeal must be in writing and shall be scheduled to be heard at the meeting immediately after receipt of the written appeal

**CHAPTER 7
STREETS AND PUBLIC PLACES**

**MAKING OF EXCAVATION**

 **7.101. Permit Required.** Unless acting under a contract with the City, no person, other than a duly authorized city official or employee in the course of his employment, shall make, cause or permit to be made, any excavation or opening in or under the surface or pavement of any street, alley, sidewalk or other public place within the limits of the City of Sanborn without first obtaining a permit from the City Council. In case of any emergency arising after normal office hours, at night, or on Sundays or legal holidays, when an immediate excavation may be necessary for the protection of public or private property, the person desiring to make the excavation shall contact either the street inspector, city maintenance person or the city clerk who may grant permission to make the necessary excavations upon the express conditions that if requested, the applicant appear at the next regular or special council meeting to review the application and discuss any follow up that may be required.

 **7.102. Application for Permit.** Any person desiring to procure a permit as herein provided shall file with the city clerk, at least 24 hours before the time proposed to begin such work, a written application stating the following: name and business or residence address of the applicant; the name of the street, alley, sidewalk or public place in or under which it is desired to make the excavation or opening; the kind of pavement or sidewalk thereon; the purpose, size and location of the proposed excavation or opening; the name and business or residence address of the person for whose benefit the work is to be done; and the time during which it is desired such opening is to be permitted. When required by the clerk, the application shall be accompanied by a plan or pencil tracing or sketch showing the location, character and dimensions of the proposed excavation or opening for the installation of new work, or the location and character of the alterations involving the location of pipes, conduits, wires or other conductors.

**7.103. Granting of Permit.** The City Council may grant any request for an excavation and may impose such reasonable conditions as the Council may from time to time determine. The clerk, upon the filing of the application shall, with the consent of the Council (or in emergency situations, with the consent of the street inspector, the city maintenance person or the city clerk in his or her own discretion,) issue a permit which shall state the following: name and address of the applicant; the location, nature, purpose and extent of the excavation or opening, the kind or kinds of pavement to be disturbed; the amount of the fee paid by the applicant; and the dates of granting and expiration of the permit. All permits shall be consecutively numbered, and shall be made in duplicate, one copy to be given to the applicant, and one to remain on file in the office of the clerk. Such permit shall at all times be in the possession of a competent person actually on the work site and shall be shown upon demand to a police officer or properly authorized officer or employee of the City. The Clerk may, in his/her discretion, require any permittee, except a public utility corporation or a bonded plumber, to file with the application a surety bond in an amount determined by the City Council and conditioned that the permittee will:

 (1) Perform work and the excavation in accordance with applicable ordinances and regulations;

 (2) Indemnify the City and hold it harmless from all damage caused in the execution of such work; and

 (3) Pay all costs and damages suffered by the City by reason of the failure of the permittee to observe the terms of applicable ordinances and regulations because of negligence in the execution of the work.

 Any bond so required shall be approved as to form and legality by the City Attorney.

 **7.104. Guarding Excavations and Obstructions.** Any person making or causing to be made an excavation or opening in any street, alley, sidewalk, or other public place, or within ten feet of the line of any street, shall, between sunset and sunrise on every night that the same remains open or danger exists therefrom, keep such excavation or opening fenced and barricaded with substantial barriers to secure the public safety, and place adequate warning lights so as to properly warn all persons of such excavation or opening and all obstructions. No unauthorized person shall remove or interfere in any way with any such light or other danger signal or any such barriers.

**REMOVAL OF SNOW AND OTHER NATURAL DEBRIS**

 **7.201. Removal of Snow or Ice Required.** The owner or occupant of any buildings, grounds or premises which abut any public sidewalk in the City shall keep said sidewalk free from snow or ice and other natural debris, such as branches, leaves, lawn clippings and tree nuts or fruit. No such owner or occupant shall allow snow, ice, or other natural debris to remain on the sidewalk longer than twelve (12) hours after its deposit thereon. During removal, the owner or occupant shall not cause such snow, ice, or other natural debris to be placed on the City Street or gutter after the city plow has went by.

**7.202. Removal by City.** A designated official or employee of the City shall remove from all public sidewalks all snow, ice, or other natural debris as soon as possible beginning twelve (12) hours after any such matter has been deposited thereon or after the snow has ceased to fall. He shall keep a record showing the cost of such removal adjacent to each separate lot and parcel and shall deliver such information to the City clerk. If the owner or occupant of the property fails to pay the expense of removal of the ice, snow, or other natural debris, then the charge for such work will be made a special assessment against the property concerned.

 **7.203. Removal of Snow and Ice on City Streets.** The City of Sanborn believes that it is in the best interest of the residents for the City to assume basic responsibility for control of snow and ice on city streets. Reasonable ice and snow control is necessary for routine travel and emergency services. The City will provide such control in a safe and cost-effective manner, keeping in mind safety, budget, personnel and environmental concerns. The City will use city employees, equipment and/or private contractors to provide this service.

1. The Maintenance Department personnel will decide when to begin snow or ice control operations. The criteria for that decision are:
2. Snow accumulation of 2 inches or more;
3. Drifting of snow that causes problems for travel;
4. Icy conditions which seriously affect travel; and
5. Time of snowfall in relationship to heavy use of streets.
6. Snow and ice control operations are expensive and involve the use of limited personnel and equipment. Consequently, snowplowing operations will not generally be conducted for snowfall of less than 2 inches.
7. Manner of Snow Removal. Snow will be plowed in a manner so as to minimize any traffic obstructions. The snow shall then be pushed from left to right. The discharge shall go onto the boulevard area of the street. In times of extreme snowfall, streets will not always immediately be able to be completely cleared of snow.
8. Vehicle Removal. No vehicle shall be parked on a city street in a manner that interferes with snow removal operations. A vehicle shall be deemed to be in violation of this section if it is continuously parked on a city street for a period of 8 hours following the commencement of snow removal activities. A vehicle shall also be in violation of this section if such vehicle, following the commencement of snow removal activities, is thereafter parked on a city street in an area which has not been cleared of snow. Any vehicle parked in violation of this section is subject to towing at the owner’s expense, and the owner thereof shall be guilty of a petty misdemeanor.
9. Snow Removal. The Maintenance Department personnel will determine when snow will be removed by truck from the area. Such snow removal will occur in areas where there is no room on the boulevard for snow storage and in areas where accumulated piles of snow create a hazardous condition. Snow removal operations will not commence until other snowplowing operations have been completed. Snow removal operations may also be delayed depending on weather conditions, personnel and budget availability. The snow will be removed and hauled to a snow storage area. The snow storage area will be located so as to minimize environmental problems.
10. Priorities and Schedule for Which Streets Will be Plowed. The City has classified city streets based on the street function, traffic volume, and importance to the welfare of the community. Routes will be plowed in the most cost effective and timely manner.
11. Work Schedule for Snowplow Operators. Snowplow operators will be expected to work eight-hour shifts. In severe snow emergencies, operators sometimes will have to work in excess of eight-hour shifts. However, because of budget and safety concerns, no operator shall work more than a twelve-hour shift in any twenty-four-hour period. Operators will take fifteen-minute break every two hours with a half-hour meal break after approximately four hours. After a twelve-hour day, the operators will be replaced if additional qualified personnel are available.
12. Weather Conditions. Snow and ice control operations will be conducted only when weather conditions do not endanger the safety of employees or equipment, and operations are effective. Factors that may delay snow and ice control operations include: severe cold, significant winds, limited visibility and rapid accumulations of snow and/or ice.
13. Use of Sand, Salt and Other Chemicals. The City will use sand, salt, and other chemicals when there are hazardous ice or slippery conditions. The City is concerned about the effect of such chemicals on the environment and will limit its use for that reason. Even after reasonable care, snow and ice may still build up.
14. Damage to Personal Property. Only those properties which are installed properly and allowed by city ordinance to be adjacent to streets and area damaged by actual contact with city equipment will be considered for repair or replacement at city expense. Damage to trees, shrubbery and other landscaping will not be considered for compensation. Damage to personal vehicles will be considered only if they are legally parked and only if physically contacted by equipment.
15. Plowing of Private Property. Unless there is direct benefit to city operations or unless emergency vehicles need access, there shall be no plowing of private property with city equipment.
16. State of Minnesota Plowing. Certain streets, such as Highways, within the city are maintained by the Minnesota Department of Transportation, and fall under state maintenance policies.

**OBSTRUCTION OF STREETS**

 **7.301. Permanent Obstructions.** No person, firm or corporation, other than a duly authorized City official, shall place any permanent obstruction in the public streets, except that upon application duly made to the City Clerk, the City Council may in its discretion, grant special permission whereby the streets in the City of Sanborn may be closed to regular vehicular traffic for specific times. If the streets are closed as authorized by this section, there shall be placed on each side of the street being closed a barricade, which barricade shall be placed thereby by the applicant seeking permission to close the street.

 **7.302. Loading, Unloading, and Delivering of Goods.** No person shall allow any implement or goods of any kind to stand or be placed in or on any street for a period exceeding the time necessary for loading, unloading or delivering the same.

 **7.303. Building Materials.** No person, firm or corporation shall store or place building materials of any type on the streets, alleys or sidewalks within the City limits that obstruct normal daily traffic.

 **7.304. Penalty.** Any person, firm or corporation violating any provision of Section 7.301 to 7.304 shall be guilty of a petty misdemeanor and the City may remove said obstruction at the owner’s expense.

**OBSTRUCTION OF SIDEWALKS**

 **7.401. Obstruction of Sidewalks.** No person, firm or corporation shall obstruct or cause to be obstructed any portion of any public sidewalk except as provided for in this code.

 **7.402. Displays.** No person shall display any merchandise, goods or wares on the public sidewalks of the City except that merchandise, goods or wares may be displayed by a person on the sidewalk in front of a place of business, store or building owned or occupied by that person. Such displays shall not extend more than three feet from the outer edge of the sidewalk, or be displayed for more than ten hours. No displays shall remain standing overnight.

 **7.403. Receiving and Delivering.** No person shall receive or deliver any goods, wares or merchandise upon a public sidewalk, except that any person may place or keep any goods, wares or merchandise baggage, or any article of personal property which he may be receiving or delivering, and he may unpack and remove the contents of any box, barrel or other receptacle, only on that part of any of any sidewalk next to the curb line not exceeding three feet in width and in front only of the store or building he owns, controls or occupies, but such goods, wares or merchandise shall not remain on such part of the sidewalk for a period longer than two hours. No goods, wares or merchandise shall remain on any sidewalk overnight, on any Sunday or any legal holiday.

 **7.404. Vehicles.** No person shall obstruct public sidewalks in any way by parking a vehicle of any type on or near the sidewalks within the City limits.

**VENDING MACHINES**

 **7.501.** No person shall place any type of vending machine on any public right of way, street, sidewalk or alley within the City of Sanborn without prior approval of the council.

**BICYCLES, SKATEBOARDS, ROLLER BLADES, ROLLER SKATES, IN-LINE SKATES, SCOOTERS AND ROLLER SKIS**

 **7.601. Prohibited Acts.** It shall be unlawful for any person to ride, use or operate a bicycle, skateboard, roller blades, roller skates, in-line skates, scooters and roller skis as indicated below:

 (a) On private property of another without the express permission to do so by the owner or occupant of said property.

 (b) In a careless, reckless or negligent manner so as to endanger or be likely to endanger the safety of another person or property of another person.

 (c) Upon a public sidewalk within any business district.

 (d) By attaching the same or the person of the operator to any vehicle upon any roadway.

 (e) Upon a public street, sidewalk or other roadway after sunset and before sunrise.

 **7.602. Right of Way.** The operator of a bicycle, skateboard, roller blades, roller skates, in-line skates, scooters and roller skis merging from an alley, driveway or building upon approaching a sidewalk or sidewalk area extending from any alleyway, shall yield the right of way to all pedestrians approaching the sidewalk or sidewalk area, and upon encountering the roadway shall yield the right of way to all vehicles approaching on the roadway. Every person operating a bicycle, skateboard, roller blades, roller skates, in-line skates, scooters and roller skis upon a roadway shall ride as close as possible to the right hand curb or edge of the roadway.

 **7.603. Operation on Sidewalks.** Whatever person shall ride, use or operate a bicycle, skateboard, roller blades, roller skates, in-line skates, scooters and roller skis upon a sidewalk outside the business district, such person shall yield the right of way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

 **7.604. Impoundment.** Any person apprehended by a police officer in violation of the provisions of sections 7.601-7.604, does, by his use of the public streets and sidewalks, consent to the impoundment by said police officer a bicycle, skateboard, roller blades, roller skates, in-line skates, scooters and roller skis for a period of three days upon the first offense, seven days upon the second offense, and thirty days upon the third offense.

**INTOXICATING LIQUOR**

 **7.701. Liquor on Public Property.** No person shall consume or possess any open bottle of intoxicating liquor, non-intoxicating malt liquor or beer on any street, sidewalk or other public property, with the exception of the city park in the City of Sanborn, without obtaining a permit from the City. This Section shall not apply to the possession of an unsealed container in a motor vehicle on the streets, sidewalk or public property when the container is kept in the trunk of such vehicle, if it is equipped with a trunk, or kept in some area of the vehicle not normally occupied by the driver or passengers, if the motor vehicle is not equipped with a trunk. For purposes of this Section, a utility or glove compartment shall be deemed to be an area occupied by the driver or passengers.

**CHAPTER 8
VEHICLES AND TRAFFIC**

**GENERAL TRAFFIC AND ROAD RESTRICTIONS**

 **8.101. Truck Traffic.** The Council, to preserve the city streets, may by resolution restrict and limit truck traffic by posting signs and impose weight limits; such restrictions and limitations shall not apply to service vehicles.

**8.102. Highway Traffic Regulation Act Incorporated by Reference.** The regulatory provisions of Minnesota Statues, Chapter 169, as amended, one copy of which is on file in the office of the city clerk, are hereby adopted as a traffic ordinance regulating the use of highway, streets, and alleyways within the City insofar as such provisions are applicable thereto, and, except as otherwise provided by this code, are hereby adopted and made a part of this code as completely as if set out herein in full.

 **8.103. Exhibition Driving.** No person shall operate any vehicle in such a manner as to create or cause unnecessary engine noise, tire squealing, skidding or sliding upon acceleration or stopping, or in such a manner as to simulate a race or temporary race or to cause such vehicles to unnecessarily sway or turn abruptly or to impede traffic.

**PARKING REGULATIONS**

 **8.201. Parking and Storing.** It shall be unlawful for anyone to park, store or keep any vehicle, recreational equipment, or other device or structure as enumerated herein, in violation of the terms of this Section.

1. Definitions. For purposes of this Section the following words have the meanings specified below.
	1. “Vehicle” or “vehicles” means a vehicle as defined in Minn. Stat. § 169.011, including pioneer, classic collector and street rod vehicles, but excluding small trailers that are clearly designed to be used for general yard and garden purposes and not for travel on the roadways.
	2. “Recreational devices” means and includes the following:
2. Boats, boat trailers, and any other water-craft
3. snowmobiles; and
4. all-terrain vehicles as defined in Minn. Stat. § 84.92, subd. 8.
	1. “Front yard area” means all that area between the front property line and a line drawn along the front face or faces of the principal structure on the property and extended to the side property lines.
	2. “Outside” means to be outside of an enclosed storage facility and visible from any other property.
	3. “Occasional Guest” means a person who does not reside on the property on a regular basis, or a person who resides on the property no more than any part of four months during a year.
	4. “Residential area” is as defined in Section 9.105 of the Sanborn City Code.
5. Declaration of nuisance. The outside parking and storage on property in a residential area of vehicles, recreational devices, materials, supplies or equipment not customarily used for residential purposes in violation of the requirements set forth below is declared to be a public nuisance because it (a) obstructs views on streets and private property, (b) creates cluttered and otherwise unsightly areas, (c) prevents the full use of any streets or alleys, (d) introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited, (e) decreases adjoining landowners and occupants’ enjoyment of their property and neighborhood, and (f) otherwise adversely affects property values and neighborhood patterns.
6. Unlawful parking and storage.
7. No vehicle or recreational device as defined in this Section of the City Code shall be stopped, parked, or left standing upon any street for a continuous period in excess of thirty (30) days. No vehicle shall be parked within view of a City Street for more than thirty (30) days. Vehicles must be driven on a regular basis or stored in an appropriate facility. Vehicles parked or stored outside must bear current license plates.
8. No vehicle shall be parked on any street or alley or the right of way thereof for the purpose of displaying it for sale or for storage, or for the purpose of assembling or repairing the same.
9. A person must not place, store, or allow the placement or storage of pipe, lumber, forms, steel, machinery, or similar materials, including all materials used in connection with a business, outside on property in a residential area, unless shielded from public view by an opaque cover or fence.
10. A person must not cause, undertake, permit or allow the outside parking and storage of vehicles or recreational devices on property in a residential area unless it complies with the following requirements.
11. No more than a total of four vehicles and recreational devices per lawful dwelling unit may be parked or stored anywhere outside in a residential area. This maximum number does not include vehicles of occasional guests who do not reside on the property.
12. Vehicles or recreational devices that are parked or stored outside in the front-yard area must be on a paved or graveled parking or driveway area.
13. Vehicles, recreational devices and other articles stored outside on residential property must be owned by a person who resides on that property. Students who are away at school for periods of time but still claim the property as their legal residence will be considered residents on the property.
14. Vehicles stored outside on residential property must bear current license plates.
15. Vehicles stored outside on residential property may not be stored on the property more than any part of 20 days in any month if they are inoperable.
16. A person owning, driving or in charge of a vehicle with a weight classification of G through T inclusive, as specified in Minn. Stat. § 168.013, Subd. 1e, must not cause or permit that vehicle to be parked outside or to stand continuously for more than two (2) hours on any property or public street within a residential area and no more than twelve (12) hours within a commercial area within the city limits. Vehicles must be moved for at least twelve (12) hours before returning.
17. Exceptions. The prohibitions of this section do not apply to the following:
18. A motor truck, pickup truck or similar vehicle being used by a public utility, moving company, or similar company, that is actually being used to service a residence not belonging to or occupied by the operator of the vehicle;
19. A vehicle that is actually making a pickup or delivery at the location where it is parked. Parking for any period of time beyond the period of time reasonably necessary to make the pickup or delivery and in excess of the two-hour limit is unlawful; and
20. Lawful nonconforming and permitted uses, including a semi-trailer which has been converted to a permanent structure by removal of the wheels and located on a property for which a land use permit has been issued allowing such structure.
21. Abatement. A police officer or other authorized person may order a vehicle constituting a public nuisance under subparagraph 3.D., above, to be immediately removed and/or impounded. The impounded vehicle will be surrendered to the owner by the towing contractor only upon payment of the required impound, towing and storage fees.
22. Penalty. Violation of any of the terms or prohibitions of this Section shall be a misdemeanor. In addition, if the owner or person in charge, parks, stores or keeps a vehicle or recreational device in violation of the provisions of this Section, it may be removed and stored by the city at the owner’s expense.

 **8.202. Angle Parking, Double Parking, No Parking and Limited Parking Zones.** The City Council may, from time to time, by motion or resolution, designate portions of the highways and streets within the City of Sanborn as angle parking zones, as no parking zones and/or as limited parking zones, shall cause such zones to be marked by appropriate signs. The location of such signs shall be prima facie evidence that the City council has by proper resolution or motion authorized the establishment of such angle parking, no parking and/or limited parking zones on the basis of convenience to the public and traffic hazards. No person shall park any vehicle in any angle parking, no parking and/or limited parking zone for a longer period than is specified on the signs marking such zones. No vehicles shall be double parked on any street or highway in the City of Sanborn.

 Parking is prohibited on the North side of Central Street between West Street and Yaeger Street and parking is prohibited on the south side of Central Street between West Street and Yaeger Street from November 15th through March 31st.

 **8.203. Authority of Council to Restrict Parking.** The City council shall have power to make reasonable rules and regulations relative to the parking, stopping, or locating of any motor vehicle, trailer, semi-trailer, or other personal property, in and upon any highway, street, alley, public parking lot, or other public place in the City of Sanborn during periods of snow removal, street cleaning or sweeping, street construction, improvement or repair, and the construction, improvement or repair of utilities located in and upon such highway, street, alley, public parking lot, or other public place. Such regulations shall be posted in the City Hall and copies thereof may otherwise be given in such manner as the City Council may direct. Any motor vehicle, trailer, semi-trailer, or other personal property parked, stopped or located in and upon any highway, street, alley, public parking lot or other public place in the City of Sanborn in violation of such regulations may forthwith be removed therefrom by any officer agent or employee of the City and the cost of such removal shall be paid for by the owner of the vehicle.

**SNOWMOBILE OPERATION REGULATION**

 **8.301.** The rules and regulations promulgated by the Commissioner of natural Resources of the State of Minnesota in the manner provided by Minnesota Statutes, chapter 84, for the following purposes are herewith incorporated by reference and made a part hereof.

 (1) Registration of snowmobiles and display of registration numbers.

 (2) Use of snowmobiles insofar as game and fish resources are affected.

 **8.302.** The rules and regulations promulgated by the Commissioner of Highways not inconsistent herewith in the manner provided by Minnesota Statutes, Chapter 84, regulating the use of snowmobiles on streets and highways are herewith incorporated by reference and made a part hereof.

**8.303.** It shall be unlawful for any person to drive or operate a snowmobile:

 (1) At a rate of speed greater than reasonable or proper for all surrounding circumstances.

 (2) In a careless, reckless or negligent manner so as to endanger the person or property of another, or to cause injury or damage thereto.

 (3) While under the influence of alcohol, controlled substances, as defined by M.S. 152.01, Subd. 4, or a combination thereof.

 (4) Without a lighted head lamp and tail lamp when required for safety.

 (5) In such a manner as to unreasonably annoy or disturb the rest or repose of any resident of the City of Sanborn.

 (6) Upon private property of another without the express consent of the owner or occupant thereof.

 (7) At a speed in excess of fifteen miles per hour upon any street, alley, highway or other public ground or place in the City of Sanborn.

 (8) Upon a public sidewalk within the city of Sanborn.

 **8.304. Certain Operators.** No person under the age of 12 years may operate a snowmobile upon any street, highway, alley or other public ground or place in the City of Sanborn. No person 12 years of age or older, but less than 16 years of age, may operate a snowmobile upon any street, highway, alley or other public ground or place in the City of Sanborn unless he has in his possession a valid snowmobile safety certificate issued by the Commissioner of Natural Resources of the State of Minnesota.

 **8.305 Operation on Streets.** No person shall operate a snowmobile upon any street, highway, or alley except for the purpose of traveling to the city limits and returning therefrom to the place where the snowmobile is stored or kept.

 **8.306.** It shall be unlawful for two or more snowmobile operators to operate their vehicles abreast upon any street, alley, highway or other public ground or place in the City of Sanborn.

 **8.307.** It shall be unlawful for any snowmobile operator to pass another snowmobile while such snowmobile is in operation and under way on any street, alley, highway or other public ground or place in the City of Sanborn.

 **8.308.** It shall be unlawful for any snowmobile owner to permit the operation of any snowmobile owned by him contrary to the provisions of this Chapter.

 **8.309. Towing.** No person shall operate a snowmobile within the City of Sanborn while towing a sled, toboggan, or other object, nor any person riding on the same unless such sled, toboggan, or other object is attached to the snowmobile by a solid hitch.

 **8.310. Mufflers.** No person shall operate a snowmobile within the City with a muffler or mufflers that fail to comply with the specifications set forth in the rules and regulations adopted by the Commissioner of Natural Resources of the State of Minnesota.

 **8.311. Liability.** Any person operating a snowmobile within the City with the consent of the owner, express or implied, shall be deemed to be the agent of such owner for purposes of liability to third parties.

**CHAPTER 9
HOUSES, BUILDINGS AND STRUCTURES**

 **9.101. Permission for Construction Required.** No building, fence, or other permanent structure shall be erected within the City without a land use permit obtained in writing from the Council. The written permission shall be granted by the clerk at the direction of the council. The permit shall specify the location, the time in which it is to be erected, a description of the size, and a description of the materials to be used, in constructing said building, fence, or other permanent structure. Said permit shall not be construed to authorize the erection of any building in such a manner as to conflict with this Chapter.

 **9.102. Fees.** The fee for a land use permit and other inspections shall be determined from time to time by resolution of the City Council.

 **9.103. Construction Guidelines.**

1. Setback.The Council shall use the following requirements in determining construction requirements: Each building, fence, or other permanent structure shall be constructed five feet or more from each side lot line; ten feet from the alley line; and thirty feet from the front of the lot, unless the owner can show that the existing buildings, fences, and other permanent structures on the block are less than thirty feet from the front line of the lot. The City may grant a variance from these requirements if, after notice, the Council finds as a fact that the value of the adjacent property will not be diminished by the variance from these requirements. A variance may state any conditions which may be set by the council to protect the value of adjacent property.
2. Fence Height. No fence located in a side or rear yard shall be of a height exceeding eight (8) feet at any point, measured from its top edge to the ground. No fence located in a front yard shall be of a height exceeding four (4) feet at any point, measured from its top edge to the ground. The City Council may grant a variance from the front yard height restriction for fencing located in the fire limits of the City of Sanborn, provided that no fence shall be installed in any area at a height exceeding eight (8) feet.
3. Fence Construction Materials. All fences shall be constructed of stone, brick, finished wood, or chain link. The finished side of the fence, or that side of the fence without exposed supports or posts, shall face the neighboring properties, streets, or alleys.
4. Fence Maintenance. Every fence shall be maintained in a good and safe condition at all times. Every damaged or missing element of any fence shall be repaired or replaced immediately.
5. Lot Size. No more than one residential dwelling shall be located on a lot, piece or parcel of land in the City, unless such lot contains at least 15,000 square feet.
6. Water and Sewer Connection. If more than one residential dwelling is to be located on a lot, piece or parcel of land in the City, each such residential dwelling shall conform to the water and sewer connection requirements of Chapter 6 and shall be separately metered.

 **9.104. Repair or Rebuilding at the Cost of the Builders.** Any house, building, fence, structure, or chimney replaced, removed, built, or repaired contrary to the provisions of this Chapter shall be torn down and moved by and under the direction of the Council, and the costs of such tearing down and removal shall be charged against the owner and/or builder thereof. Said costs may be recovered in civil action against both or either of them.

 **9.105. Residential Area Defined.** A residential area is any area of the City that is not included in the area designated in Section 9.106.

 **9.106. Fire limits Established.** The following are hereby declared to be the fire limits of the City of Sanborn, to wit:

 Lots 5 and 6, Block 3, Lehne’s Addition;

 West Half of Block 6, Winona & St. Peter Land Company’s Third Addition;

 West Half of Block 1, Winona & St. Peter Land Company’s First Addition;

 West Half of Block 1, Wells & Schroeder’s Addition;

 Lots 1 and 2, and Lots 7 and 8, Block 5, Original Plat;

 East Half of Block 2, Winona & St. Peter Land Company’s First Addition;

East 60 feet of Lots 10, 11 and 12, Block 2, Winona & St. Peter Land Company’s First Addition;

Entire area lying between Block 3, Lehne’s Addition, and Block 6, Winona & St. Peter Land Company’s third Addition;

The entire area included in the right of way of the Chicago and Northwestern Railway Company, extending from Main Street westerly to a point 1000 feet westerly from the west line of West Street.

 **9.107. Building Construction Materials.** No building shall be constructed or placed within the fire limits defined in 9.106 unless said building shall be constructed in the following manner:

 (1) The outside walls shall be composed of brick, stone or any non-combustible material and shall not be less than eight inches in thickness, and all the outside walls of flat roof buildings extend to and at least twelve inches above the roof.

 (2) All chimneys hereafter constructed within the said fire limits shall be built to a height of at least four feet above the roof. No chimney shall be built with less than four inches thick of brick and shall be completely imbedded in lime or cement. Each flue shall be plastered on the inside with a soft coat of mortar or cement. No flue shall be of less size than eight inches by eight inches on the inside.

 **9.108. Repair of Damaged Buildings.** No wooden buildings within said fire limits shall be repaired and replaced when the same shall have been damaged by fire or otherwise, to the extent of fifty percent of the value thereof.

 **9.109. Moving Wooden Buildings into Fire Limits.** No person shall move any wooden building or structure from any part, section or lot within or without said fire limits, to any part, section or lot within said fire limits.

 **9.110. Mobile Homes.** No mobile or manufactured home shall be located in any area of the City without a land use permit obtained in writing from the City Council. Mobile or manufactured homes must comply with the “Construction Guidelines” for buildings and residential dwellings, as set forth in Section 9.103. Prior to issuance of permission, the City Council may, in its discretion, first hold a public hearing on the matter, and if a hearing is to be held, it shall be preceded by two weeks’ published notice and a special meeting fee as set on the annual fee schedule will . The notice shall give the name of the applicant, location of the property, brief description of its intended use and the date, time, and place of the hearing.

 **9.111. Moving, Razing or Relocation of Buildings in the City**

1. **Application.** In addition to the other required information to be furnished in the application for a land use permit required under this Chapter, the applicant shall provide the approximate size and weight of the structure or building proposed to be moved, razed or demolished, together with the places from and to which it is proposed to move the same, and the route to be followed.
2. **Bond Required.** Before any permit is granted, a bond, approved by the corporate counsel and in such amount as the City council may require based on its estimated valuation, shall be deposited with the City Clerk conditioned to indemnify the City for damage to any street or other public property, and in the case of razing or demolition, completion of the work within the time specified in the permit, which work will include filling any pit, basement or other excavation and the complete sodding thereof. In lieu of the bond, the applicant may submit a certified check for the amount of the bond payable to the City of Sanborn, which amount shall be returned upon the successful completion of the work in accordance with the terms of the application and permission granted.
3. **Subdivision Application.** This Subdivision applies whether the building or other structure proposed to be moved starts from a point of origin within or without the City and is to a point of destination within or without the City, or whether the movement is merely throughout the City with both a point of origin and destination without the City.
4. **Open Pits, Basements and Other Excavations.** It is unlawful for any person owning or in control of real estate to have any pit, basement, well, septic tank, cesspool, swimming pools or other excavation on said premises open and without protection for the public, except drainage ditches or park ponds.
	1. If such excavation is open for seventy-two (72) houses or less, it shall be protected by use of flares or lights at night and a railing or other temporary protection during the day.
	2. If it shall be permanently installed, it shall be protected with a chain link fence of at least 48 inches high, night and day.

 **9.112. Violations and Penalties.** Any person violating any provision of this Chapter shall be guilty of a petty misdemeanor and upon conviction thereof may be subject to a fine not to exceed the maximum fine permitted by law. Each day that a violation continues shall be considered a separate offense.

 **9.113. Opting-Out of Minnesota Statutes, Section 462.3593.** Pursuant to authority granted by Minnesota States, Section 462.3593, subdivision 9, the City of Sanborn opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

**9.114. Construction of Solar Energy Systems**

1. **Purpose.** In order to accommodate the renewable energy needs of residents and businesses and enhance the sustainability of local energy production and consumption, while protecting the public health, safety and general welfare of the community, the city finds that these regulations are necessary in order to:
2. Allow property owners the opportunity to capture their on-site solar energy resource;
3. Allow small-scale solar distributed generation that can provide support to the local electric grid;
4. Enhance the economic use of local resources and foster the development of solar energy businesses in the city;
5. Minimize adverse visual effects of solar energy installations through careful design and siting standards; and
6. Encourage distributed generation that fully integrates into the municipal electric utility to protect the utility's distribution system, protection and control schemes, and maintain existing levels of safety and reliability to customers.
7. **Definitions**. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
8. **Building Integrated Solar.** A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.
9. **Ground or Pole-Mounted Solar Energy System.** A solar energy system mounted on a rack or pole that rests on the ground or on a foundation, and is not connected to a building except by the electric system.
10. **Roof And Building-Mounted Solar Energy System**. A solar energy system mounted on top of the finished surface of a building roof or another component of the finished building surface.
11. **Solar Collector Surface.** The surface and framing of a solar collector, excluding the rack, rail, or other device upon which the collector is mounted.
12. **Solar Energy System.** A mechanical or electrical device whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.
13. **Permitted Accessory Use.** Solar energy systems are allowed as an accessory use in all residential areas, subject to certain requirements as set forth below.
14. **Height.** Building or roof-mounted solar energy systems shall not extend more than three feet above the peak of a pitched roof, and shall not extend more than ten feet above the roof surface of flat roofs or roofs with minimal slope (under 10%).
15. **Set-back.** Solar energy systems are required to meet set-back standard for the residential area, except as provided below:
	1. Solar energy systems mounted on the primary building or garage are allowed to extend into a required side or rear yard. Measurements of encroachment are made from the edge of the collector or the collector support system, whichever extends nearest to the adjacent property line.
	2. For roof-mounted solar energy systems the collector surface and mounting devices shall not extend beyond the exterior perimeter of the building's roof, except as such extensions are building-integrated systems, designed to serve as an awning or canopy. Exterior piping for solar hot water systems or electrical conduit or other electric component shall be allowed to extend beyond the perimeter of the building on a side or rear yard exposure.
	3. Clearance to electric lines. Electric lines passing over the collector must have a minimum clearance of ten feet, or most recent standard in the National Electric Safety Code.
16. **Visibility.** Building or roof-mounted solar energy systems shall be designed to blend into the architecture of the building, as viewed from the front public right-of-way. Solar energy systems that meet the following design standards shall be in compliance with the visibility requirements:
	1. On pitched roofs, the solar collectors shall not extend above the peak of the roof.
	2. On pitched roofs on a corner lot, roof-mounted systems shall be flush-mounted.
	3. The solar collector shall not extend beyond the edge of the finished roof.
	4. Solar energy systems not meeting the above design standards shall require a conditional use permit.
17. Approved solar components. Electric solar energy system components must have a UL listing and solar hot water systems must have an SRCC rating.
18. Compliance with state codes. All active solar energy systems shall meet approval of the relevant code officials, consistent with the most currently adopted State of Minnesota Building Code, National Electric Code, National Electric Safety Code and Plumbing Code.
19. Ground or Pole Mounted Solar Energy Systems shall not be permitted in residential areas.
20. **Restrictions on Solar Energy Systems Limited.**
21. Noise generated by the system shall not exceed 30 decibels, measured at the property line.
22. Operation of the system at the proposed location shall be consistent with reasonable enjoyment of adjacent property.
23. System shall be kept in good repair and sound condition. Upon abandonment of its use, the structure shall be immediately dismantled and removed from the property.
24. System will be so equipped that in the case of a loss of electricity by the city electrical system, the solar system will be shut down, and no electricity will be put into the city electrical distribution lines.
25. If the system is used to heat the property of the owner of the system, the property shall be equipped with switching devices so that the city electricity may be switched off by an electronic signal during a period of high demand of electricity. The owner shall have an alternate source of heat for such periods.
26. No homeowners’ agreement, covenant, common interest community standard, or other contract between multiple property owners shall prohibit property owners from installing solar energy systems for the capture of direct sunlight. Design review conducted by a common interest community as applied to proposed solar energy installations within the CIC may reasonably require mitigation of visual impacts but may not preclude solar development within the CIC.

**9.201 Uniform System of Street Names and House/Building Numbers.** House and building numbers shall be assigned and displayed in accordance to the following plan:

1. Assignment of numbers shall be as agreed by the City Council or its agent, the City Clerk.
2. Central Street shall be the base street running east and west.
3. Main Street shall be the base street running north and south.
4. Those buildings nearest the base streets (Central Street and Main Street) will use the smallest numbers in that block series.
5. Odd numbers shall be on west and north sides of streets. Even numbers shall be on east and south sides of streets.
6. Initial numbers will be assigned by the City Clerk.
7. Numbers shall be displayed within 30 days from the time the owner, lessee, or occupant are notified by the City Clerk either in person or by mail.
8. Numbers shall be no less than three inches in height and displayed so as to be clearly visible from the street.
9. Numbers for the even side of blocks will end with “0” except upstairs and basement residences will end with “6.” Numbers for the odd side of blocks will end with “1,” except upstairs or basement residences will end with “5.”
10. The first block north and south of Central Street and east and west of Main Street will begin numbering with 100.
11. Blocks will use 00, 10, 20, 30, 40, etc. on even sides and 01-11-21-31-41, etc. on odd sides of residential blocks for unison and clarity as much as possible. The City Clerk will follow the numbering system as much as possible, but may leave space for future expansion or change.
12. Whenever a qualifying building is erected or moved in place, a number shall be assigned at the time the building permit is granted.
13. On or before January 31 of each year, the City Clerk shall prepare a certificate stating the new numbers assigned during the preceding calendar year.

**CHAPTER 10
SANITATION**

**GARBAGE, TRASH AND REFUSE**

 **10.101. Accumulation of Garbage or Trash Prohibited.** No person shall allow to accumulate on any premises in his possession or under his control any quantity of trash, rubbish, or any garbage, manure, offal, or other like substance subject to rot, decay or putrefaction nor shall any person place the same without valid permission in any waters or upon any public places within the City. Any person may, in a rodent-proof structure and in an otherwise sanitary manner and with the approval of the health officer, accumulate leaves, grass clippings and easily biodegradable, non-poisonous garbage for the purpose of composting.

 **10.102. Abatement of Accumulated Garbage and Trash.** When any accumulation of trash, rubbish, garbage, manure, offal, or other like substance within the City, a written notice shall be given to the person having authority over such accumulations to cleanse, remove, or abate the same within such time as the city determines necessary to protect health and safety.

 **10.103. Penalty.** Any person violating the provisions of Section 10.101 or who refuses or neglects to comply with any notice issued by the Health Officer under Section 10.102 shall be guilty of a petty misdemeanor.

**GARBAGE, TRASH AND REFUSE REMOVAL**

 **10.201. Contract with Person, Firm or Corporation to Remove Garbage, Trash, or Refuse.** The Council may by resolution at any time contract with any person, firm or corporation to have garbage, trash or refuse removed in a sanitary manner from the City.

 **10.202. Disposal Required.** Any person shall, in a sanitary manner, dispose of garbage, trash or refuse of any type that may accumulate upon property owned or occupied by him/her. Every householder, occupant, and owner of any residence or business shall use the garbage and refuse collection service provided by the City and will be charged the minimum of the current drive by fee, whether or not such service is utilized.

 **10.203. Rates Established by Resolution.** The Council may by resolution establish rates and billing procedures for the removal of each household’s or business’s garbage or trash.

 **10.204. Collection of Fees.** If any person, business or corporation shall refuse to make payment of said garbage, trash or refuse collection fees, they shall be given thirty (30) days written notice. If, after said period of time, payment has not been made, the City has the power to discontinue garbage pickup and/or the Council may direct the clerk to levy the charges against the property as a special assessment to be paid in a single installment with the following year’s property taxes. The Clerk shall certify said levy to the County Auditor on or before October 1 of each year.

 **10.205. Violation of Mandatory Garbage, Trash or Refuse Pickup.** Any person whose garbage, trash or refuse collection service is terminated for failure to pay for the same after receipt of a notice from the City Clerk warning him of possible termination, shall be deemed to have violated the mandatory garbage, trash or refuse pickup provisions of this Chapter. Said notice shall indicate that unless all charges which are over thirty (30) days delinquent are paid within fifteen (15) days after mailing of the notice, the City may notify the private contract holder to discontinue service to said customer. Further the notice shall indicate that such discontinuance of service shall constitute a violation of the mandatory garbage or trash pickup provisions of the City code, Section 10.202, and the fine therefore shall not be in excess of $100.00. In addition, the City council shall have the right to direct the Clerk to levy the charges against the property as a special assessment to be paid in a single installment with the following year’s property taxes and the Clerk shall certify said levy to the County Auditor on or before October 1 of each year.

 **10.206. Penalty.** Any person who violates any of the provisions of Sections 10.201 to 10.205 shall be guilty of a petty misdemeanor.

**YARD WASTE**

 **10.301.** No yard waste shall be disposed of as refuse, rubbish or garbage.

 **10.302.** The term “yard waste” means organic material, including garden waste, leaves, lawn cuttings, weeds, branches and prunings resulting from the trimming of trees, shrubs, or other vegetation.

 **10.303.** The City may at its discretion, provide an area wherein yard waste may be disposed of. This area shall only be for disposal of yard waste and shall be open only during times set forth by the City. It shall be unlawful to dispose of any materials other than yard waste in the area designated by the City.

**CHAPTER 11
ENVIRONMENTAL CONTROL**

**WEEDS AND GRASS**

 **11.101.** The word “weeds” as used in this Chapter shall be construed to mean and include not only such noxious weeds as are enumerated in the rules of the Minnesota Department of Agriculture, but also such useless and troublesome plants as are commonly known as weeds to the general public. The word “weeds” shall also be construed to include noxious odors, and also high and rank vegetable growth that may conceal filthy deposits.

 **11.102.** Any weeds or grass growing upon any lot or parcel of land in the City of Sanborn greater in height than 8” or which have gone or are about to go to seed, are hereby declared to be a nuisance and dangerous to the health, safety and good order of the City.

 **11.103.** When any conditions exist on any lot or parcel of land in the City of Sanborn violative of the provisions hereof, it shall be the duty of the city clerk to service a notice on the owner, occupant or agent to have such weeds or grass cut and removed within seven (7) days after the service thereof, and also stating that in case of non-compliance, the same will be done by the city clerk at the owner’s expense. Upon failure to comply with the provisions of said notice, and after the expiration of seven (7) days, the said City Clerk shall direct cutting and removal of such weeds or grass, and determine the cost thereof and charge the owner of the premises therewith, and shall not later than the first day of October of each year, certify to the county Auditor, the amount so charged against said premises, lots or parcels of land, together with a description on the premises and the name of the supposed owner, and such charge shall be collected and collection enforced in the same manner as taxes against said premises. If the occupant or agent of such property cannot be found, or when unknown, then the City Clerk may proceed without the service of said notice.

**PLANTING, MAINTENANCE, AND REMOVAL OF TREES AND SHRUBS**

 **11.201.** **Purpose.** It shall be the policy of the City of Sanborn to encourage citizen participation in the planting and maintenance of trees in public rights-of-way; to regulate the transplanting or removal of such trees and shrubs in order to eliminate and guard against dangerous conditions which may result in injury to persons using the streets, sidewalks, or property of the City; to prevent damage to any public sewer or water main, street, sidewalk, or other public property; and to guard all trees and shrubs within the City against the spread of disease or pests. The provisions of this Section shall apply to all trees, shrubs, or plants growing or hereafter planted in or upon any public right-of-way or other premises owned or controlled by the City, and also to all trees or shrubs growing or to be planted in or upon any private premises which shall threaten the lives, health, safety, or welfare of the public or of the property owned or controlled by the City.

 **11.202.** **Box Elder, Cottonwood and Dutch Elm Prohibited.** No person, firm or corporation shall plant or cause to be planted any box elder or cottonwood or Dutch elm tree at any place within the limits of this City or allow to remain standing any diseased trees, except that the planting of seedless cottonwood trees shall not be prohibited.

 **11.203.** **Trees prohibited on boulevards.** No pine or other coniferous tree or shrub of any variety, and no fruit or nut-bearing trees, shall be planted on any boulevard.

 **11.204.** **Trimming and cutting trees.** Trees or shrubs, standing in or upon any public highway, boulevard, alley, public place or private property on any lot or parcel of land adjacent to any public highway, boulevard alley or public place in this City, shall under the supervision of the Public Works Director at all times be kept trimmed by the owner or owners of the lot or parcel of land on or adjacent to which such trees or shrubs are growing, or standing, so as not to interfere with persons using the public streets, sidewalks, alleys and public places in this City, and any such owner or owners shall remove all shrubs, branches and trees as endanger the life, limb or property of other persons, or which interfere with the use of such streets, sidewalks, alleys, or public places for the purpose for which the same are intended. Trees and shrubs standing in or upon private property and extending over a public right-of-way shall be kept trimmed by the owner or occupant thereof so that the lowest branches projecting over the public street provide a clearance of not less than thirteen and one-half (13 ½) feet and over all other public places of not less than eight (8) feet. The Public Works Director may waive the provisions of this Chapter for newly planted trees if he determines that they do not interfere with public travel, obstruct the light of any street light, or endanger public safety. Any tree or shrub not trimmed as herein provided is hereby declared to be a public nuisance.

 **11.205.** **Obstructions to visibility at intersections.** No sign, fence, wall, hedge, planting or other obstruction to vision, extending from a height of two and one-half (2 ½ ) feet to ten (10) feet above the established street grade, shall be permitted within the area formed by the intersection of right-of-way lines at corner lots and a straight line joining the right-of-way lines at points which are twenty-five (25) feet in distance from the intersection of the right-of-way lines at the corner of the lot. This Chapter shall not apply to mail boxes, public utility poles, street name markers, official traffic signs and control devices, fire hydrants, and trees with no visual obstruction (except tree trunk) up to the height of ten (10) feet above the established street grade.

 **11.206.** **Obstructions near alley right-of-way.** No tree, shrub or hedge shall be planted within four feet of any alley right-of-way, and all trees, shrubs and hedges adjacent to any alley right-of-way shall be kept trimmed so that no part thereof extends within two feet of the alley right-of-way.

 **11.207.** **Violations and Remedies.**

* + - * 1. Upon determination that a violation of this Chapter exists, the City shall send written notice of the violation to the owner or occupant of the lot requiring the owner or occupant to remove all obstructions violating the provisions of this Chapter within five (5) days after receipt of the written notice.
				2. Upon failure of the owner or occupant of a lot to comply with the provisions of this Chapter within five (5) days after receipt of written notice from the City to do so, the City may enter upon such lot and remove therefrom any and all obstructions found to be in violation of this Chapter. Where trees, shrubs, hedges or other plantings constitute a violation of this Chapter, the City shall have the authority to either trim or remove the same based upon the most cost effective method, and those costs, if not paid in full by October 1st of each year, will be sent to the county for collection with the following year’s property taxes.
				3. In the event an obstruction violating this Chapter is located on City-owned right-of-way, such obstruction may be trimmed or removed by the City, whichever is applicable; provided, however, that prior to removal the City shall give written notice to the owner or occupant of the property adjacent to the City-owned right-of-way on which the violation of this Chapter is located of the City’s intention to remove the obstruction within five (5) days from the receipt of the written notice.

**VISUAL POLLUTION**

 **11.301. Fencing.** No wire fencing, wooden slat fencing, commonly referred to as “snow fencing,” or other fencing of any kind shall be allowed to exist within the City of Sanborn for any purpose, without majority approval of the City Council of the City of Sanborn. All fence elements must be permanently installed and constructed in a workmanlike manner to secure the fence in a vertically level position. Fences must be installed so that posts and lateral supports are not on the side of the fence facing an adjacent property or public right-of-way, unless exposed on both sides. This section shall apply to existing snow fencing falling within the defined category as well as any fencing to be constructed in the future.

 **11.302. Abandoned Motor Vehicles.**

 **(1) Impoundment and Sale.** The city shall take into custody and impound any abandoned motor vehicle as defined by Minnesota Statutes §168B.02, Subd. 2, or any vehicle other than the vehicle owned by a franchise automobile dealer, which does not bear current license plates for more than 45 days, unless it is kept in an enclosed garage or storage building. It shall give notice of the taking as provided by law and if the owner or any lienholder does not reclaim the vehicle within the period provided by law, it shall provide for the sale of the vehicle to the highest bidder at public auction or sale following two weeks’ published notice.

 **(2) Summary Action in Certain Cases.** When an abandoned motor vehicle is more than seven model years of age, is lacking vital component parts, and does not display a license plate currently valid in Minnesota or any other state or foreign country, it shall immediately be eligible for sale under Subd. 1 and shall not be subject to the notification, reclamation, or title provisions of Minn. Stat. §168B.01 to §168B.13.

 **(3) Disposition of Proceeds.** The proceeds of the sale of an abandoned motor vehicle shall be placed in the general fund of the city. If the former owner or entitled lienholder makes application and furnishes satisfactory proof of ownership or lien interest within 90 days of the sale, he shall be paid the proceeds of the sale of the vehicle less the cost of towing, preserving, and storing the vehicle and all administrative, notice and publication costs incurred in its handling.

 **(4) Definition.** Classic, pioneer, street rod, or collector military vehicles, as defined in Minn. Stat. §168.10, are not subject to this Chapter, but must be stored behind a privacy fence, which is not unsightly, or in a building meeting the standards of the Minnesota Building Code.

**PUBLIC NUISANCES**

 **11.401.** The following are declared to be public nuisances:

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

 (2) Accumulations in the open of discarded or disused machinery, household appliances, household furnishings, automobile bodies, parts or components thereof, scrap metal, scrap wood, brush piles, scrap concrete blocks, or other material, in a manner conducive to the harboring of rats, mice, snakes, or vermin, or to fire, health or safety hazards from such accumulation or from the rank growth of vegetation among the items so accumulated; or

 (3) The depositing of garbage or refuse, household appliances, household furnishings, automobile bodies, parts or components thereof, scrap metal, scrap wood, scrap concrete blocks, or other material on a public right-of-way or on adjacent private property.

 **11.402. Housing.** Said household appliances, household furnishings, automobile bodies, parts or components thereof, scrap metal, scrap wood and scrap concrete blocks may be housed in building meeting the standards of the Minnesota Building code.

 **11.403. Notice.**  Upon seven (7) days written notice to the owner of private premises on which such above described material is found, the City of Sanborn may remove the same and certify the costs of such removal as any other special assessment. Any of the above described material found on public property may be removed by the City of Sanborn immediately without notice and the costs of such removal may be collected from the party responsible for placing the material on public property, and assessed as a special assessment against any real estate owned by the responsible party which abuts the public property.

 **11.404. Other Abandoned Property.** All property lawfully coming into the possession of the city shall be disposed of as hereinafter provided.

 **11.405. Storage.** The department of the city acquiring possession of the property shall arrange for its storage. If city facilities for storage are unavailable or inadequate, the department may arrange for storage at privately owned facilities.

 **11.406. Claim by Owner.** The owner may claim the property by exhibiting satisfactory proof of ownership and paying the city any storage or maintenance costs incurred by it. A receipt for the property shall be obtained upon release to the owner.

 **11.407. Sale.** If the property remains unclaimed in the possession of the city for 60 days, the property shall be sold to the highest bidder at a public auction conducted under the director of the City Clerk after two weeks’ published notice setting forth the time and place of the sale and the property to be sold.

 **11.408. Disposition of Proceeds.** The proceeds of the sale shall be placed in the general fund of the city. If the former owner makes application and furnishes satisfactory proof of ownership within six (6) months of the sale, he shall be paid the proceeds of the sale of his property less the costs of storage and the proportionate part of the cost of published notice and other costs of the sale.

 **11.409.** This Chapter shall not apply to premises zoned for any of the above-mentioned uses.

**GRASS CLIPPINGS AND OTHER DEBRIS**

 **11.501.** No person shall deposit any grass clippings or other debris on the street or curb and gutter within the City of Sanborn.

 **11.502. Penalty.** Any person violating the provisions of Section 11.401 shall be guilty of a petty misdemeanor and responsible for the costs of clean-up.

**POSTING**

 **11.601. Posting on Outside of Buildings.** No person shall paste or in any other way post any written or printed material on any part of the outer walls of any building within the City without first having obtained the consent of the owner thereof.

**DUTCH ELM DISEASE**

 **11.701. Dutch Elm Disease.** Ordinance #77 previously adopted by the City Council, regulating the control of Dutch Elm, shall remain in full force and effect as fully as if set forth herein; a copy of which is included in the Appendix to this City Code.

 **11.702. Emerald Ash Borer.** A property owner who discovers that a tree is infested with Emerald Ash Borer shall notify the city of the location of the infected tree. Any tree infested with Emerald Ash Borer shall be disposed of within 30 days from the date of discovery. Any such infected tree that is not disposed of within the 30-day time frame shall be removed by the City at the property owner’s expense.

**NOISE POLLUTION**

 **11.801. Definitions.** For the purposes of this section, the following phrases are defined as follows:

* 1. “Engine retarding brake” shall mean a Dynamic Brake, Jake Brake, Jacobs Brake, C-Brake, Paccar Brake, transmission brake or other similar engine retarding brake system, which alters the normal compression of the engine and subsequently releases that compression.
	2. “Abnormal or excessive noise” shall mean (a) distinct and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort and repose of any person or precludes their enjoyment of property or affects their property’s value, (b) noise in excess of that permitted by Minnesota Statues Section 169.69, as it may be amended from time to time, which requires every motor vehicle to be equipped with a muffler in good working order, or (c) noise in excess of that permitted by Minnesota Statutes Section 169.693 and Minnesota Rules parts 7030.1000 through 7030.1050, as this statute and these rules may be amended from time to time which establish motor vehicle noise standards.

 **11.802.** It shall be unlawful for any person to discharge the exhaust or permit the discharge of the exhaust from any motor vehicle except through a muffler that effectively prevents abnormal or excessive noise and complies with all applicable state laws and regulations.

 **11.803.** It shall be unlawful for the operator of any truck to intentionally use an engine retarding brake on any public highway, street, parking lot or alley within the city which causes abnormal or excessive noise from the engine because of an illegally modified or defective exhaust system, except in an emergency.

 **11.804.** Minnesota Statutes Sections 169.69 and 169.693 (motor vehicle noise limits) and Minnesota Rules parts 7030.1000 through 7030.1050, as these statutes and rules may be amended from time to time, are hereby adopted by reference.

 **11.805.** Signs stating “VEHICLE NOISE LAWS ENFORCED” may be installed at locations deemed appropriate by the City Council to advise motorists of the prohibitions contained in this ordinance, except that no sign stating “VEHICLE NOISE LAWS ENFORCED” shall be installed on a state highway without a permit from the Minnesota Department of Transportation. The provisions of this ordinance are in full force and effect if no signs are installed.

**11.806.** It shall be unlawful for any person to make, or cause to be made, any loud, unnecessary or unusual noise which either annoys, disturbs, or affects the comfort, repose, health, or peace of others. The following acts are declared to be loud, unnecessary or unusual noises in violation of this section, but such enumeration shall not be deemed to be exclusive:

1. Operation of a motor vehicle in such a manner as to produce squealing of tires, exhaust noise, or engine noise, audible at a distance of three hundred (300) feet.
2. Shouting, yelling, or singing which is audible at a distance of one hundred (100) feet.
3. Operation of fixed machinery or equipment in a manner which is audible within a residential area at a distance of one hundred (100) feet from the outer boundary of such residential area.
4. Operation of excavation equipment, front end loaders, and other construction or demolition equipment between the hours of 10:00 p.m. and 6:00 a.m., in a manner audible in a residential area at a distance of one hundred (100) feet from the outer boundary of such residential area.

**11.807.** No person shall use or operate any electronic sound system or audio equipment, including but not limited to, any compact disc player, cassette tape player, AM-FM radio, citizens band radio, paging system or any other device designed to produce or reproduce audio sound, in such an unreasonably loud manner that it disturbs the peace, quiet and comfort of others or interferes with the right of another to use peacefully his/her property or public property without disturbance.

**11.808.** It shall be presumed that a violation of this Section has occurred when any electronic sound system or audio equipment is operated in a manner in which it is plainly audible at a distance of fifty (50) feet or more between the hours of 10:00 p.m. and 8:00 a.m. It shall be presumed that violation of this Section has occurred when any electronic sound system or audio equipment is operated in a manner in which it is plainly audible at a distance of one hundred (100) feet or more between the hours of 8:00 a.m. and 10:00 p.m.

 **11.809.** When sound violating this section is produced by an electronic sound system or audio equipment that is located in or on a vehicle, the vehicle’s owner is guilty of the violation, provided that if the vehicle’s owner is not present, the person in charge of the vehicle at the time of the violation is guilty of the violation.

**11.810.** This section shall not apply to sound produced by the following:

1. Amplifying equipment used in connection with activities for which a permit has been granted or in connection with any organized school, church, or other event or activity open to the public;
2. Anti-theft devices;
3. Church bells, chimes or carillons, school bells or emergency civil defense warning signals; and
4. Authorized emergency vehicles or other vehicles required by law to be equipped with sound devices.

**11.811.** **Penalty.** Any violation of the provisions of this section shall constitute a misdemeanor.

**CHAPTER 12
PUBLIC SAFETY**

**CIVIL DEFENSE**

 **12.101. Minnesota Civil Defense Act of 1951 Adopted by Reference.** The Minnesota Civil Defense Act of 1951, Minnesota Statutes 1971, Chapter 12, as amended by laws 1973 and 1974, insofar as it relates to municipalities, is adopted by reference as a part of this code as fully as if set forth explicitly herein.

 **12.102. Civil Defense Agency.**

 **(1) Agency and Director.** There is hereby created within the City of Sanborn a civil defense and disaster agency which shall be under the supervision and control of the Civil Defense Director, hereinafter called the director. The director shall be appointed by the City Council as set forth in Section 3.401. The director shall have direct responsibility for the organization, administration and operation of the civil defense agency, subject to the direction and control of the City Council.

 **(2) Organization and Functions.** The Civil Defense Agency shall be organized into such divisions and bureaus, consistent with state and local defense plans, as the director deems necessary to provide for the efficient performance of local civil defense functions during a civil defense emergency. The agency shall perform civil defense functions within the city and in addition shall conduct such functions outside the city as may be required pursuant to Minnesota Statutes, Chapter 12, or this Chapter.

 **12.103. Powers and Duties of Director.**

 **(1) Intergovernmental Arrangements.** With the consent of the City Council, the director shall represent the city at any regional or state organization for civil defense. He shall develop proposed mutual aid agreements with other political subdivisions within or outside the state for reciprocal civil defense aid and assistance in a civil defense emergency too great to be dealt with unassisted, and he shall present any such agreements to the City Council for its action. Such agreements shall be consistent with the civil defense plan and during a civil defense emergency, the Civil Defense Agency and civil defense forces shall render assistance in accordance with the provisions of such agreements.

 **(2) Civil Defense Plan.** The director shall prepare a comprehensive general plan for the civil defense of the City and shall present such plan to the City Council for its approval. When the Council has approved the plan by resolution, all civil defense forces of the City shall perform the duties and functions assigned by the plan.

 **(3) Reports.** The director shall prepare and present to the Council a report of activities and recommendations at such times and covering such periods as may be requested by the Council. Reports shall not be required more than once a year.

 **(4)** In accordance with the State and City Civil Defense Plans, the director shall institute such training programs and public information programs and shall take all other preparatory steps, including the partial or full mobilization of civil defense forces in advance of actual disaster, as may be necessary to the prompt and effective operation of the City Civil Defense Plan in time of a civil defense emergency. He may, from time to time, conduct such practice air raid alerts or other civil defense exercises as he may deem necessary.

 **(5)** The director shall utilize the personnel, services, equipment, supplies and facilities of existing departments and agencies of the City to the maximum extent practicable. The officers and personnel of all such departments and agencies shall, to the maximum extent practicable, cooperate with and extend such services and facilities to the local civil defense agency and to the Governor upon request. The head of each department and agency, in cooperation with and under the direction of the director, shall be responsible for the planning and the programming of such civil defense activities as will involve the utilization of the facilities of this department or agency.

 **(6)** The director shall, in cooperation with any existing City departments and agencies affected, organize, recruit and train fallout shelter managers, radiological monitors, police reserves, rescue personnel, auxiliary firemen, emergency medical personnel and any other personnel that may be required on a volunteer basis to carry out the civil defense plan of the City and the State. To the extent that such emergency personnel are recruited to augment a regular City department or agency for civil defense emergencies, they shall be assigned to such department or agency for purposes of administration and command. The director may dismiss any civil defense volunteer at any time and require him to surrender any equipment and identification furnished by the City.

 **(7)** Consistent with the Civil Defense Plan, the direction shall provide and quip emergency hospitals, casualty stations, ambulances, evacuation centers, and other facilities or conveyances for the care of the injured or well-being of homeless persons.

 **(8)** The director shall carry out all orders, rules and regulations issued by the Governor pertaining to civil defense.

 **(9)** The director shall direct and control the general operations of all local civil defense forces during a civil defense emergency in conformity with controlling regulations and instructions of State civil defense authorities. The heads of departments and agencies shall be governed by his orders in respect thereto.

 **(10)** Consistent with the Civil Defense Plan, the director shall provide and equip at some suitable place in the city, an emergency operating center and, if required by the local civil defense plan, auxiliary centers to be used during a civil defense emergency as headquarters for direction and control of civil defense forces. He shall arrange for representation at the center by municipal departments and agencies, public utilities and other agencies authorized by Federal or State authority to carry on civil defense activities during a civil defense emergency. He shall arrange for the installation at the emergency operation center of necessary facilities for communication with and between heads of civil defense divisions, the stations and operating units of municipal services and other communities and emergency operating centers within the surrounding area and with the Federal and State agencies concerned.

 **(11)** During the first 30 days of a civil defense emergency, if the Legislature is in session or the Governor has coupled his declaration of the emergency with a call for a special session of the Legislature, the director may, when necessary to save life or property, require any person, except members of the Federal or State military forces and officers of the State or any other political subdivision, to perform services for civil defense purposes as he directs; and he may commandeer any motor vehicle, tools, appliances, or any other property, subject to the owner’s right to just compensation as provided by law.

 **12.104. General Provisions on Civil Defense Workers.** Civil defense volunteers shall be called into service only in case of a civil defense emergency or a natural disaster for which the regular municipal forces are inadequate or for necessary training and preparation for such emergencies. All volunteers shall serve without compensation.

 **(1)** Each civil defense volunteer shall be provided with such suitable insignia or other identification as may be required by the director. Such identification shall be in a form and style approved by the Federal government. No volunteer shall exercise any authority over the persons or property of others without his identification. No person, except an authorized volunteer, shall use the identification of a volunteer or otherwise represent himself to be an authorized volunteer.

 **(2)** No civil defense volunteer shall carry any firearm while on duty, except on written order of the director.

 **(3)** Personnel procedures of the City applicable to regular employees shall not apply to volunteer civil defense workers, but shall apply to paid employees of the civil defense agency.

 **12.103. Emergency Regulations.** When used in this section, the term, “Civil defense emergency” includes disaster caused by fire, flood, windstorm or other natural causes.

 **(1)** Whenever necessary to meet a civil defense emergency or to prepare for such an emergency for which adequate regulations have not been adopted by the Governor or the City council, the mayor may by proclamation promulgate regulations, consistent with applicable Federal or State law or regulation, respecting: protection against nuclear missiles; the sounding of attack warning; the conduct of persons and the use of property during emergencies; the repair, maintenance, and safeguarding of essential public services; emergency health, fire and safety regulations, trial drills, or practice periods required for preliminary training; and all other matters which are required to protect public safety, health and welfare in civil defense emergencies.

 **(2)** Every proclamation of emergency regulations shall be in writing and signed by the mayor; shall be dated; shall refer to the particular civil defense emergency to which it pertains, if so limited; and shall be filed in the office of the City Clerk, where a copy shall be kept posted and available for public inspection during business hours. Notice of the existence of such regulation and its availability for inspection at the clerk’s office shall be conspicuously posted at the front of City Hall or other headquarters of the City and at such other places in the affected area as the mayor shall designate in the proclamation. Thereupon, the regulation shall take effect immediately or at such later time as may be specified in the proclamation. By like proclamation, the mayor may modify or rescind any such regulation.

 **(3)** The City Council may rescind any such regulation by resolution at any time. If not sooner rescinded, every such regulation shall expire at the end of 30 days after its effective date or at the end of the civil defense emergency to which it relates, whichever occurs first. Any ordinance, rule or regulation inconsistent with an emergency regulation promulgated by the mayor shall be suspended during the period of time and to the extent that such conflict exists.

 **(4)** During a civil defense emergency, the City is, notwithstanding any statutory or charter provisions to the contrary, empowered, through its governing body acting within or without the corporate limits of the City, to enter into contracts and incur obligations necessary to combat such disaster by protecting the health and safety of persons and property, and providing emergency assistance to the victims of such disaster. The City may exercise such powers in the light of the exigencies of the disaster without compliance with time-consuming procedures and formalities prescribed by law pertaining to the performance of the public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, limitations upon tax levies, and the appropriation and expenditures of public funds including, but not limited to, publication of ordinances and resolutions, publications of calls for bids, provisions of civil service laws and rules, provisions relating to low bids, and requirements for budgets.

 **(5)** During a civil defense emergency, the mayor is authorized to contract on behalf of the City for services or for the purchase of merchandise or materials where the amount of the contract or purchase does not exceed $1,000. The mayor may take such action without prior approval of the Council, and without compliance with regular purchasing and bidding procedures, but all claims resulting therefrom shall be audited and approved by the Council as in the case of other purchases and contracts.

 **12.106. Conformity and Cooperation with Federal and State Authority.** Every officer and agency of the City shall cooperate with Federal and State authorities and with authorized agencies engaged in civil defense and emergency measures to the fullest possible extent consistent with the performance of their other duties. The provisions of this Chapter and of all regulations made thereunder shall be subject to all applicable and controlling provisions of Federal and State laws and of regulations and orders issued thereunder and shall be deemed to be suspended and inoperative so far as there is any conflict therewith.

 **12.107. Penalty.** Any person who violates any provision of Sections 12.101 to 12.106 or of any regulation adopted therefrom relating to acts, omissions to conduct, other than official acts, omissions to conduct, other than official acts of City officers or employees, is guilty of a petty misdemeanor.

**CHAPTER 13
FIRE PREVENTION AND CONTROL**

 **13.101. Fires on Public and Private Property.** No person shall cause or permit outside burning of trash or debris within the City of Sanborn, unless a permit is obtained from the City Clerk upon criteria set by the City council or unless the City council sets a specific time and conditions under which outside burning will be permitted.

 **13.102. Negligent Fires.** No person shall negligently or carelessly set on fire, or cause to be set on fire, any combustible materials, whether on his own land or not, where the property of another shall be endangered or shall negligently suffer from said fires.

 **13.103. Penalty.** Any person violating any provision of Sections 13.101 to 13.102 shall be guilty of a petty misdemeanor.

**FIREARMS, WEAPONS AND FIRECRACKERS**

 **13.201. Firearms, Weapons and Firecrackers.** It shall be unlawful for any person to discharge firearms of any and all name, nature and description, or to discharge air rifles, air pistols or air guns, bows and arrows, or any explosive devise or weapon; or to explode or discharge powder, dynamite, fireworks, firecrackers, or similar combustible or explosive materials within the city limits of the City of Sanborn, unless it be in the discharge of official duty prescribed by the City code, or by the laws of the State of Minnesota, or upon the written permission of the Mayor.

 **13.202. Penalty.** Any person violating any provision of Section 13.201 shall be guilty of a petty misdemeanor.

**OPEN BURNING**

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

 **Opening Burning.** The burning of any matter if the resultant combustion products are emitted directly to the atmosphere without passing through a stack, duct or chimney, except a “recreational fire” as defined herein. Mobile cooking devices such as manufactured hibachis, charcoal grills, wood smokers, and propane or natural gas devices are not defined as “open burning”.

 **Recreational Fire.** A fire set with approved starter fuel no more than three feet in height, contained within the border of a “recreational fire site” using dry, clean wood; producing little detectable smoke, odor or soot beyond the property line; conducted with an adult tending the fire at all times; for recreational, ceremonial, food preparation for social purposes; extinguished completely before quitting the occasion; and respecting weather conditions, neighbors, burning bans, and air quality so that nuisance, health or safety hazards will not be created. No more than one recreational fire is allowed on any property at one time.

**Recreational Fire Site.** An area of no more than a three foot diameter circle (measured from the inside of the fire ring or border); completely surrounded by non-combustible and non-smoke or odor producing material, either of natural rock, cement, brick, tile or blocks or ferrous metal only an which area is depressed below ground, on the ground, or on a raised bed. Included are permanent outdoor wood burning fireplaces. Burning barrels are not a “recreation fire site” as defined herein. Recreational fire sites shall not be located closer than 10 feet to any structure. Fire sites are allowed anywhere on the property other than the front yard.

 **Starter Fuels.** Dry, untreated, unpainted, kindling, branches, cardboard or charcoal fire starter. Paraffin candles and alcohols are permitted as starter fuels and as aids to ignition only. Propane gas torches or other clean gas burning devices causing minimal pollution must be used to start an open burn.

 **Wood.** Dry, clean fuel only such as twigs, branches, limbs, “presto logs”, charcoal, cord wood or untreated dimensional lumber. The term does not include wood that is green with leaves or needles, rotten, wet, oil soaked, or treated with paint, glue or preservatives. Clean pallets may be used for recreational fires when cut into three-foot lengths.

 **13.302. Prohibited Materials**

 **(A)** No person shall conduct, cause or permit open burning oils, petro fuels, rubber, plastics, chemically treated materials, or other materials which produce excessive or noxious smoke such as tires, railroad ties, treated, painted or clued wood composite shingles, tar paper, insulation, composition board, sheet rock, wiring, paint or paint fillers.

 **(B)** No person shall conduct, cause or permit opening burning of hazardous waste or salvage operations, open burning of solid waste generated from an industrial or manufacturing process or from a service or commercial establishment or building material generated from demolition of commercial or institutional structures.

 **(C)** No person shall conduct, cause or permit open burning of discarded material resulting from the handling, processing, storage, preparation, serving or consumption of food.

 **(D)** No person shall conduct, cause or permit opening burning of any leaves or grass clippings.

 **13.303. Permit Required for Open Burning.** Open Burning Permits of yard, waste, such as leaves, grass clippings and branches may be obtained from the Redwood County Sheriff, with prior approval from the Sanborn City council or their designee.

 **13.304. Penalty.** Any person who violates any provision of Section 13.301 to 13.303 shall be guilty of a petty misdemeanor.

**CHAPTER 14
ANIMALS**

**DOGS AND CATS**

 **14.101. Running at Large Prohibited.** No person shall permit any dog or cat owned or kept by him/her to run at large in the City of Sanborn. All dogs and cats in the City shall be kept on a leash or confined securely upon the premises of the owner or keeper of the dog or cat.

 **14.102. License Required.** No person shall keep any dog or cat within the City without securing a license from the City Clerk who shall keep a record of all licenses issued and shall issue a metal tag for each license. Proof of current vaccination for rabies shall be required prior to issuance of a license. The annual fee shall be determined by the Council by resolution. Licenses shall expire on the first day of each year after their issuance.

 **14.103. Excessive Barking.** Excessive barking by dogs so as to disturb any resident of the city is hereby declared to be a public nuisance and no person shall keep any dogs within the City that bark excessively.

 **14.104. Impounding.** Any person employed by the city may impound any dog or cat found running at large and shall give notice of the impounding to the owner of such dog or cat if known. If the owner is unknown, the City shall post notice at City Hall and at one other public place in the City describing the animal, stating that it has been impounded and stating that if the animal is not claimed within five (5) days of the posting of the notice, it will be destroyed. If the dog or cat is not claimed within the time specified and all fees and charges paid, the poundmaster shall destroy the dog or cat and dispose of its carcass unless it is requested by a licensed education scientific institution under Minnesota Statues, Section 35.71. The pound master shall house and feed in a humane manner any dog or cat held at the pound. An impounding fee shall be charged for any dog or cat held at the pound. The amount of the fee shall be determined by the pound.

 **14.105. Penalty.** Any person who violates any provision of Sections 14.101 to 14.104 shall be guilty of a petty misdemeanor. In addition thereto, said owner shall pay for the cost of storage of the subject animal or animals.

**DOG KENNELS**

 **14.201. Dog Kennels.** No person shall operate or maintain, or permit to be operated or maintained, dog kennels for the boarding of dogs of any kind within the city limits without obtaining a permit from the City. The City Council shall adopt by resolution standards required for issuing a permit to operate or maintain a dog kennel.

 **14.202. Notification of Violation.** Written notice shall be served to violators of Section 14.201, stating the violation and the time period being allowed by the City Council to end the violation.

 **14.203. Penalty.** Any person violating Section 14.201 or failing to adhere to said written notice of Section 14.202 shall be guilty of a petty misdemeanor.

**RAISING OR KEEPING OF ANIMALS**

 **14.301. Keeping of Fowl.**

 (a) No more than four (4) chickens, duck or other fowl are allowed on a premise.

 (b) No roosters are allowed.

 (c) All fowl must be confined at all times in a coop or run.

 (d) Fowl are not allowed to roam freely.

 (e) Fowl feed must be stored in a rodent and raccoon proof container.

 (f) The premises where the fowl are kept must be maintained in a healthy and sanitary condition and in a manner to prevent noxious or offensive odors being carried to the adjacent property.

 **14.302. Livestock and Horses.** No person shall keep any swine, cattle, sheep or horses within the City without a permit issued by the City Council. This Section shall not apply to existing keepers of swine, cattle, sheep or horses or those kept in the City temporarily for 24 hours or less.

 **14.303. Public Nuisance.** Fowl or animals kept contrary to the provisions of Section 14.301 to 14.302 are hereby declared a public nuisance and may be abated according to law.

 **14.304. Penalty.** Any person who violates any provision of Sections 14.301 to 14.303 is guilty of a petty misdemeanor.

**FEEDING OF ANIMALS**

 **14.401.** No person shall provide any food or water to any wild or feral animals, or to any dogs or cats, except those licensed under Section 14.102, on any public street, sidewalk, or frontage of any property adjacent to any public street or sidewalk.

 **14.402. Penalty.** Any person who violates any provision of Section 14.401 is guilty of a petty misdemeanor.

**ANIMAL WASTE**

**14.501. Excrement.** It is unlawful for any person who owns or has custody of dog or cat to cause or permit such animal to defecate on any private property without the consent of the property owner or on any public property, unless such person immediately removes the excrement and places it in a proper receptacle. The provisions of this section shall not apply to seeing-eye dogs under the control of a blind person or dogs while being used in police activity.

 **14.502. Penalty.** Violation of Section 14.501 shall be a petty misdemeanor.

**POTENTIALLY DANGEROUS AND DANGEROUS DOGS**

 **14.601. Definitions.** As used in this Chapter, the terms defined below shall have the following meanings ascribed to them:

1. “Dangerous dog” means any dog that has:
	1. without provocation, inflicted substantial bodily harm on a human being on public or private property; or
	2. killed a domestic dog without provocation while off the owner’s property; or
	3. been found to be potentially dangerous, and after the owner has been sent notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or other domestic dogs.
2. “Potentially dangerous dog” means any dog that:
3. when unprovoked, inflicts a bite or bites on a human or domestic dog on public or private property; or
4. when unprovoked, chases or approaches a person upon the streets, sidewalks, or any public or private property, other than the dog owner’s property, in an apparent attitude of attack; or
5. has a known propensity, tendency, or disposition to attack without provocation causing injury or otherwise threatening the safety of humans or other domestic dogs.

 **14.602. Dangerous Dogs.** No person may own, possess, keep, harbor, maintain, or otherwise have a dangerous dog in the City.

1. **Notice of Potentially Dangerous or Dangerous Dogs.** If, after an investigation conducted by Redwood County Sheriff, it is determined that a dog is potentially dangerous or dangerous according to the criteria described in this Chapter, the City Clerk will serve or cause to be served a notice of intent to declare the dog potentially dangerous or dangerous dog on the owner of the dog in question. This notice shall inform the owner of this designation, the basis for the determination, the procedures for contesting the designation as described in Subdivision (b), below, and the result of the failure to contest the designation as described in Subdivision (h), below.
2. **Contesting Declaration of Dangerous or Potentially Dangerous Dogs.** If the owner of a dog has received a notice of intent to declare a dog as a potentially dangerous or dangerous dog, the owner may request that a hearing be conducted to determine whether or not such a designation is justified. This request must be made in writing and delivered to the City Clerk within fourteen (14) days of receipt of the notice of intent to declare a dog as potentially dangerous or dangerous.
3. **Initial Review.** Upon receipt of such request, the City Clerk will forward the request along with all necessary supporting documentation to the City Attorney. The City Attorney will make an initial review of the evidence supporting the notice designation to convene a hearing of the City Council. If there is insufficient evidence supporting the designation, the City Attorney shall withdraw the designation and none of the requirements of this ordinance applying to dangerous or potentially dangerous dogs shall apply to the dog in question. If there is sufficient evidence that the City Council could uphold the designation, the City Attorney will cause this notice to be brought to the attention of the Review Panel that will conduct the hearing.

1. **Hearing Procedure.** This City Council will schedule a hearing and may call witnesses and review documents as needed to make a determination on the issue. Owners shall have the right to present evidence on their behalf and to cross-examine any witnesses. A simple majority of the members of the city council is necessary for a finding that the dog is either dangerous or potentially dangerous. The burden of proof is on the Redwood County Sheriff. A finding supporting a designation of dangerous or potentially dangerous dog must be proven by a preponderance of the evidence. The decision of the City Council shall be in writing and shall indicate the reasons for the findings. A copy of the findings shall be provided to the dog owner.
2. **Effect of Findings that Dog is Dangerous.** If the City Council finds there is sufficient basis to declare a dog as potentially dangerous or dangerous, that finding will serve as notice to the owner that the dog is in fact a potentially dangerous or dangerous dog. Within fourteen (14) days after the owner has received notice that the dog is dangerous, the owner or the owner must cause the dog to be humanely destroyed or removed from the City limits.
3. **Appeal.** If the owner of the dog disputes the decision of the City Council, the owner shall have the right to appeal the decision. The appeal must be filed with the City Clerk within fourteen (14) days of the panel’s ruling. If the owner of the dog disputes the findings of the City Council, the owner may appeal to the Minnesota Court of Appeals as provided by state law.
4. **Failure to Contest Notice of Intent to Declare.** If the owner of a dog receives a notice from the City Clerk of the intent to declare the dog as potentially dangerous or dangerous, and the owner fails to contest that notice within fourteen (14) days, the owner shall be considered as having forfeited the right to the hearing described in Subdivision (d) and as having consented to the designation of the dog as potentially dangerous or dangerous by default. The City Clerk will then issue a declaration of dangerous or potentially dangerous dog to the owner. Within fourteen (14) days after the owner has received notice that the dog is dangerous, the owner must cause the dog to be humanely destroyed or removed from the City limits.
5. **Seizure of Dangerous Dogs and Violations.** The Redwood County Sheriff may immediately seize any dangerous dog and/or issue a citation to the owner of any dangerous dog if, within fourteen (14) days after the owner has received notice that the dog is dangerous, the dog is not humanely destroyed or removed from the City limits.
6. **Exemptions.** Dogs may not be declared dangerous if the threat, injury, or damage was sustained by a person
	1. who was at the time of injury committing or attempting to commit a willful trespass or other tort or crime upon the premises occupied by the dog; or
	2. who was provoking, tormenting, teasing, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, teased, abused, or assaulted the dog;
	3. who was committing or attempting to commit a crime.
7. **Law Enforcement Exemption.** The provisions of this section do not apply to trained dogs used by law enforcement personnel officials for police work.

**CHAPTER 15
ALCOHOLIC BEVERAGES**

**INTOXICATING MALT LIQUORS**

 **15.101. Definitions of Terms.** As used in this Chapter, the terms:

 (a) “Intoxicating liquor” and “liquor” mean ethyl alcohol, distilled, fermented, spirituous, vinous and malt beverages containing in excess of 3.2 percent of alcohol by weight.

 (b) “Sale” and “sell” and “sold” mean all barters and all manners or means of furnishing intoxicating liquor including such furnishing in violation or evasion of law.

 (c) “Off Sale” means the sale of liquor in original packages in retail stores for consumption of or away from the premises where sold.

 (d) “On sale” means the sale of liquor by the glass for consumption on the premises only.

 (e) “Wholesale” means any sale for the purpose of resale.

 (f) “Manufacturer” means every person who, by any process of manufacture, fermenting, brewing, distilling, refining, rectifying, blending, or by the combination of different materials, prepares or produces intoxicating liquors for sale.

 (g) “Wholesaler” means any person engaged in the business of selling intoxicating liquor to retailers.

 (h) “Package” or “original package” means any container or receptacle holding liquor, which container is corked or sealed.

 (i) “Restaurants” means any establishment, under the control of a single proprietor or manager, having appropriate facilities for the serving of meals, and where, in consideration of payment therefore, meals are regularly served at tables to the general public, and which employs an adequate staff to provide the usual and suitable service to its guests. Such establishment shall have facilities for seating not less than 10 guests.

 (j) “Exclusive liquor store” is an on-sale, off-sale or combination on-sale and off-sale establishment used exclusively for the sale of intoxicating liquor at retail and under the control of an individual owner or manager and as an incident thereof may also sell cigars, cigarettes, ice, all forms of tobacco, non-intoxicating malt beverages and soft drinks at retail. An exclusive liquor store includes an on-sale or combination on-sale and off-sale establishment operating a restaurant or selling food for consumption on the premises.

 (k) “Club” means any corporation duly organized under the laws of the state for civic, fraternal, social, or business purposes or for intellectual improvement, or for the promotion of sports, or a congressionally chartered veterans’ organization, which shall have more than 20 members, and which shall for more than a year, have owned, hired, or leased a building or space in a building of such extent and character as may be suitable and for the reasonable and comfortable accommodation of its members, and whose affairs and management are conducted by a board of directors, executive committee, or other similar body chosen by the members at a meeting held for that purpose, none of whose members, officers, agents or employees are paid directly or indirectly any compensation by way of profit from the distribution or sale of beverages to the members of the club, or to its guests, beyond the amount of such reasonable salary or wages as may be fixed and voted each year by the directors or other governing body.

 **15.102. License Required.** No person except a wholesaler or manufacturer, to the extent authorized under state license, shall directly or indirectly deal in, sell, or keep for sale in the City any intoxicating liquor without a license to do so as provided in this code. No more than two liquor licenses, whether on-sale of off-sale shall be issued.

 **15.103. Types of Licenses.** Licenses shall be of three types: “on-sale”, “off sale”, and club business.

 (a) “On-sale” licenses shall be issued only to clubs, restaurants, and exclusive liquor stores and shall permit “on-sale” of liquor only.

 (b) “Off-sale” licenses shall be issued only to exclusive stores and shall permit “off-sale” of liquor only.

 (c) Special club license shall be issued only in corporate clubs which have been in existence for one year or more or to congressionally chartered veterans’ organizations which have been in existence for ten years.

 **15.104. Number of Licenses Issued.** No more than two liquor licenses, whether “on-sale” or “off-sale” shall be issued to any of the aforementioned establishments or any combination of the aforementioned establishments.

 **15.105. Application for License.** Every application for a license to sell liquor shall state the name of the applicant, his age, representations as to his character, with such references as the Council may require, his citizenship, the type of license applied for, the business in connection with which the proposed license will operate and its location, whether the applicant is owner and operator of the business, how long he has been in that business at the place, and such other information as the Council may require from time to time. In addition to containing such information, the application shall be in the form prescribed by the state liquor control commissioner and shall be verified and filed with the clerk. No person shall make a false statement in an application.

 **15.106. License Fees.** The annual fee for a liquor license shall be set by resolution of the City council on or before July 1 of each year.

 (a) Upon approval of the applicant’s license, the applicant shall pay to the City the license fee as set by the Council. All such fees shall be deposited into the general fund.

 (b) Each license shall be issued for a period of one year except that if application is made during the license year, a license may be issued for the remainder of the year for a pro-rated fee, with any unexpired fraction of a month being counted as one month. Every license shall expire on the last day of June of each year.

 (c) No refunds shall be made except as authorized by statute.

 **15.107. Granting of Licenses.** The Council shall investigate all facts set out in the application. Opportunity shall be given to any person to be heard for or against the granting of the license. After investigation and hearing, the Council shall in its discretion, grant or refuse the application. No “off-sale” license shall become effective until it, together with the security furnished by the applicant, has been approved by the state liquor control commissioner.

 **15.108. Investigation fees.** The applicant shall deposit with the city clerk at the time of his application for license the sum of $250.00 for each person to be investigated. After the investigation fee has been determined, any excess payment shall be returned to the applicant within 30 days of the determination of the fee.

 In an instance where the investigations required herein necessitate an investigation outside the State of Minnesota but within the United States of America, an additional fee of up to $1,000.00 may be charged and shall be paid to the city clerk as specified in the preceding paragraph.

 If an investigation must be conducted outside the United State of America, an additional fee of $2,500.00 shall be required to be paid to the city clerk and will be treated in the same manner as other investigation fees described herein.

 **15.109. Transferability of License.** Each license shall be issued only to the applicant and for the premises described in the application. No license may be transferred to another person or place without Council approval. Any transfer of stock of a corporate license is deemed a transfer of the license and a transfer of stock without prior Council approval is a ground for revocation of the license.

 **15.110. Persons Ineligible for License.** No license shall be granted to any person made ineligible for such a license by state law. No license shall be issued to an individual who is not a resident of the City.

 **15.111. Places Ineligible for License.** No license shall be issued for any place of business ineligible for any license under state law.

 (a) No license shall be issued to any business, except an exclusive liquor store, until it has been in operation continuously for six months.

 (b) No license shall be granted for operation on any premises on which taxes, assessments, or other financial claims of the city are delinquent and unpaid.

 **15.112. Conditions of License.** Every license is subject to the conditions in the following subdivisions and all other provisions of this code and of any other applicable code, state law or regulations.

 (a) Every licensee is responsible for the conduct of his place of business and the conditions of sobriety and order in it. The act of any employee on the licensed premises authorized to sell intoxicating liquor there is deemed the act of the licensee as well, and the licensee shall be liable for all penalties provided by this code and the law equally with the employee.

 (b) No “on-sale” establishment shall display liquor to the public during the hours when the sale of liquor is prohibited.

 (c) No licensee shall possess a federal wholesale liquor dealers special tax stamp or a federal gambling stamp.

 **15.113. Hours.** No sale shall be made at times not permitted by state law.

 **15.114. Evacuation of Establishments.** Establishments licensed for the sale of intoxicating liquors shall be evacuated of all persons between the hours of 1:30 a.m. and 8:00 a.m. on all days. The operators of said establishment shall be responsible to ensure the compliance with the provisions of this section.

 **15.115. Exceptions to Section 15.114.** The management and bona fide employees may remain on the premises during the above hours in order to carry on normal clean up, restocking, repairs or other duties incidental to the operation of said establishment, however, such persons may not consume intoxicating beverages on the premises during the above hours. For the purposes of this section “employee” is a person who is employed on a regular basis and for whom the management has withheld taxes. The premises shall be open for inspection by any law enforcement officer or member of the City Council at any time if any person is within said premises, whether during the hours of operation as specified in Section 14.116, or after hours as specified herein.

**NON-INTOXICATING MALT LIQUORS**

 **15.201. Definition of Terms.** As used in this Chapter, the following terms mean:

 (a) “Person” shall mean and include a natural person of either sex, persons, partnerships, corporations, or associations of persons, and it shall include the agent and manager of any of the aforesaid.

 (b) “Non-intoxicating malt liquor” shall mean any potable beverage with an alcoholic content of more than one-half of one percent by volume and not more than 3.2 percent by weight.

 (c) A “bona fide club” as used herein shall be any club organized for social or business purposes or for intellectual improvement or for the promotion of sports where the serving of non-intoxicating malt liquor is sold in its original package.

 (d) “Original package” as used herein shall mean the bottle or sealed container in which the non-intoxicating malt liquor is placed in the place of manufacture.

 (e) “Café” and “restaurant” as used in this Chapter shall mean any place where preparing and serving lunches or meals to the public to be consumed on the premises constitutes the major business thereof.

 **15.202. License Required.** No person shall sell, deal in, or dispose of by gift, sale or otherwise, or keep or offer for sale any non-intoxicating malt liquor within the City of Sanborn without first having received a license therefor as hereinafter provided. Licenses shall be of two kinds:

 (a) “On-sale” licenses shall be granted only to drug stores, cafes, restaurants, and hotels where food is prepared and served for consumption on the premises and in bona fide clubs, and shall permit the sale of such liquor for consumption on the premises only.

 (b) “Off-sale” licenses shall be granted to permit the sale at retail or wholesale of non-intoxicating malt liquor in the original packages for removal from and consumption off the premises only.

 **15.203. Applications for License.** The applications for licenses to sell non-intoxicating malt liquor shall be made on forms supplied by the City setting forth the name of the person asking for such license; his age, representations as to his character with such reference as may be required; his citizenship; the legal description of the premises where such business is to be carried on; whether such application is for “on-sale” or “off-sale”; the business in connection with which the proposed license will operate; the name of the owner or operator of such business and all other persons having an interest therein; and such further information as the City Council may from time to time require. It shall be unlawful to make any false statement in an application and such false statement will constitute grounds for revocation of a license.

 **15.204. Payment of License.** All applications for licenses shall be accompanied by the required annual fee for the respective license. All such fees shall be paid into the general fund of the City. Upon denial of any application for a license, the treasurer shall refund the amount paid. All licenses shall be of such duration as may be determined by the Council at time of issuance; provided, however, that no license shall be issued which will not expire on or before the 30th day of June after issuance. All licensed premises shall have the license posted in a conspicuous place at all times.

 **15.205. License Fees.**

 (a) The annual fee for an “on-sale” license and the annual fee for an “off-sale” license shall be as established by resolution of the Council.

 (b) Temporary non-intoxicating malt liquor licenses may be issued to be effective for a period of time not longer than fourteen (14) days. Such licenses shall be issuable only to non-profit, religious or charitable organizations. The fee for such licenses shall be determined by the City Council.

 **15.206. Conditions of License.** All licenses granted hereunder shall be granted subject to the following conditions, and subject to all other ordinances of the City of Sanborn applicable thereto:

 (a) No license shall be granted to any person under 21 years of age. No license shall be granted to any person who has been convicted of a felony or of violating any federal or state law or local ordinance relating to the manufacture, sale or transportation of intoxicating liquors.

 (b) The sale or consumption of non-intoxicating malt liquor in automobiles or on the streets or alleys of the City of Sanborn shall be a violation of this Chapter.

 (c) No license shall be granted for sale on any premises where a licensee has been convicted of the violation of this Chapter, or where any license granted hereunder had been revoked for cause, for at least one year after the said conviction or revocation.

 (d) No sale of non-intoxicating malt liquor shall be made to any minor person under 21 years of age.

 (e) No gambling or any gambling devise prohibited by law shall be permitted on any licensed premises.

 (f) All licenses granted under this Chapter shall be issued only to the applicant and shall be issued only for the premises described in the application. Such licenses shall not be transferred to another location without the approval of the city Council.

 (g) Licenses shall be granted only to persons who are citizens of the United States and who are of good moral character.

 **15.207. Closing Hours.** No sale of non-intoxicating malt liquor shall be made at times not permitted by state law.

 **15.208. City Council Authority.** The city Council has sole authority to grant and deny licenses. Licenses may be revoked for cause by the City Council without hearing, and without notice to the licensee where the licensee has been convicted of a felony or of violating the provisions of any federal or state law or local ordinance regarding the manufacture, sale or transportation of non-intoxicating malt liquors. No portion of the license fee paid into the city treasury shall be returned upon revocation of the license.

**CHAPTER 16
ADULT ENTERTAINMENT, LICENCES AND FEES**

 **16.101** Ordinance #115 previously adopted by the City Council, regulating adult establishments, shall remain in full force and effect as fully as if set forth herein; a copy of which is included in the Appendix to this City Code.

**CHAPTER 17**

**MISCELLANEOUS PROVISIONS**

**CURFEW**

 **17.101.** It shall be unlawful for any person under the age of 16 to remain in or upon any of the streets, alleys or public places in the City of Sanborn at night between the hours of 10:00 p.m. and 5:00 a.m. or any person who is age 16 or 17 to remain in or upon any of the streets, alleys or public places in the City of Sanborn between the hours of 12:00 midnight and 5:00 a.m. unless such person is accompanied by parent, guardian or other person having the legal custody of such minor person, or is in the performance of an errand or duty directed by such parent, guardian or other person having the legal custody of such minor person, or whose employment makes it necessary to be on the said streets, alleys or public places during the night, or during school activities or special events, during the night time after said specified hours.

 **17.102. Duties of Parents or Guardians.** It shall be unlawful for the parent, guardian or other adult person having charge of a minor under the age of eighteen (18) years to permit such minor to be in or upon any public street, highway, road, alley, park, playground, or other public grounds, places or public buildings or in or upon places of entertainment or amusement open to the public in the city of Sanborn during the hours prohibited by this Chapter; provided, however, that the provisions of this section shall not apply when the minor is accompanied by his or her parent, guardian or other adult person having the care and custody of the minor, where the minor is upon an emergency errand or legitimate business directed by his or her parent, guardian or other adult person having the care and custody of the minor or where the presence of said minor, in said place, is connected with and required by some legitimate business trade, profession or occupation in which said minor is permitted by law to be engaged.

 **17.103. Minors in Amusement Places.** No person operating or in charge of any place of amusement, entertainment or refreshment which is open to the public shall permit any minor under the age of 16 years to remain in such place during the hours prohibited by this Chapter; provided, however, that the provisions of this section shall not apply when such minor is accompanied by his or her parent, guardian or other adult person, having the care and custody of such minor.

 **17.104. Penalty.** Any person violating the provisions of Section 17.101 to 17.103 shall be guilty of a petty misdemeanor.

**BINGO**

 **17.201. Regulation of the Game of Bingo.**

 **(1) Adoption of state statute.** Minnesota Statues Sec. 349.11 through 349.23 are hereby adopted by reference. A copy of the statues is on file in the offices of the city clerk of the City of Sanborn.

 **(2) Licenses.** Each organization authorized to conduct bingo shall obtain a license from the City Council; provided; however, that the license shall not be required if the organization conducts less than five bingo games in any calendar year.

 **(3) License Fees.** The annual license fee, if any, shall be determined by resolution of the City Council at the time of the issuance of the license.

**CHAPTER 18
OFFENSES**

**PENALTY FOR MISDEMEANOR**

 **18.101. Penalty for Misdemeanor.** Any person found guilty of conduct defined as a misdemeanor in any provision of this code shall upon conviction thereof, be punished by a fine not to exceed $1,000.00 or imprisonment not to exceed 90 days, or both, unless a lesser penalty is prescribed by the provision. Where any statute adopted by reference as a part of this Code prescribes a lesser penalty than that prescribed herein, such lesser penalty as required by the statute shall prevail.

 **18.102. Penalty for Petty Misdemeanor.** Unless another penalty is expressly provided in this Code, or any rule or regulation adopted in pursuance thereof, or any other provision adopted in this Code by reference, including any provision declaring an act or omission to be a petty misdemeanor, shall, upon conviction, be subject to a fine of not more than $300, unless a lesser penalty is prescribed by the provision.

 **18.103. Separate Violation.** Unless otherwise provided, every day on which a violation occurs or continues constitutes a separate offense.

**OFFENSES**

 **18.201. Criminal Code Adopted.** The provisions of Minnesota Statues Chapter 609, as amended from time to time, known as the Criminal Code, are hereby adopted as an ordinance relating to criminal offenses committed within the City, and hereby made a part of this code as if fully set forth herein, except to the extent that the application of said statute is otherwise modified by the provision of this code.

**CHAPTER 19**

**CAMPGROUND**

 **19.101. Purpose.** The purpose of this Chapter is to create a fun, safe and relaxing place for Sanborn residents and visitors to enjoy.

 **19.102. Camp Sites.** Fees are to be paid according to the current posted fee schedule. One RV and one tent or two tents are allowed per paid site. Additional tents or RVs will be charged accordingly. Camper drains are not permitted to run on the ground.

 **19.103 Restrooms.** Restrooms are to be used for campground guests only.

 **19.104. Reservations.** Reservations are available by calling the city office, and cannot be accepted more than 6 months prior to the arrival date. The city reserves the right to require reservations to be prepaid. A minimum stay of two nights is required over the following holidays: Memorial weekend, 4th of July and Labor Day weekend. Any cancellations must be made 48 hours prior to arrival in order to receive a refund. The pavilion is available to reserve for special events by contacting the city office.

 **19.105. Pets.** Pets are welcome in the campground on a leash or tie at all times. They are not to enter other campsites without the occupant’s permission. All litter must be cleaned up and properly disposed. Any nuisance barking must be immediately controlled, or the animal must be removed from the campground.

 **19.106. Quiet Hours.** For the comfort of all guests, quiet hours will be enforced from 10 p.m. to 7 a.m.

 **19.107. ATVs.** ATVs are allowed to drive into and out of the main campground, as long as speed limits and quiet hours are obeyed. Courtesy and caution must be used at all times. No recreational driving throughout the campground is allowed.

 **19.108. Fires.** Fires are allowed in the designated pits only. The pits may NOT be moved. Fires must be “dead out” when leaving a camping site. Signs will be posted in the event of a burning ban issued by the DNR.

 **19.109. Trash.** Place all trash in the cans or dumpsters provided. Do not burn garbage in the fire pits. The dumpster is for use by campground guests only.

 **19.110. Storm Shelters.** The Catholic Church or the basement of City Building shall be the designated areas for storm shelters for persons using the campground.

 **19.111. Removal.** Refusal to abide by the provisions of this Chapter may result in removal from the campground without refund of payment.

**CHAPTER 20**

**CEMETERY**

 **20.101. Cemetery Board.**

The City Council of the City of Sanborn shall appoint the Cemetery Board, to consist of such number of board members as the Council shall, from time to time, determine.

 **Duties:**

1. The Board may act as the need requires.
2. The Board shall set charges for lots and services.
3. The Board shall, from time to time, make such provisions for the proper operation, management, control and care of said Cemetery as they may deem advisable.
4. The Board may appoint and hire a caretaker for said cemetery, whose tenure of service, duties, and compensation shall be determined by the Board.

 **20.102. Definitions of Cemetery Lots.**

1. All lots shall be held pursuant to the laws of the State of Minnesota relating to cemeteries, and shall be used for no other purposes than the burial of the dead and purposes properly connected therewith.
2. A Cemetery full lot shall consist of burial spaces sufficient to accommodate 4 grave sites.
3. A grave site shall consist of a land area of four (4) feet wide and sixteen (16) feet in length for City of Sanborn Cemetery.
4. Up to three (3) cremation burials are permitted per grave site.
5. One (1) Burial and one (1) Cremation Burial is permitted per grave site.

 **20.103. Sale of Lots or Burial Spaces.**

1. Due to the limited number of grave sites, the city of Sanborn will convey grave sites only to residents and property owners of the City.
2. Cemetery lots shall be regarded as conveyed when paid for in full. Title to the land is vested in the City, and the person(s) Burial Permit grants to the person(s) the exclusive use of the grave site(s) for burial purposes only.
3. The burial Permit shall extend the right of burial in the listed grave sites to the person(s) and members of the person(s) family. The Burial Permit shall not be assigned or transferred to any other person except family members or to the City of Sanborn; Family members are defined as parents, spouses, children, grandchildren and siblings of the lot owner of the Burial Permit.
4. All such transfers shall be made on a form approved and executed by the City Clerk.
5. If the person(s) wishes to re-convey the burial right back to the City of Sanborn, the City will reimburse person(s) the original fee of burial right. The burden of proof of amount of fees falls on the person(s). If no proof exists the reimbursement will be $25.00 or lots can be sold by the owner.
6. Cemetery lots or burial spaces remaining vacant for 25 years from the date of their conveyance shall automatically revert to the City upon occurrence of the following events unless arrangements are made:

Notice shall be sent by the City Clerk by First Class Mail to the last known address of the last owner on the record informing him of the expiration of the 25-year period and that all rights with respect to said lots or spaces will be forfeited if he does not affirmatively indicate in writing to the City Clerk within 60 days from the date of mailing of the notice his desire to retain said lots.

 **20.104. Purchase Price and Transfer Fees.**

1. One full lot (4) spaces shall cost the sum of $2,000.00. Double lots shall cost the sum of $1,000.00, and single lots shall cost the sum of $500.00.
2. The foregoing fees shall be paid to the City of Sanborn and shall be deposited in the appropriate account.
3. The City Council, by resolution, may periodically alter the fees to accommodate increased costs.

 **20.105. Grave Openings.**

1. The opening and closing of any grave site shall be at the cost of the family. The charge for full burial interments will be billed directly from the funeral home to the family. Fees are set by the Sexton.
2. The cemetery manager shall record burial date and location in the city cemetery records.
3. Interments may be restricted between November 15 and April 15 during inclement weather at the discretion of the Sexton. Any additional cost for winter burials will be the responsibility of the family.

 **20.106. Markers or Memorials.**

1. The Sextonshall oversee the placement of all markers. The grave marker foundations shall have at least a 2-inch apron around the grave marker base, even with the ground to facilitate maintenance.
2. All markers must be of stone, cast bronze, or other equally durable composition.
3. Grave markers shall not be altered or removed.
4. Grave markers shall be allowed up to 3 feet high, 4 feet wide and 16 inches deep.
5. Family markers shall be allowed up to 3 feet high, 5 feet wide and 16 inches deep.
6. If 3 grave markers are required for cremation burials, the extra markers located on another section of the grave site, shall be flush with the ground.

 **20.107. Interment Regulations.**

1. All interments must be made under the direction of the City Sexton or designated official.
2. Remains must be placed in a vault.
3. All grave sites shall be oriented in an East/West direction and headstones shall be place on the West end of the site.
4. Generally, one person may be buried in a grave site. Exceptions: A mother and infant or two children buried at the same time. If two headstones are required, the second one shall be flush with the ground.
5. Not less than a 24-hour notice shall be given in advance of any time of any funeral to allow for the opening of the grave site. The grave opening is handled through the funeral home.
6. The Burial Permit for the grave site involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to the City Sexton prior to interment. Where such Burial Permit has been lost or destroyed, the City Sexton must be able to verify from his/her records, that the person to be buried is an authorized and appropriate one before any interment is commenced or completed.

 **20.108. Ground Maintenance.**

1. No grading, leveling or excavating upon a grave site shall be allowed without the permission of the City Council, or designee.
2. Lot owners shall be prohibited from raising their lot above the level of the adjoining lots.
3. Upright markers, concrete walls or any enclosure causing an obstruction that will not permit the mowing of grass continuously from lot to lot is prohibited and lots should be kept level to make it practical and convenient for the care of the cemetery.
4. Permanent plantings shall be allowed as permitted by the City Sexton as directed by the City Council.
5. The City Council reserves the right to remove or trim any tree, plant or shrub located within the cemetery in the interest of maintaining property appearance and the use of the cemetery.
6. Flowers shall be placed as to not interfere in the mowing and maintenance of the area. Artificial and temporary arrangements shall be allowed May 1 through October 15 and should be removed by the family or removal shall be made by the city maintenance employee.
7. The city shall have the right and authority to remove and dispose of any and all growth, emblems, display, or containers that through decay, deterioration, damage or otherwise becomes unsightly, a source of litter, or a maintenance problem.
8. All refuse of any kind or nature including dried flowers, wreaths, papers, and flower containers must be removed from the cemetery or deposited in containers located within the cemetery.
9. If any monuments become unsightly, dilapidated, or a safety hazard to visitors, the City shall have the right at the expense of the lot owner to correct the condition or to remove the same.

 **20.109. Records.**

The City Clerk shall maintain records concerning all burials, issuance of burial permits, and records of burial rights ownership, separate and apart from any other records of the City and the same shall be open to public inspection by appointment at reasonable business hours.

 **20.110. Penalties.**

 Any person, firm or corporation who violates any of the provision of this Chapter shall be guilty of a misdemeanor and shall be subject to a fine of up to One Hundred Dollars ($100.00) and/or imprisonment for up to 90 days in jail. Each day that a violation continues to exist shall constitute a separate offense. Any criminal prosecutions hereunder shall not prevent civil proceedings for abatement and termination of the activity which violates this Chapter.

 **20.111. Severability.**

 The provisions of this Chapter are hereby declared to be severable and should any provision, section or part thereof be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, section or part thereof involved in such decision and shall not affect or invalidate the remainder of this Chapter, which shall continue in full force and effect.

**CHAPTER 21**

**PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS**

 **21.101. Definitions.**

 Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. ***NON-COMMERICAL DOOR-TO-DOOR ADVOCATE.*** A person who goes door-to-door for the primary purpose of disseminating religious, political, social, or other ideological beliefs, campaigning for elected office or advocating for another political candidate or cause. For purpose of this chapter, the term door-to-door advocate shall include door-to-door canvassing and pamphleteering intended for non-commercial purposes.
2. ***PEDDLER***. A person who goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement, for the purpose of offering for sale, displaying or exposing for sale, selling or attempting to sell, and delivering immediately upon sale, the goods, wares, products, merchandise, or other personnel property that the person is carrying or otherwise transporting. For purpose of this chapter, the term peddler shall have the same common meaning as the term hawker.
3. ***PERSON***. Any natural individual, group, organization, corporation, partnership, or similar association.
4. ***REGULAR BUSINESS DAY***. Any day during which the city hall is normally open for the purpose of conducting public business. Holidays defined by state law shall not be considered regular business days.
5. ***SOLICITOR***. A person who goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement, for the purpose of obtaining or attempting to obtain orders for goods, wares, products, merchandise, other personal property, or services of which he or she may be carrying or transporting samples, or that may be described in a catalog or by other means, and for which delivery or performance shall occur at a later time. The absence of samples or catalogs shall not remove a person from the scope of this provision if the actual purpose of the person’s activity is to obtain or attempt to obtain orders as discussed above. For purposes of this chapter, the term solicitor shall have the same meaning as the term canvasser.
6. ***TRANSIENT MERCHANT***. A person who temporarily sets up business out of a vehicle, trailer, boxcar, tent, other portable shelter, or empty store front for the purpose of exposing or displaying for sale, selling or attempting to sell, and delivering goods, wares, products, merchandise, or other personal property and who does not remain in any one location for more than fourteen (14) consecutive days.

 **21.102. Exceptions to Definitions.**

For the purpose of this chapter, the terms ***PEDDLER***, ***SOLICITOR***, and ***TRANSIENT MERCHANT*** shall not apply to:

1. Non-commercial door-to-door advocates. Nothing within this chapter shall be interpreted to prohibit or restrict non-commercial door-to-door advocates. Person engaging in non-commercial door-to-door advocacy shall not be required to register under Section 21.109., Paragraph 1.
2. Any person selling or attempting to sell at wholesale any goods, wares, products, merchandise, or other personal property to a retail seller of the items being sold by the wholesaler.
3. Any person who makes initial contacts with other people for the purpose of establishing or trying to establish a regular customer delivery route for the delivery of perishable food and dairy products, such as baked goods or milk.
4. Any person making deliveries of perishable food and dairy products to the customers on his or her established delivery route.
5. Any person making deliveries of newspapers, newsletters, or other similar publications on an established customer delivery route, when attempting to establish a regular delivery route, or when publications are delivered to the community at large.
6. Any person conducting the type of sale commonly known as garage sales, rummage sales, or estate sales.
7. Any person participating in an organized multi-person bazaar or flea market.
8. Any person conducting an auction as a properly licensed auctioneer.
9. Any officer of the court conducting a court-ordered sale.
10. Members of local civic and service clubs or organizations, including the following: Boy Scouts, Girl Scouts, 4-H, Future Farmers of America, and similar organizations.
11. Students representing local school districts conducting projects or fundraising for such projects, trips, and other educational activities and organizations recognized by the local school districts.

Exemption from these definitions shall not, for the scope of this chapter, excuse any person from complying with any other applicable statutory provision or requirement provided by another city ordinance or Code section.

**21.103. Licensing; Exemptions.**

1. ***City license required***. Except as otherwise provided for by this chapter, no person shall conduct business within this jurisdiction as a peddler, solicitor, or a transient merchant without first obtaining a city license.
2. ***Application***. An application for a city license to conduct business as a peddler, solicitor, transient merchant shall be made at least fourteen (14) regular business days before the applicant desires to begin conducting a business operation within the city. Application for a license shall be made on a form approved by the City Council and available from the office of the city clerk. All applications shall be signed by the applicant. All applications shall include the following information:
	1. The applicant’s full legal name.
	2. Any and all other names under which the applicant has or does conduct business, or to which the applicant will officially answer to.
	3. A physical description of the applicant (hair color, eye color, height, weight, any distinguishing marks or features, and the like).
	4. Full address of applicant’s permanent residence.
	5. Telephone number of applicant’s permanent residence.
	6. Full legal name of any and all business operations owned, managed, or operated by applicant, or for which the applicant is an employee or an agent.
	7. Full address of applicant’s regular place of business, if any exists.
	8. Any and all business-related telephone numbers of the applicant, including cellular phones and facsimile (fax) machines.
	9. The type of business for which the applicant is applying for a license.
	10. Whether the applicant is applying for an annual or daily license.
	11. The dates during which the applicant intends to conduct business.
	12. Any and all addresses and telephone numbers where the applicant can be reached while conducting business within the city, including the location where a transient merchant intends to set up his or her business.
	13. A statement as to whether or not the applicant has been convicted within the last five (5) years of any felony, gross misdemeanor or misdemeanor for violating any state or federal statute or any local ordinance, other than minor traffic offenses.
	14. A list of the three (3) most recent locations where the applicant has conducted business as a peddler or transient merchant.
	15. Proof of any required county license.
	16. Written permission of the property owner or the property owner’s agent for any location to be used by a transient merchant.
	17. A general description of the items to be sold or services to be provided.
	18. Any and all additional information as may be deemed necessary by the City Council.
	19. The applicant’s driver’s license number or other acceptable form of identification.
	20. The license plate number, registration information, vehicle identification number (VIN) and physical description for any vehicle to be used in conjunction with the licensed business operation.
	21. Any applicant who will have agents conducting business in the City on the applicant’s behalf must provide the information necessary for background checks to be completed on each agent.
3. ***Fee***. All applications for a license under this chapter shall be accompanied by the fee established in the city licensing fee schedule as it may be amended from time to time.
4. ***Procedure***. Upon receipt of the application and payment of the license fee, the city clerk will, within two (2) regular business days, determine if the application is complete. An application will be considered complete if all required information is provided. If the city clerk determines that the application is incomplete, the city clerk must inform the applicant of the required, necessary information that is missing. If the application is complete, the city clerk must order any investigation, including background checks, necessary to verify the information provided with the application. The Sanborn Police Department, Redwood County Sheriff’s office, and any other law enforcement agency are authorized to perform background checks. Within ten (10) regular business days of receiving a complete application the city clerk must issue the license unless grounds exist for denying the license application under Section 21.106., in which case the clerk must deny the request for a city peddler or transient merchant license. If the city clerk denies the license application, the applicant must be notified in writing of the decision, the reason for denial and the applicant’s right to appeal the denial by requesting, within twenty (20) days of receiving notice of rejection, a public hearing before the City Council. The City Council shall hear the appeal with twenty (20) days of the date of the request for a hearing. The decision of the City Council following the public hearing can be appealed by petitioning the Minnesota Court of Appeals for a writ of certiorari.
5. ***Duration***. A license granted under this chapter to a transient merchant shall be valid for one calendar year from the date of issuance. All other licenses granted to peddlers and solicitors under this chapter shall be valid for a period of seven days from the date of issuance.

**21.104. License Exemptions.**

* 1. No license shall be required for any person to sell or attempt to sell, or to take or attempt to take orders for, any product grown, produced, cultivated, or raised by the seller thereof, or a person related to the seller.
	2. No separate, individual licenses shall be required for agents of a licensed group, corporation, or business, so long as the agents provide completed applications and the applicable agent fees were paid.
	3. No license shall be required for any person going from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement for the primary purpose of exercising that person’s state or federal constitutional rights such as the freedom of speech, freedom of the press, freedom of religion, and the like. This exemption will not apply if the person’s exercise of constitutional rights is merely incidental to what would properly be considered a commercial activity.

**21.105. Bonds.**

1. ***Bond for Licensee***. Before a license, as provided by this section shall be issued, such applicant shall file with the City Clerk a bond running to the City as follows:
	1. For a person engaging in business as a transient merchant, a bond in the sum of $1,000.00 secured by the applicant, as principal, and a corporate surety doing business in the State of Minnesota.
	2. A person engaged in business as a peddler or solicitor, a bond in the sum of $250.00 secured by the applicant, as principal, and a corporate surety doing business in the State of Minnesota.
	3. All such bonds shall be approved by the City Attorney, and conditioned that said applicant shall comply fully with all of the provisions of the City Code and the statutes of the State of Minnesota, regulating and concerning the sale of goods, wares, and merchandise, and will pay all judgments rendered against said applicant for any violation of said City Code provisions or statutes, or any of them together with all judgments and costs that may be recovered against him by any person or persons for damage growing out of any misrepresentation or deception practiced by any person transacting such business with such applicant, whether such said misrepresentation or deception was made or practiced by the owner or by their servants, agents or employees, either at the time of making the sale or through any advertisement of any character whatsoever, printed or circulated with reference to the goods, wares and merchandise sold or any part thereof. Any action on the bond may be brought in the name of the City to the use of aggrieved person.

**21.106. Agency Process.**

* + 1. ***Service of Process.***Before any license for a peddler, solicitor, or transient merchant, as herein provided, shall be issued, such applicant shall file with the City Clerk an instrument nominating and appointing the City Clerk his true and lawful agent with full power and authority to acknowledge service of notice of process for, and on behalf of, the said applicant in respect to any matters connected with or arising out of the business transacted under said license and the bond given as required by this section, or for the performance of the conditions of said bond or for any breach thereof. Said instrument shall also contain recitals to the effect that said applicant for said license consents and agrees that service of any notices or process may be made upon said agent, and when so made shall be taken and held to be as valid as if personally served on the person or persons applying for said license under this section, according to the laws of the State or any other state and waiving all claims or right of error by reason of such acknowledgment of service or manner of service. Immediately upon service of process upon the City Clerk, as herein provided, the City Clerk shall send to the said licensee at his last known address, by registered mail, a copy of said notice.

 **21.106. License Ineligibility.**

 The following shall be grounds for denying a peddler, solicitor, or transient merchant license:

* + 1. The failure of an applicant to truthfully provide any information requested by the city as part of the application process.
		2. The failure of an applicant to sign the license application.
		3. The failure of an applicant to pay the required fee at the time of application.
		4. A conviction within the past five (5) years of the date of application for any violation of any federal or state statute or regulation, or of any local ordinance, which adversely reflects upon the person’s ability to conduct the business for which the license is being sought in a professional, honest and legal manner. Such violations shall include, but are not limited to, burglary, theft, larceny, swindling, fraud, unlawful business practices, and any form of actual or threatened physical harm against another person.
		5. The revocation within the past five (5) years of any license issued to an applicant for the purpose of conducting business as a peddler, solicitor, or transient merchant.
		6. When an applicant has a bad business reputation. Evidence of a bad business reputation shall include, but is not limited to, the existence of more than three (3) complaints against an applicant with the Better Business Bureau, the Office of the Minnesota Attorney General or other state attorney general’s office, or other similar business or consumer rights office or agency, within the preceding twelve (12) months, or three (3) complaints filed with the city against an applicant within the preceding five (5) years.

**21.107. License Suspension and Revocation.**

* + 1. ***Generally***. Any license issued under this section may be suspended or revoked at the discretion of the City Council for violation of any of the following:
	1. Subsequent knowledge by the city of fraud, misrepresentation or incorrect statements provided by an applicant on the application form.
	2. Fraud, misrepresentation or false statements made during the course of the licensed activity.
	3. Subsequent conviction of any offense to which the granting of the license could have been denied under Section 21.106., Paragraph 5.
	4. Engaging in any prohibited activity as provided under Section 21.106. of this chapter.
	5. Violation of any other provision of this chapter.
		1. ***Multiple persons under one license***. The suspension or revocation of any license issued for the purpose of authorizing multiple persons to conduct business as peddlers or transient merchants on behalf of the licensee shall serve as a suspension or revocation of each authorized person’s authority to conduct business as a peddler or transient merchant on behalf of the licensee whose license is suspended or revoked.
		2. ***Notice***. Prior to revoking or suspending any license issued under this chapter, the city shall provide a license holder with written notice of the alleged violations and inform the licensee of his or her right to a hearing on the alleged violation. Notice shall be delivered in person or by mail to the permanent residential address listed on the license application, or if no residential address is listed, to the business address provided on the license application.
		3. ***Public Hearing***. Upon receiving the notice provided in part (C) of this section, the licensee shall have the right to request a public hearing. If no request for a hearing is received by the city clerk within ten (10) days following the service of the notice, the city may proceed with the suspension or revocation. For the purpose of a mailed notice, service shall be considered complete as of the date the notice is placed in the mail. If a public hearing is requested within the stated time frame, a hearing shall be scheduled within twenty (20) days from the date of the request for the public hearing. Within three (3) regular business days of the hearing, the City Council shall notify the licensee of its decision.
		4. ***Emergency***. If, in the discretion of the City Council, imminent harm to the health or safety of the public may occur because of the actions of a peddler or transient merchant licensed under this chapter, the City Council may immediately suspend the person’s license and provide notice of the right to hold a subsequent public hearing as prescribed in part (C) of this section.
		5. ***Appeal***. Any person whose license is suspended or revoked under this section shall have the right to appeal that decision in court.

**21.108. License Transferability.**

 No license issued under this chapter shall be transferred to any person other than the person to whom the license was issued.

**21.109. Registration.**

1. Any person exempt from the licensing requirements of this chapter under Section 21.104. shall be required to register with the city prior to engaging in those activities. Registration shall be made on the same form required for a license application, but no fee shall be required. Immediately upon completion of the registration form, the city clerk shall issue to the registrant a certificate of registration as proof of the registration. Certificates of registration shall be non-transferrable.
2. Individuals that will be engaging in non-commercial door-to-door advocacy shall not be required to register.

**21.110. Prohibited Activities.**

 No peddler, solicitor, transient merchant, non-commercial door-to-door advocate, or other person engaged in other similar activities shall conduct business in any of the following manner:

1. Calling attention to his or her business or the items to be sold by means of blowing any horn or whistle, ringing any bell, crying out, or by any other noise, so as to be unreasonably audible within an enclosed structure.
2. Obstructing the free flow of traffic, either vehicular or pedestrian, on any street, sidewalk, alleyway, or other public right-of-way.
3. Conducting business in a way as to create a threat to the health, safety, and welfare of any specific individual or the general public.
4. Conducting business before 8 a.m. or after 8 p.m.
5. Failing to provide proof of license, or registration, and identification when requested.
6. Using the license or registration of another person.
7. Alleging false or misleading statements about the products or services being sold, including untrue statements of endorsement. No peddler, solicitor, or transient merchant shall claim to have the endorsement of the city solely based on the city having issued a license or certificate of registration to that person.
8. Remaining on the property of another when requested to leave.
9. Otherwise operating their business in any manner that a reasonable person would find obscene, threatening, intimidating or abusive.

**21.111. Exclusion by Placard.**

 Unless specifically invited by the property owner or tenant, no peddler, solicitor, transient merchant, non-commercial door-to-door advocate, or other person engaged in other similar activities shall enter onto the property of another for the purpose of conducting business as a peddler, solicitor, transient merchant, non-commercial door-to-door advocate, or similar activity when the property is marked with a sign or placard:

* 1. At least four inches long.
	2. At least four inches wide.
	3. With print of at least 48 point in size.
	4. Stating “No Peddlers, Solicitors or Transient Merchants,” “Peddlers, Solicitors, and Transient Merchants Prohibited,” or other comparable statement.

No person other than the property owner or tenant shall remove, deface, or otherwise tamper with any sign or placard under this section.

**21.112. Penalty.**

 Any individual found in violation of any provision of this chapter, shall be guilty of a misdemeanor.

**21.113. Severability.**

 If any provision of this chapter is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

**21.114. Effective Date.**

 This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat. § 412.191, Subd. 4, as it may be amended from time to time, which meets the requirements of Minnesota Statute Section 331A.01, Subd. 10, as it may be amended from time to time.

APPENDIX

Ordinance #117 previously adopted by the City Council, relating to regulation of the flood plain, remain in full force and effect as fully as if set forth herein; a copy of which is included in the Appendix to this City Code.

Ordinance #97 previously adopted by the City Council, granting to Mark Twain Cablevision a franchise for the purpose of supplying cable communication services to the City of Sanborn, shall remain in full force and effect as fully as if set forth herein; a copy of which is included in the Appendix to this City Code.

Ordinance #113 previously adopted by the City Council, granting to Western Telephone Company a second franchise for the purpose of supplying cable communication services to the City of Sanborn, shall remain in full force and effect as fully as if set forth herein; a copy of which is included in the Appendix to this City Code.

Ordinance #63 previously adopted by the City Council, granting to People’s Natural Gas, a corporation, authority to supply and operate natural gas to the City of Sanborn, shall remain in full force and effect as fully as if set forth herein; a copy of which is included in the Appendix to this City Code.

Ordinance #101 previously adopted by the City Council, granting to Interstate Power company, a corporation, non-exclusive authority to maintain and supply electricity to the City of Sanborn, shall remain in full force and effect as fully as if set forth herein; a copy of which is included in the Appendix to this City Code.

Ordinance #27 previously adopted by the City Council, granting to Western Telephone company, a corporation, authority to maintain and supply telephone service to the City of Sanborn, shall remain in full force and effect as fully as if set forth herein; a copy of which is included in the Appendix to this City Code.

Ordinance #77 previously adopted by the City Council, regulating the control of Dutch Elm, shall remain in full force and effect as fully as if set forth herein; a copy of which is included in the Appendix to this City Code.

Ordinance #115 previously adopted by the City Council, regulating adult establishments, shall remain in full force and effect as fully as if set forth herein; a copy of which is included in the Appendix to this City Code.

Ordinance #139 previously adopted by the City Council, granting to Western Telephone company, a corporation, authority to maintain and supply telephone service to the City of Sanborn, shall remain in full force and effect as fully as if set forth herein; a copy of which is included in the Appendix to this City Code.