

TITLE IX: GENERAL REGULATIONS

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CHAPTER 91: FIRE PREVENTION; FIREWORKS

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Cross-reference:

Fire department, see § 30.26

FIREWORKS

§ 91.01 DEFINITIONS

For the purpose of this subchapter, the following definitions shall apply unless the context indicates or requires a different meaning.

FIREWORKS. For the purposes of this section, ***FIREWORKS*** will have the same definition as contained in M.S. § 624.20, Subdivision 1, as it may be amended from time to time, or any superceding statute.

(Ord. 03-03, passed 6-9-2003)

§ 91.02 PERMIT REQUIRED

No person shall sell or possess for sale fireworks without first having obtained an approved annual permit from the city.

(A) The application for the permit for the manufacturing, storage for commercial purposes and sale of fireworks shall be submitted to the Building Inspector and the Fire Chief with a minimum of 15 days prior to operating for consideration.

(B) All permits shall be issued for a period of one calendar year.

(C) Prior to processing the application, a criminal records check must be performed by Wright County. No permit shall be issued if the applicant or the responsible party for the permit shall have been convicted of a felony or a fire/fireworks related misdemeanor within the last three years.

(D) Prior to processing the permit application, the Fire Chief and Building Inspector shall determine that the proposed location is code compliant.

(E) The permit application shall include an approved letter from the person legally responsible for the property on which the fireworks related activity will occur. The letter shall grant permission to the applicant for the use of the property.

(Ord. 03-03, passed 6-9-2003)

§ 91.03 SALES AND STORAGE

(A) No person shall sell or store fireworks within 50 feet of any fuel dispensing apparatus.

(B) It shall be unlawful for any seller of any fireworks to permit smoking at any site containing fireworks. "No Smoking" signs must be conspicuously posted and approved fire extinguishers must be available for use.

(C) In buildings that do not have an automated sprinkling system, retail sales displays of fireworks shall be limited to a gross weight of 400 pounds of fireworks. In buildings that do contain an automated sprinkling system, the amount of fireworks contained in retail sales displays shall be determined on a case-by-case basis after considering the building's construction, fire suppression apparatus and other relevant factors.

(D) The requirements of this subchapter are in addition to any requirements imposed by any building and/or zoning regulations, fire codes or state law.

(E) Only persons 18 years of age or older may purchase fireworks, and the age of the purchaser must be verified by photographic identification.

(F) No exterior storage, display, sales or transient sales of fireworks are permitted. No manufacturing, sales or storage for commercial purposes shall occur in residentially zoned property or properties used for educational purposes or assemblies.

(G) A list of all consumer fireworks displayed and stored on the property shall be available at all times. The list shall document the name, weight and quantity of the fireworks and be accompanied by the material safety data sheets.

(H) Manufacturing, warehouse buildings or displays in excess of the quantities listed in division (C) above for retail consumer fireworks shall be classified and protected similarly to explosives and aerosols.

(I) A handout describing fireworks shall be provided to each consumer purchasing fireworks.
(Ord. 03-03, passed 6-9-2003)

§ 91.04 USE AND POSSESSION

(A) It is unlawful to use fire or discharge any fireworks along city streets, roads and routes of and during any parade, in any place of public assembly, on any public property or in any commercial/industrial zoning district.

(B) It is unlawful at any time to throw, toss or aim any fireworks at any person, animal, vehicle, other thing, object or used in any manner that may threaten or cause possible harm to life or property.

(C) The discharge of fireworks shall be prohibited inside a building and within 15 feet of any building.

(D) The Fire Chief is authorized to ban fireworks if dry or windy conditions occur and/or exist.

(E) Juveniles may not possess fireworks unless under the direct supervision of a responsible adult.

(F) Fireworks may not be discharged in such a manner that may create a nuisance or between the hours of 10:00 p.m. to 7:00 a.m.
(Ord. 03-03, passed 6-9-2003)

REGULATION OF OPEN BURNING

§ 91.20 DEFINITIONS

For the purpose of this subchapter, the following definitions shall apply unless the context indicates or requires a different meaning.

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ATTENDANT. The same as a competent, unimpaired adult.

BURNING PERMIT. A permit issued by the Cokato Fire Chief authorizing fires exempted from the general provisions hereof, and setting conditions therefore.

CAMP FIRE. A fire set for cooking, warming or ceremonial purposes, which is not more than three feet in diameter by three feet high, and has the ground four feet from the base of the fire cleared of all combustible material.

COMPETENT, UNIMPAIRED ADULT. A person over 18 years of age who is not under the influence of alcohol or other drug, who shall be the responsible party for directly supervising an open burn and who shall be responsible for ensuring compliance with this subchapter.

OPEN FIRE or OPEN BURNING. A fire burning in a matter, whether concentrated or dispersed, which is not contained within a fully enclosed fire box, structure or vehicle, and from which the products of combustion are emitted directly to the open atmosphere without passing through a stack, duct or chimney. **OPEN FIRE or OPEN BURNING** also means any open burning which takes place within a burning barrel.

RECREATION FIRE. The same definition of **CAMP FIRE**.

RECREATION FIRE BURN. Requirements: when a camp fire is used for recreation purposes, it must be ignited with an approved starter fluid using dry, clean wood, conducted with an unimpaired adult tending the fire at all times; extinguished completely before quitting the occasion and respecting weather conditions, burning bans and air quality so that safety hazards will not be created. Mobile cooking devices such as manufactured hibachis, charcoal grills, wood smokers and propane or natural gas devices are not defined as **CAMP OR RECREATION FIRES**.

RECREATION FIRE SITE. Requirements: an area of 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 block of ferrous metal only and which area is depressed below ground, on the ground or on a raised bed. Included are permanent outdoor wood burning fire places. **RECREATION FIRE SITES** shall not be located closer than 25 feet to any structure. Burners are not a **RECREATION FIRE SITE** as defined herein.

RECREATION FIRE TIME LIMIT. Requirements. To respect others in the neighborhood, a recreation fire shall be extinguished no later than the following times:

- (a) Sunday through Thursday: 10:00 p.m.;
- (b) Friday through Saturday: 1:00 a.m.; and

(c) Evenings before a legal holiday: 1:00 a.m.

STARTER FUELS. Dry, untreated, unpainted wood 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 may be used to start an open fire. **STARTER FUELS** do not include gasoline, diesel fuel, kerosene and heating oil.

WOOD. Dry, clean fuel only such as twigs, branches, limbs, "presto logs", "duraflame logs", charcoal, cordwood or untreated dimensional lumber, including clean pallets when cut into three-foot or less lengths. **WOOD** does not include wood that is green with leaves or needles, rotten, wet, oil soaked or treated with paint, glue or preservatives, grass clippings or leaves.
(Ord. 02-02, passed 7-8-2002)

§ 91.21 OPEN BURNING PROHIBITED

From and after the effective date of this subchapter, except as otherwise herein provided, open burning, including burning in burn barrels and burning leaves and brush, shall be prohibited within the city.
(Ord. 02-02, passed 7-8-2002)

§ 91.22 EXEMPTIONS

Open burning of the types, and subject to the condition hereinafter stated, shall be exempt from the provisions of § 91.21.

(A) *Recreational fires.* Fires under managed supervision for which a burning permit has been obtained from the Cokato Fire Chief, and where required by state law, from the Department of Natural Resources, but limited to the following:

- (1) Fires purposely set for the instruction and training of public and industrial firefighting personnel;
- (2) Fires set for the elimination of a fire hazard which cannot be abated by any other practicable means;
- (3) Fires purposely set for forest and game management purposes; and
- (4) The burning of trees, brush, grass and other vegetable matter in the clearing of land, the maintenance of street, road and highway right-of-way, and in accepted agricultural land management practices.

(B) *Exemption.* Exemption to conduct fires under this section does not excuse a person from the consequences, damages or injuries which may result therefore, nor does it exempt any person from regulations promulgated by the Minnesota Pollution Control Agency or any other governmental unit exercising jurisdiction in matters of pollution or fire hazard regulation.

(Ord. 02-02, passed 7-8-2002)

§ 91.23 LOCATION RESTRICTED

No person shall ignite or maintain any fire permitted under this subchapter or authorize any fire to be ignited or maintained on any private land unless:

(A) The fire is located safely not less than 25 feet from any structure;

(B) Adequate provisions are taken to prevent the fire from spreading to within 30 feet of any structure and a DNR forestry permit has been obtained from the Cokato Fire Chief or designated fire warden; and

(C) The fires shall be constantly attended by an adult person until the fire is extinguished and the person shall have a garden hose connected to a water supply or other fire extinguishing equipment readily available for use.

(Ord. 02-02, passed 7-8-2002)

§ 91.24 RULES ADOPTED BY REFERENCE

Minnesota Statutes §§ 88.02 through 88.22, 88.75 and 88.76, as they may be amended from time to time, and the Minnesota Uniform Fire Code are hereby adopted by reference and made a part of this subchapter as if fully set forth at this point.

(Ord. 02-02, passed 7-8-2002)

§ 91.25 LIABILITY

The property owner is responsible for all damages caused by the fire.

(Ord. 02-02, passed 7-8-2002)

§ 91.26 AREA OF ENFORCEMENT

This subchapter shall affect the area as set forth and on file with the City Clerk of the city, which is incorporated in and made a part of the subchapter.

(Ord. 02-02, passed 7-8-2002)

§ 91.99 PENALTY

(A) *Fireworks.*

(1) Materials which violate and/or pose a threat to public safety may be confiscated and destroyed. Costs associated with disposal shall be assessed back to the property owner or permit holder.

(2) Violations of §§ 91.01 through 91.04 regulation or state statute may result in revocation of the approved permit.

(3) Any person convicted of a violation of §§ 91.01 through 91.04 shall be guilty of a misdemeanor.

(B) *Regulation of open burning.* Any person convicted of a violation of §§ 91.20 through 91.26 shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine and/or imprisonment as established by state law and which changes from time to time.

CHAPTER 92: ABANDONED, JUNKED AND UNAUTHORIZED VEHICLES

Section

- 92.01 Definitions
- 92.02 Regulation of vehicles
- 92.03 Impoundment and disposition

- 92.99 Penalty

Cross-reference:

Abandoned property, see § 32.30

§ 92.01 DEFINITIONS

For the purposes of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED VEHICLE. The meaning given to it by M.S. § 168B.011, Subdivision 2, as it may be amended from time to time.

JUNK VEHICLE. The meaning given to it by M.S. § 168B.011, Subdivision 3, as it may be amended from time to time.

MOTOR VEHICLE or VEHICLE. The meaning given to it by M.S. § 168B.011, Subdivision 9, as it may be amended from time to time or under M.S. § 169.011, Subdivision 92, as it may be amended from time to time.

UNAUTHORIZED VEHICLE. The meaning given to it by M.S. § 168B.011, Subdivision 4, as it may be amended from time to time.
(Ord. 07-2010, passed 12-13-2010)

§ 92.02 REGULATION OF VEHICLES

(A) *Residential property.* The parking, storage, repairing, dismantling, demolition or maintenance of junk or abandoned vehicles is prohibited in zoning districts R1, R2, R3 and C1 except a resident may repair one such vehicle registered in the name of the resident upon the property occupied by the resident if the period of repair does not exceed 15 consecutive days.

(B) *All other zoning districts.* The parking, storage, repairing, dismantling, demolition or maintenance of junk or abandoned vehicles within the C1, C2, M1 and I zoning districts is allowed only if incidental to a permitted use in such zoning district. The vehicles shall be stored within an enclosed building or be screened by a solid board on board fence of sufficient height and opacity to screen the visibility of vehicles from adjacent rights-of-way and adjoining properties. No more than two junk or abandoned vehicles may be stored or under repair on the property without proper screening. The time limit duration of the repairs on private property shall not exceed more than 15 consecutive days.

(Ord. 02-05, passed 8-19-2002; Am. Ord. 07-2010, passed 12-13-2010) Penalty, see § 92.99.

§ 92.03 IMPOUNDMENT AND DISPOSITION

Abandoned, junk and unauthorized vehicles may be impounded by any police officer as authorized by M.S. §§ 168B.04 and 169.041, as they may be amended from time to time and disposed of by the city as authorized by M.S., Chapter 168B, as it may be amended from time to time.

(Ord. 07-2010, passed 12-13-2010)

§ 92.99 PENALTY

Any person violating any provision of § 92.02 is guilty of a misdemeanor.

(Ord. 07-2010, passed 12-13-2010)

CHAPTER 93: STREETS AND SIDEWALKS

Section

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- 93.02 Election to manage the public right-of-way
- 93.03 Definitions
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RIGHT-OF-WAY REGULATION

§ 93.01 RIGHT-OF-WAY REGULATION

Street openings, closings and excavations, placement and maintenance of utilities shall be governed by the following provisions set forth in this subchapter.
(Ord. 02-04, passed 8-19-2002)

§ 93.02 ELECTION TO MANAGE THE PUBLIC RIGHT-OF-WAY

In accordance with the authority granted to the city under state and federal statutory, administrative and common law, the city hereby elects, pursuant to this subchapter, to manage rights-of-way within its jurisdiction. This section shall not be constructed as granting any right-of-way user a right to construct facilities on land dedicated to public use as a park, recreational area or city facility. This section shall not be constructed to supersede rules or regulations of other governmental entities controlling rights-of-way within the city.
(Ord. 02-04, passed 8-19-2002)

§ 93.03 DEFINITIONS

The definitions included in M.S. § 237.162, as it may be amended from time to time, and Minn. Rules 7819.0100 Subparagraphs 1 through 25, are hereby adopted by reference and are incorporated into this subchapter as if set out in full.
(Ord. 02-04, passed 8-19-2002)

§ 93.04 STREET OPENINGS AND CLOSINGS; PERMIT REQUIRED

No person or public right-of-way user may obstruct or excavate any right-of-way without first having obtained the appropriate permit from the city. The city may issue the following types of permits.

(A) *Excavation permit.* An excavation permit is required to excavate that part of the right-of-way described in the permit and to hinder free and open passage over the specified portion of the right-of-way for the duration specified therein. A permit is not required to excavate a hole for utility poles.

(B) *Obstruction permit.* An obstruction permit is required to hinder free and open passage over the specified portion of the right-of-way by placing equipment described therein on the right-of-way for more than eight hours, to the extent and for the duration specified therein. An obstruction permit is not required if a public right-of-way user already possesses a valid excavation permit for the same project.

(Ord. 02-04, passed 8-19-2002)

§ 93.05 DELAY PENALTY

(A) In accordance with Minn. Rules 7819.1000, Subparagraph 3, the city shall establish and impose a delay penalty for unreasonable delays in right-of-way excavation, obstruction, patching or restoration.

(B) The delay penalty shall be established from time to time by City Council ordinance.

(Ord. 02-04, passed 8-19-2002)

§ 93.06 PERMIT DISPLAY

Permits issued under this subchapter shall be conspicuously displayed or otherwise available at all times at the indicated work site and shall be available for inspection by the city.

(Ord. 02-04, passed 8-19-2002)

§ 93.07 PERMIT APPLICATIONS

Application for a permit is made to the city. Right-of-way applications shall contain and will be considered complete only upon compliance with the requirements of the following provisions.

(A) Registration with the city pursuant to this subchapter.

(B) Submission of a completed permit application form, including all required attachments to the permits and scaled drawings showing the location and area of the proposed project and the location of all known existing and proposed facilities of the utility applying for the permit.

(C) Payment of money due the city for:

(1) Permit fees and any applicable degradation fees;

(2) Prior obstructions or excavations; and

(3) Any undisputed loss, damage or expense suffered by the city because of the applicant's prior excavations, obstructions of the rights-of-way or any emergency actions taken by the city.

(D) Registrants may jointly apply for permits to excavate or obstruct the right-of-way at the same place and time, in which case a single permit fee shall apply. It is the responsibility of the joint applicants to determine the portion of the fee each will pay and to include that information on the application.

(Ord. 02-04, passed 8-19-2002)

§ 93.08 ISSUANCE OF PERMITS; CONDITIONS

(A) *Permit issuance.* If the applicant has satisfied the requirements of this subchapter, the city shall issue a permit.

(B) *Reasonable conditions.* The city may impose reasonable conditions upon the issuance of the permit and the performance of the applicant thereunder to protect the health, safety and welfare, or when necessary, to protect the right-of-way and its current use including the recovery of any unusual management costs not recovered through the standard permit fee, including the cost of assigning a police officer to provide traffic management or the cost of assigning a field observer.

(C) *Routine obstructions and excavations.* The city may approve a permit plan which, among other conditions, allows for routine excavations and obstructions without separate notice and separate compensation for projects.

(Ord. 02-04, passed 8-19-2002)

§ 93.09 REGISTRATION REQUIREMENTS

(A) *Registration.* As of the effective date of this subchapter, any public right-of-way user, which owns or controls a facility within any public right-of-way or any portion thereof, shall register with the city. Registration shall be deemed completed upon the public right-of-way user submitting to the city the information specified in this section.

(B) *Information required.* The information provided to the city at the time of registration shall include, but not be limited to:

(1) Each registrant's name, gopher one call registration certificate number, address and e-mail address if applicable and telephone and facsimile numbers, current information regarding how to contact a local representative in an emergency, including name, address and e-mail address, shall be provided at the time of registration. A local representative or designee shall be accessible for consultation at all times;

(2) A certificate of insurance or self-insurance:

(a) Verifying that an insurance policy has been issued to the registrant by an insurance company licensed to do business in the State of Minnesota, or a form of self-insurance acceptable to the city;

(b) Verifying that the registrant is insured against claims for personal injury, including death, as well as claims for property damage arising out of the use and occupancy of the right-of-way by the registrant, its officers, agents and employees, including, but not limited to protection against liability arising from completed operations, damage of underground facilities and collapse of property;

(c) Either naming the city as an additional insured as to whom the coverage required herein is in force and applicable and for whom defense will be provided as to all the coverage, or otherwise providing evidence satisfactory to the Public Works Director that the city is fully covered and will be defended through registrant's insurance for all actions included in Minn. Rules 7819.1250;

(d) Requiring that the city be notified 30 days in advance of cancellation of the policy or material modification of a coverage term; and

(e) Indicating comprehensive liability coverage, automobile liability coverage, workers' compensation and umbrella coverage in the amount of \$2,000,000.

(3) The city may require a copy of the actual insurance policies, if necessary, to ensure the city that the policy provides adequate third-party claim coverage and city indemnity and defense coverage for all actions included in the indemnity and defense coverage for all actions included in the indemnity required by Minn. Rules Part 7819.1250;

(4) The evidence as the Public Works Director may require to determine that the registrant is authorized to do business in Minnesota; and

(5) A copy of the registrant's order against granting a certificate of authority from the Minnesota Public Utilities Commission or other applicable state or federal agency, where the registrant is lawfully required to have the certificate from the Commission or other state or federal agency.

(C) *Notice of changes.* The registrant shall keep all of the information listed above current by providing to the city information of changes within 30 days following the date on which the registrant has knowledge of any change.

(D) *Existing franchise agreements.* To the extent that the above requirements are dealt with in an existing franchise agreement or ordinance with a permit applicant, the terms of the franchise agreement or ordinance shall govern.

(Ord. 02-04, passed 8-19-2002)

§ 93.10 REPORTING OBLIGATIONS

(A) Each registrant shall, at the time of registration and by February 1 of each year, file with the city a construction and maintenance plan for underground facilities.

(B) The plan shall list all known future projects that would require excavation of the right-of-way.

(C) The plan shall contain an estimated beginning and end date for the excavation; and, to the extent known, a general description of the affected right-of-way.

(D) The city shall prepare a composite list of all projects that have not been filed as trade secrets under state law, including projects planned by the city, which list will be available for inspection. (Ord. 02-04, passed 8-19-2002)

§ 93.11 PERMIT FEES

(A) *Excavation fees.* The city shall establish the excavation permit fee annually by ordinance which shall be in an amount sufficient to recover the following costs:

- (1) The management costs; and
- (2) Degradation fee in lieu of restoration, if applicable.

(B) *Obstruction permit fee.* The city shall establish the obstruction permit fee which shall be in an amount sufficient to recover the city management costs.

(C) *Non-refundable.* Permit fees that were paid for a permit that the city has revoked are not refundable.

(D) *Application to franchise.* Unless otherwise agreed to in a franchise, management costs may be charged separately from and in addition to the franchise fees imposed on a right-of-way user in the franchise. Franchise fees may not exceed amounts set by state law. (Ord. 02-04, passed 8-19-2002)

§ 93.12 RIGHT-OF-WAY PATCHING AND RESTORATION

(A) *Restoration standards.* Restoration of an excavation shall comply with the requirements of Minnesota Statutes and with Minnesota Rules.

(B) *Timing.* The work to be done under the excavation permit, and the patching and restoration of the right-of-way as required herein, must be completed within the dates specified in the permit, increased by as many days as work could not be done because of circumstances beyond the control of the permittee or when work was prohibited as unseasonable and a permit extension or a new permit is granted.

(C) *Patch and restoration.* The permittee shall restore the public right-of-way and assume all costs therefore, unless the permittee obtains a degradation permit. The city, at its own option, may be responsible for any paving.

(1) *Permittee restoration.* If the permittee restores the right-of-way, the city may require, at the time of application for an excavation permit, a performance bond in an amount, as determined by the city, to cover the cost of repair and restoration. The permittee shall determine the type of security it will provide in accordance with the provisions of Minn. Rules Part 7819.3000. If 24 months after completion of the restoration of the right-of-way, the city determines that the right-of-way has been properly restored, the posted security will be released.

(2) *City restoration.* If the city restores the right-of-way, the permittee shall pay the costs thereof within 30 days of billing. If following the restoration, the roadway surface, boulevard, sidewalk, curb or related infrastructure settles due to the permittee's improper backfilling, the permittee shall, at its option, either correct associated with correcting the defective work.

(D) *Standards.* The permittee shall perform backfilling, patching and restoration according to the standards contained in Minn. Rules Part 7819.1100 or other successor rule by the Minnesota Public Utilities Commission.

(E) *Duty to correct defects.* The permittee shall correct defects in patching or restoration of the public right-of-way. The obligation to correct defects in turf establishment is limited to 12 months following its completion. The permittee shall, upon written notification from the city, correct all noncomplying restoration work, to the extent necessary under state law and Minn. Rules Part 7819.1100. The correction work shall be completed within ten calendar days of the receipt of the notice from the city, not including days during which work cannot be done due to circumstances constituting force majeure or of unseasonable or inclement weather.

(F) *Failure to restore.* If the permittee fails to restore the right-of-way in the manner and to the condition required by this subchapter, or fails to satisfactorily and timely complete all restoration required by the city, the city, at its option, may do the work. In that event, the permittee shall pay to the city, within 30 days of billing, the cost of restoring the right-of-way. If the permittee fails to pay as required, the city may proceed at law or equity to collect the amount owed.

(Ord. 02-04, passed 8-19-2002)

§ 93.13 SUPPLEMENTAL APPLICATIONS AND PERMIT EXTENSIONS

No public right-of-way user may excavate or obstruct the right-of-way beyond the date or area specified in the permit unless the public right-of-way user makes a supplementary application for another right-of-way permit and a new permit or permit extension is granted. An extension of time or area can, at the discretion of the city, be granted orally and without application of a separate permit fee.

(A) *Limitation on area.* A right-of-way permit is valid only for the area of the right-of-way specified in the permit. No permittee may do any work outside the area specified in the permit, except as provided herein. Any permittee which determines that an area greater than that specified in the permit must be obstructed or excavated must, before working in that greater area:

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- (1) Make application for a permit extension; and
- (2) Be granted a new permit or permit extension. The city may orally waive the requirement for a permit extension or the payment of an additional fee.

(B) *Limitation on dates.* A right-of-way permit is valid only for the dates specified in the permit. No permittee may begin its work before the permit start date or, except as provided herein, continue working after the end date. If a permittee does not finish the work by the permit end date, it must apply for a new permit for the additional time it needs, and receive the new permit or an extension of the old permit before working after the end date of the previous permit. A supplemental application must be submitted before the permit end date. The city may orally waive the requirement for a permit extension or the payment of an additional fee.

(Ord. 02-04, passed 8-19-2002)

§ 93.14 DENIAL OF PERMIT

(A) *Health, safety and welfare.* The city may deny a permit for failure to meet the requirements and conditions of this subchapter or if the city determines that the denial is necessary to protect the health, safety and welfare or when necessary to protect the right-of-way and its current use.

(B) *Limitation of space.* To protect health, safety and welfare or when necessary to protect the right-of-way and its current use, the city may prohibit right-of-way users from a particular right-of-way after taking into consideration the public's needs for the particular utility service, the condition of the right-of-way, the time of year with respect to essential utilities, the protection of existing facilities in the right-of-way and future city plans for public improvements and development projects which have been determined to be in the public interest.

(Ord. 02-04, passed 8-19-2002)

§ 93.15 INSPECTION

(A) *Notice of completion.*

(1) When the work under any permit hereunder is completed, the permittee shall, at the option of the city, furnish a completion certificate in accordance with Minn. Rules 7819.1300.

(2) The permittee shall, if required by the city and not already provided through another filing made within one year of completion of the project, submit to the city "as-built" drawings showing any deviations from the permit approved plan that are greater than plus or minus two feet.

(B) *Site inspection.* The permittee shall make the work site available to the city personnel and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.

(Ord. 02-04, passed 8-19-2002)

§ 93.16 AUTHORITY OF CITY

At the time of inspection, the city may order the immediate cessation of any work which poses a serious threat to the life, health, safety or well-being of the public. The city may issue an order to the permittee for any work which does not conform to the terms of the permit or other applicable standards, conditions or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten days after issuance of the order, the permittee shall present proof to the city that the violation has been corrected. If the proof has not been presented within the required time, the city may revoke the permit.

(Ord. 02-04, passed 8-19-2002)

§ 93.17 MAPPING DATA

(A) *Information required.* All permittees shall, if required by the city, provide mapping information in accordance with Minnesota Rules, as follows:

- (1) The location of registrant's mains, cables, conduits, switches and related equipment and facilities, with the location identified based on:
 - (a) Offsets from property lines and distances from the centerline of the public right-of-way as determined by the city;
 - (b) Coordinates derived from the coordinate system being used by the city; or
 - (c) Any other system agreed upon by the registrant and the city.
- (2) The type and size of the equipment;
- (3) A description of aboveground appurtenances; and
- (4) A legend explaining symbols, characters, abbreviations, scale and other data shown on the map, and the location of any facilities to be abandoned, if applicable, in conformance with Minnesota Statutes. A right-of-way user is not required to provide or convey mapping information or data in a format or manner that is different from what is currently utilized and maintained by that user, but may be charged the cost of converting the information to the city's format.

(B) *Submittal requirements.* Within six months after the effective date of this section and upon requests by the city, all registrants which own or control facilities within public rights-of-way within the city on the effective date of this section shall submit detailed mapping data in accordance with this division for all facilities and equipment located within the public right-of-way. Following initial mapping, all registrants shall submit detailed mapping data by April 1 of every year for all new facilities

located within public rights-of-way in the city during the preceding year. At the request of any public right-of-way user, information required by the city which qualifies as “trade secret” data under the Minnesota Data Practices Act shall be protected accordingly.

(Ord. 02-04, passed 8-19-2002)

§ 93.18 WORK DONE WITHOUT A PERMIT

(A) *Emergency situations.* Each person with facilities in the right-of-way shall reasonably notify the city of any event regarding his or her facilities which he or she considers to be an emergency and any actions necessary to respond to the emergency. Within three business days after the occurrence of the emergency, the owner shall apply for the necessary permits, pay for the fees associated therewith and fulfill the rest of the requirements necessary to bring himself or herself into compliance with this subchapter for actions he or she took in response to the emergency. The permitting requirements shall not apply if the repair is made within the hole of the permitted excavator.

(B) *Non-emergency situations.* Except in an emergency, any public right-of-way user who, without first having obtained the necessary permit, obstructs or excavates a right-of-way must subsequently obtain a permit, and as a penalty pay double the normal fee, deposit with the city the fees necessary to correct any damage to the right-of-way and comply with all of the requirements of this subchapter.

(C) *Work done according to maintenance plan.* A permit is not required for routine maintenance work done according to a plan filled previously with and approved by the city.

(Ord. 02-04, passed 8-19-2002)

§ 93.19 REVOCATION OF PERMITS

(A) *Substantial breach.* The city reserves its right, as provided herein, to revoke any right-of-way permit without a fee refund if there is substantial breach of the terms and conditions of any statute, ordinance, rule or regulation, or any material condition of the permit. A substantial breach by permittee shall include, but shall not be limited to the following:

- (1) The violation of any material provision of the right-of-way permit;
- (2) An evasion or attempt to evade any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the city or its citizens;
- (3) Any material misrepresentation of fact in the application for right-of-way permit;
- (4) The failure to complete the work in a timely manner; unless a permit extension is obtained or unless the failure to complete work is due to reasons beyond the permittee’s control; or
- (5) The failure to correct, in a timely manner, work that does not conform to a condition indicated on an order issued pursuant to this subchapter.

(B) *Written notice of breach.* If the city determines that the permittee has committed a substantial breach of a term or condition of any statute, ordinance, rule, regulation or any condition of the permit, the city shall make a written demand upon the permittee to remedy the violation. The demand shall state that substantial breach, as stated above, will allow the city, at its discretion, to place additional or revised conditions on the permit to mitigate and remedy the breach.

(C) *Response to notice of breach.* Within a reasonable amount of time after receiving notification of the breach, the permittee shall provide the city with a plan, acceptable to the city, or the permittee's failure to submit an acceptable plan, or the permittee's failure to reasonable implement the approved plan, shall be cause for immediate revocation of the permit.

(D) *Reimbursement of city costs.* If a permit is revoked, the permittee shall also reimburse the city for the city's reasonable costs, including restoration costs and the costs of collection.
(Ord. 02-04, passed 8-19-2002)

§ 93.20 INSTALLATION REQUIREMENTS; LOCATION OF FACILITIES

(A) *Applicable law.* The installation, placement, location and relocation of facilities must comply with other applicable law, including Minn. Rules 7819.3100, 7819.5000 and 7819.5100.

(B) *Corridors.* The city may assign specific corridors within the right-of-way, or any particular segment thereof as may be necessary, for each type of facility that is or, pursuant to current technology, the city expects will someday be located within the right-of-way. All excavation, obstruction or other permits issued by the city involving the installation or replacement of facilities shall designate the proper corridor for the facilities at issue. Existing facilities located outside of a corridor are not required to relocate into the corridor.

(C) *Relocation of facilities.* A permittee shall promptly, and at its own expense, with due regard to seasonal working conditions, permanently remove and relocate any facility in the public right-of-way when it is necessary to prevent interference, and not merely for the convenience of the city, in connection with:

- (1) A present or future city use of the public right-of-way for a public project;
- (2) The public health or safety;
- (3) The safety and convenience of travel over public right-of-way; and
- (4) The permittee shall restore any public rights-of-way in accordance with this subchapter.
(Ord. 02-04, passed 8-19-2002)

§ 93.21 DAMAGE TO OTHER FACILITIES

When the city does public right-of-way work and finds it necessary to maintain, support or move facilities to protect from damage, the city shall notify the local representatives as early as is reasonably possible. The facility owner, or excavator, will be responsible for protection of the facility as provided by Minnesota Statutes.

(Ord. 02-04, passed 8-19-2002)

§ 93.22 RIGHT-OF-WAY VACATION

(A) *Reservation of right.* If the city vacates a public right-of-way which contains the equipment or facilities of a public right-of-way user and the vacation does not require the relocation of the equipment or facilities, the city shall reserve an easement for utilities.

(B) *Relocation of facilities.* If the vacation requires the relocation of the public right-of-way user's equipment or facility and the vacation proceedings are initiated for a public project, the public right-of-way user shall pay the relocation costs. If the vacation proceedings are for other than a public project, the initiating person or persons shall pay the relocation costs.

(Ord. 02-04, passed 8-19-2002)

§ 93.23 INDEMNIFICATION AND LIABILITY

(A) *Limitation of liability.* Upon the issuance of a public right-of-way permit, the city does not assume any liability:

- (1) For injuries to persons, damage to property or loss of service claims by any party; or
- (2) For claims or penalties of any sort resulting from the installation, presence, maintenance or operation of equipment or facilities by registrants, permittees or activities of registrants or permittees.

(B) *Indemnification.* A registrant or permittee shall indemnify, keep and hold the city, its officials, employees and agents, free and harmless from any and all costs, liabilities, presence, installation, maintenance, repair or operation of its equipment and facilities, or out of any activity undertaken in or complained of its authorized, allowed or prohibited by a public right-of-way permit. The foregoing does not indemnify the city for its own negligence except for claims arising out of or alleging the city's negligence in issuing the permit or in failing to properly or adequately inspect or enforce compliance with a term, condition or purpose of a permit. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to the registrant, permittee or city, and the registrant or permittee, in defending any action on behalf of the city, shall be entitled to assert in any action every defense or immunity that the city could assert on its own behalf.

(Ord. 02-04, passed 8-19-2002)

§ 93.24 ABANDONED FACILITIES

(A) *Notification.* A permittee shall notify the city when facilities are, or are intended to be, abandoned. If the abandonment is related to the cessation of service in the city by the right-of-way user, the city may require the right-of-way user to post a bond in an amount sufficient to reimburse the city for reasonable anticipated costs to be incurred in removing the equipment and facilities if the right-of-way user fails to do so.

(B) *Removal of abandoned facilities.* Any public right-of-way user who has abandoned facilities in any right-of-way shall remove them if required because they interfere with other right-of-way repairs, excavation or construction, unless this requirement is waived by the city.

(Ord. 02-04, passed 8-19-2002)

ASSESSABLE CURRENT SERVICES; OBLIGATION OF PROPERTY OWNERS AND OCCUPANTS**§ 93.40 DEFINITIONS**

For the purpose of this subchapter, the following definitions shall apply unless the context indicates or requires a different meaning.

CURRENT SERVICE. One or more of the following: snow, ice or rubbish removal from sidewalks, weed elimination from street grass plots adjacent to sidewalks or from private property, removal or elimination of public health or safety hazards from private property, excluding any hazardous building included in M.S. §§ 463.15 to 463.26, as they may be amended from time to time; installations or repair of water service lines, street sprinkling, street flushing, light street oiling or other dust treatment of streets, repair of sidewalks and alleys and the operation of a street lighting system.

(Prior Code, § 302.01)

§ 93.41 SNOW, ICE, DIRT AND RUBBISH

(A) *Duty of owners and occupants.* The owner and the occupant of any property adjacent to a public sidewalk shall use diligence to keep the walk safe for pedestrians. No owner or occupant shall allow snow, ice, dirt or rubbish to remain on the walk longer than 12 hours after its deposit thereon, or in the case of snow after it has ceased falling.

(B) *Removal by city.* The Public Works Director shall remove from all public sidewalks all snow, ice, dirt and rubbish as soon as possible beginning 12 hours after any matter has been deposited thereon

or after the snow has ceased to fall. A charge as set by Council will be made when the cleanup is necessary. The Public Works Director shall keep a record of the removals and report the information to the City Clerk-Treasurer.

(Prior Code, § 302.02) Penalty, see § 10.99

§ 93.42 WEED ELIMINATION

(A) *Weeds as a nuisance.* Any weeds, whether noxious as defined by law or not, growing upon any lot or parcel of land outside the traveled portion of any street or alley in the City of Cokato to a greater height than 12 inches or which have gone or are about to go to seed are a nuisance. The owner and the occupant shall abate or prevent the nuisance on the property and on land outside the traveled portion of the street or alley abutting on the property.

(B) *Notice.* The city shall mail notice directing owners and occupants of property within the city to destroy all weeds declared by division (A) above to be a nuisance and stating that if not so destroyed within ten days after mailing of the notice, the weeds will be destroyed by the Public Works Director at the expense of the owner and if not paid, the charge for the work will be made a special assessment against the property concerned.

(C) *Removal by city.* If the owner or occupant of any property in the city fails to comply with the notice within ten days after it has been mailed, the Public Works Director shall cut and remove the weeds. He or she shall keep a record showing the cost of the work attributable to each separate lot and parcel and shall deliver the information to the City Clerk-Treasurer.

(Prior Code, § 302.03) Penalty, see § 10.99

§ 93.43 PUBLIC HEALTH AND SAFETY HAZARDS

(A) When the city removes or eliminates public health or safety hazards from private property under city ordinance, the administrative officer responsible for doing the work shall keep a record of the cost of the removal or elimination against each parcel of property affected and annually deliver the information to the City Clerk-Treasurer.

(B) This section does not apply to hazardous buildings under the hazardous building law, M.S. §§ 463.15 to 463.26, as it may be amended from time to time.

(Prior Code, § 302.04)

§ 93.44 INSTALLATION AND REPAIR OF WATER SERVICE LINES

Whenever the city installs or repairs water service lines serving private property under Title V, the Public Works Director shall keep a record of the total cost of the installation or repair against the property and deliver the information to the City Clerk-Treasurer annually by August 15, as to each parcel of property on which the cost has not been paid.

(Prior Code, § 302.05)

§ 93.45 REPAIR OF SIDEWALKS AND ALLEYS

(A) *Duty of owner.* The owner of any property within the city abutting a public sidewalk or alley shall keep the sidewalk or alley in repair and safe for pedestrians. Repairs shall be made in accordance with the standard specifications approved by the Council and on file in the office of the City Clerk.

(B) *Inspection; notice.* The Public Works Director shall make the inspections as are necessary to determine that public sidewalks and alleys within the city are kept in repair and safe for pedestrians or vehicles. If he or she finds that any sidewalk or alley abutting on private property is unsafe and in need of repairs, he or she shall cause a notice to be served, by registered or certified mail or by personal service, upon the record owner of the property and the occupant, if the owner does not reside within the city or cannot be found therein ordering the owner to have the sidewalk or alley repaired and made safe within 30 days and stating that if the owner fails to do so, the Public Works Director will do so on behalf of the city, that the expense thereof must be paid by the owner, and that if unpaid it will be made a special assessment against the property concerned.

(C) *Repair by city.* If the sidewalk or alley is not repaired within 30 days after receipt of the notice, the Public Works Director shall report the facts to the Council and the Council shall, by resolution, order the Public Works Director to repair the sidewalk or alley and make it safe or order the work done by contract in accordance with law. The Public Works Director shall keep a record of the total cost of the repair attributable to each lot or parcel of property and report the information to the City Clerk-Treasurer.

(Prior Code, § 302.06)

§ 93.46 STREET SPRINKLING, STREET FLUSHING AND THE LIKE

(A) *Proposed projects.* The Council shall each year determine, by resolution, what streets and alleys shall be sprinkled or flushed, oiled or given other dust treatment during the year and the kind of work to be done on each. The Council shall also determine, by resolution, from time to time the streets on which trees shall be trimmed and cared for, the kind of work to be done and what unsound trees shall be removed. Before any work is done pursuant to either of these resolutions, the City Clerk-Treasurer shall, under the Council's direction, publish notice that the Council will meet to consider the projects.

The notice shall be published in the official newspaper at least once no less than two weeks prior to the meeting of the Council and shall state the date, time and place of the meeting, the streets affected and the particular projects proposed, and the estimated cost of each project, either in total or on the basis of the proposed assessment per front foot or otherwise.

(B) *Hearing; order.* At the hearing or at any adjournment thereof, the Council shall hear property owners with reference to the scope and desirability of the proposed projects. The Council shall thereupon adopt a resolution confirming the original projects with the modifications as it considers desirable and shall provide for the doing of the work by day labor through the Public Works Director or by contract. The Public Works Director shall keep a record of the cost and the portion of the cost properly attributable to each lot and parcel of property abutting on the street or alley on which the work is done and shall report the information to the City Clerk-Treasurer.

(Prior Code, § 302.07)

§ 93.47 ASSESSMENT

On or before September 1 of each year, the City Clerk-Treasurer shall list the total unpaid charges for each type of current service against each separate lot or parcel which they are attributable under this subchapter. The Council may then spread the charges against the property benefitted as a special assessment under M.S. § 429.101, as it may be amended from time to time, and other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding ten, as the Council may determine in each case.

(Prior Code, § 302.08)

CHAPTER 94: ANIMALS

Section

Dogs

- 94.01 Definitions
- 94.02 Dog nuisances
- 94.03 Running-at-large prohibited
- 94.04 Licenses required
- 94.05 Affixing tags
- 94.06 Confinement of certain dogs
- 94.07 Limit of dogs at one premises
- 94.08 Abandonment
- 94.09 Quarantine of certain dogs
- 94.10 Muzzling proclamation
- 94.11 Proceedings for destruction of certain dogs
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- 94.13 Redemption

Other Animals

- 94.30 General prohibition
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- 94.33 Animals at-large
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- 94.35 Manner of keeping
- 94.36 Care of premises
- 94.37 Impounding

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DOGS**§ 94.01 DEFINITIONS**

For the purpose of this subchapter, the following definitions shall apply unless the context indicates or requires a different meaning.

HARBORER OF A DOG. Any person who has custody of any dog or permits the same to be kept or to stay on or about his or her premises.

OWNER. Any person, firm or corporation owning, harboring or keeping a dog.

RUNNING-AT-LARGE OF DOGS. Permitting any dog to go on or about the public streets, alleys or other places in the city, except on the premises of the owner or harborer thereof, and except on a leash, in an automobile or similar confinement, and at all times is under control.
(Res. 0022, passed 8-14-2000)

§ 94.02 DOG NUISANCES

(A) *Nuisances.*

(1) The owner or custodian of any dog shall prevent the dog from committing in the city any act which constitutes a nuisance such as to habitually, frequently bark or cry, to frequent school grounds, parks or public beaches, to chase vehicles, to molest or annoy any person away from the property of his or her owner or custodian, or to damage or destroy public or private property.

(2) Defecation on property other than that of the dog owner is a nuisance. Failure of the owner or custodian to prevent the dog from committing a nuisance is a violation of this subchapter.

(B) *Habitual barking.* It shall be unlawful for any person to keep or harbor a dog which habitually barks or cries. ***HABITUAL BARKING*** shall be defined as barking for repeated intervals of at least five minutes with less than one minute of interruption. The barking must also be audible off of the owner's or caretaker's premises.

(C) *Warrant required.* The Animal Control Officer or police officer shall not enter the property of the owner of an animal described in this section unless the officer has first obtained the permission of the owner to do so or has obtained a warrant issued by a court of competent jurisdiction, as provided for in § 10.20, to search for and seize the animal.

(Res. 0022, passed 8-14-2000) Penalty, see § 94.99

Cross-reference:

Manner of keeping, see § 94.35

§ 94.03 RUNNING-AT-LARGE PROHIBITED

It shall be unlawful for the dog or cat of any person who owns, harbors or keeps a dog or cat, to run-at-large. A person, who owns, harbors or keeps a dog or cat which runs-at-large shall be guilty of a misdemeanor. Dogs or cats on a leash and accompanied by a responsible person or accompanied by and under the control and direction of a responsible person, so as to be effectively restrained by command as by leash, shall be permitted in streets or on public land unless the city has posted an area with signs reading Dogs or Cats Prohibited.

§ 94.04 LICENSES REQUIRED

- (A) No person shall keep any dog within the city without securing an annual license from the city.
- (B) Records are kept for licenses issued with proof of vaccinations.
- (C) License fees shall be established by the City Council by ordinance.
(Res. 0022, passed 8-14-2000) Penalty, see § 94.99

§ 94.05 AFFIXING TAGS

- (A) The owner shall cause the tag to be affixed by a permanent metal fastener to the collar of the dog in such a manner that the tag may easily be seen.
- (B) The owner shall see that the tag is constantly worn by the dog in public.
(Res. 0022, passed 8-14-2000)

§ 94.06 CONFINEMENT OF CERTAIN DOGS

Every female dog in heat shall be confined in a building or other secure enclosure in such manner that it cannot come into contact with another dog, except for planned breeding.
(Res. 0022, passed 8-14-2000)

§ 94.07 LIMIT OF DOGS AT ONE PREMISES

Not more than two dogs over six months of age shall be kept on any one premises except at a licensed commercial kennel. However, if more than two dogs are now currently kept at the premises, the dogs will be permitted to remain if no violations occur under the provisions of this chapter.
(Res. 0022, passed 8-14-2000)

§ 94.08 ABANDONMENT

It is unlawful for any person to abandon any dog or other animal within the city limits.
(Res. 0022, passed 8-14-2000)

§ 94.09 QUARANTINE OF CERTAIN DOGS

Any dog which bites a person shall be quarantined for such a time as may be directed by the city. During quarantine, the dog shall be securely confined and kept from contact with any other animal. At the discretion of the city, the quarantine may be on the premises of the owner. However, if the conditions require other confinement, the owner shall surrender the dog for the quarantine period to an animal shelter/clinic or shall, at his or her own expense, place it in a veterinary clinic as determined by the city.
(Res. 0022, passed 8-14-2000)

§ 94.10 MUZZLING PROCLAMATION

Whenever the prevalence of rabies renders the action necessary to protect the public health and safety, the Council shall issue a proclamation ordering every person owning or keeping a dog to muzzle it securely so that it cannot bite. No person shall violate the proclamation and any unmuzzled dog unrestrained during the time fixed in the proclamation shall be subject to impoundment as heretofore provided, and the owner of the dog shall be subject to the penalty hereinafter provided.
(Res. 0022, passed 8-14-2000)

§ 94.11 PROCEEDINGS FOR DESTRUCTION OF CERTAIN DOGS

(A) Upon sworn complaint to the Wright County Court that any of the facts set forth in division (A)(1) through (A)(4), the judge shall issue a summons directed to the owner of the dog commanding him or her to appear before the court to show cause why the dog should not be seized by Sheriff's Department or otherwise disposed of in the manner authorized in this subchapter:

- (1) That any dog at any time has destroyed property or habitually trespasses in a damaging manner on the property of persons other than the owner;
- (2) That any dog at any time has attacked or bitten a person outside the owner's or custodians premises;
- (3) That any dog is vicious, shows vicious habits or molests pedestrians and/or interferes with vehicles on the public streets; or
- (4) That any dog is deemed public nuisance as heretofore defined.

(B) The summons shall be thereof and shall be served at least two days before the time of the scheduled court appearance. Upon the hearing and finding the facts true as complained of, the court may either order the dog killed, order the dog owner/custodian to remove it from the city limits or may order the owner or custodian to keep it confined to a designated place. If the owner or custodian violates the order, and Sheriff's Department may impound the dog described in the order. The provisions are in addition to and supplemental to other provisions of this subchapter.

(C) Costs of the proceeding as specified by this subchapter shall be charged back and/or assessed to the owner or custodian of the dog, if the facts in the complaint are found to be true; or to the complainant, if the facts are found not to be true.

(Res. 0022, passed 8-14-2000)

§ 94.12 IMPOUNDING

Unclaimed dogs found unlicensed or running-at-large may be impounded by the city and/or Sheriff's Department. Notice of the impounding shall be given to the owner of the dog if known. If the owner is unknown, the city or deputy sheriff shall post a notice at City Hall. If the dog is not claimed within seven days including Saturday, Sunday or Monday of the posting the notice, the animal will become the property of the designated clinic/shelter as described under the adopted Animal Control contract and put up for adoption or euthanized if injured, ill or a suitable home cannot be found.

(Res. 0022, passed 8-14-2000)

§ 94.13 REDEMPTION

Any dog to be redeemed from the impoundment location by the owner/custodian within the time stated in the notice shall pay the fee amount as designated in the Animal Control contract to the city. Any unpaid fee will be paid together with any impounding fines for each time the dog is impounded. All boarding costs for feeding the dog each day per the Animal Control Contract as approved by the City Council will be the responsibility of the owner and/or custodian.

(Res. 0022, passed 8-14-2000)

OTHER ANIMALS

§ 94.30 GENERAL PROHIBITION

No person shall keep any horse, cattle, sheep or goat in the city or permit the animal to be kept on premises owned, occupied or controlled by him or her except under the conditions prescribed by this subchapter.

(Prior Code, § 504.01) Penalty, see § 94.99

§ 94.31 AREAS WHERE KEEPING PROHIBITED

No horse, cattle, sheep or goat shall be kept within the city except within the agricultural zone (or on a parcel of land exceeding three acres).

(Prior Code, § 504.02)

§ 94.32 TREATMENT

No person shall treat any animal in a cruel or inhumane manner.

(Prior Code, § 504.03)

§ 94.33 ANIMALS AT-LARGE

(A) No person shall permit any horse, mule, donkey, pony, cattle, sheep, goat, swine, rabbit, chicken, geese, duck or turkey of which he or she is the owner, caretaker or custodian to be at-large within the city.

(B) Any animal is deemed to be at-large when it is off the premises owned or rented by the owner or his or her agent and not under his or her individual restraint.

(Prior Code, § 504.04)

§ 94.34 DISEASED ANIMALS

Any animal with a contagious disease shall be so confined that it cannot come within 50 feet of any public roadway or any place where animals belonging to or harbored by another person are kept.

(Prior Code, § 504.05)

§ 94.35 MANNER OF KEEPING

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

(Prior Code, § 504.06)

Cross-reference:

Dog nuisances, see § 94.02

§ 94.36 CARE OF PREMISES

(A) *Clean shelters.* Every structure and yard in which animals or fowl are kept shall be maintained in a clean and sanitary condition and free of rodents, vermin and objectionable odors. The interior walls, ceilings, floors, partitions and appurtenances of any structure shall be whitewashed or painted, as the Health Officer shall direct. Upon the complaint of any individual or otherwise, the Health Officer shall inspect the structure or yard and issue any order as may be reasonably necessary to carry out the provisions of §§ 94.30 through 94.35.

(B) *Manure.* Manure shall be removed with sufficient frequency to avoid nuisance from odors or from the breeding of flies, but at least once per month from October 1 to May 1 each year and once every two weeks at other times. Unless used for fertilizer, manure shall be removed by hauling beyond the city limits. If used for fertilizer, manure shall be spread upon the ground evenly and turned under at once or as soon as the frost leaves the ground.

(Prior Code, § 504.07)

§ 94.37 IMPOUNDING

(A) *Who impounds.* The Public Works Director or any police officer may take up and impound in the city pound any animal or fowl found running-at-large in violation of this subchapter and shall provide proper sustenance for every animal impounded.

(B) *Notice.* Within 24 hours after any animal has been impounded, the pound master shall post notice in the City Hall and post office in the city describing the animal and stating that it has been impounded. He or she shall also make a reasonable attempt to give oral or written notice to the owner if known.

(C) *Release.* No animal impounded shall be released except to a person displaying a receipt from the City Clerk-Treasurer showing payment of the impounding fee or the sale price.

(D) *Fees.* The fee for impounding and feeding fowl and any other impounded animal, except a dog shall be as set by Council.

(E) *Sale.* If any impounded animal is not redeemed within six days, the pound master shall give an additional three-day posted notice, as provided in division (B) above, of the time and place when and where the animal shall be sold. If the pound master is unable to sell the animal on the day stated, he or she may sell the animal as soon thereafter as possible without further notice.

(F) *Illegal release.* No unauthorized person shall break into the pound or release any animal legally placed therein.
(Prior Code, § 504.08)

§ 94.99 PENALTY

General. Any person violating any provision of this chapter shall be guilty of a misdemeanor.
(Res. 0022, passed 8-14-2000)

CHAPTER 95: NUISANCES

Section

Public Nuisances

- 95.01 Public nuisances prohibited
- 95.02 Public nuisances affecting health
- 95.03 Public nuisances affecting morals and decency
- 95.04 Public nuisances affecting peace and safety
- 95.05 Abandoned, junk and unauthorized vehicles
- 95.06 Enforcement by city officers
- 95.07 Abatement procedure
- 95.08 Recovery of cost

- 95.99 Penalty

PUBLIC NUISANCES

§ 95.01 PUBLIC NUISANCES PROHIBITED

Whoever by his or her act or failure to act does any of the following is guilty of maintaining a public nuisance:

- (A) Maintains or permits a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public;
- (B) Interferes with, obstructs or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or
- (C) Does any other act or omission declared by law or city ordinance to be a public nuisance.
(Prior Code, § 801.01) (Am. Ord. 02-2011, passed 5-9-2011)

§ 95.02 PUBLIC NUISANCES AFFECTING HEALTH

The following are hereby declared to be nuisances affecting health:

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- (A) Exposed accumulation of decayed or unwholesome food or vegetable matter;
- (B) All diseased animals running-at-large;
- (C) All ponds or pools of stagnant water;
- (D) Carcasses of animals not buried or destroyed within 24 hours after death;
- (E) Accumulations of manure, refuse or other debris;
- (F) Privy vaults and garbage cans which are not rodent-free or fly-tight or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors;
- (G) The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substances;
- (H) All noxious weeds and other rank growths of vegetation upon public or private property or grass or weeds in excess of eight inches in height in an area maintained as lawn;
- (I) Dense smoke, noxious fumes, gas and soot or cinders, in unreasonable quantities;
- (J) All public exposure of persons having a contagious disease; and
- (K) Any offensive trade or business as defined by statute or city ordinance not licensed by the appropriate authority.
(Prior Code, § 801.02) (Am. Ord. 02-2011, passed 5-9-2011)

§ 95.03 PUBLIC NUISANCES AFFECTING MORALS AND DECENCY

The following are hereby declared to be nuisances affecting public morals and decency:

- (A) All gambling devices, slot machines and punch boards except as authorized and permitted by law;
- (B) Betting, book making and all apparatus used in those occupations;
- (C) All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame and bawdy houses;
- (D) All places where intoxicating or 3.2 malt liquor is manufactured or disposed of in violation of law or where, in violation of law, persons are permitted to resort for the purpose of drinking intoxicating or 3.2 malt liquor, or where intoxicating or 3.2 malt liquor is kept for sale or other disposition in violation of law and all liquor and other property used for maintaining such a place; and

(E) Any vehicle used for the transportation of intoxicating or 3.2 malt liquor, or for promiscuous sexual intercourse or any other immoral or illegal purpose.
(Prior Code, § 801.03) (Am. Ord. 02-2011, passed 5-9-2011)

§ 95.04 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY

The following are declared to be nuisances affecting public peace and safety:

- (A) All snow and ice not removed from public sidewalks 24 hours after the snow fall or other precipitation causing the condition has ceased to fall;
- (B) All trees, hedges, billboards or other obstructions which prevent persons from having a clear view of all traffic approaching an intersection;
- (C) All wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;
- (D) All unnecessary noises and annoying vibrations;
- (E) Obstructions all excavations affecting the ordinary use by the public of streets, alleys, sidewalks or public grounds except under the conditions as are permitted by this code or other applicable law;
- (F) Radio aerial or television antennae erected or maintained in a dangerous manner;
- (G) Any use of property abutting on a public street or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free uses of the streets or sidewalks;
- (H) All hanging signs, awnings and other similar structures over streets and sidewalks, or so situated so as to endanger public safety, or not constructed and maintained as provided by ordinance;
- (I) The allowing of rainwater, ice or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk;
- (J) Any barb-wire fence less than six feet above the ground and within three feet of a public sidewalk or way;
- (K) All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;
- (L) Waste water cast upon or permitted to flow upon streets or other public property;

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(M) Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies or other material, in a manner conducive to the harboring of rats, mice, snakes or vermin, or to fire, health or safety hazards from the accumulation or from the rank growth of vegetation among the items so accumulated;

(N) Any well, hole or similar excavation which is left uncovered or in such other condition as to constitute a hazard to any child or other person coming on the premises where it is located;

(O) Obstruction to the free flow of water in a natural waterway or a public street drain, gutter or ditch with trash or other materials;

(P) The placing or throwing on any street, sidewalk or other public property of any glass, tacks, nails, bottles or other substance which may injure any person or animal or damage any pneumatic tire when passing over the substance;

(Q) The depositing of garbage or refuse on a public right-of-way or on adjacent private property;

(R) All other conditions or things that are likely to cause injury to the person or property of anyone or which are declared nuisances by any statute or other city ordinance;

(S) Any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person, or precludes the enjoyment of property, or adversely affects the value of property;

(T) All noise in violation of Minn. Rules. Ch. 7030, as it may be amended from time to time;

(U) The use of any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling, or other noise;

(V) The discharging of the exhaust or permitting the discharge of the exhaust of any internal combustion engine, motor boat, motor vehicle, motorcycle, all-terrain vehicle, snowmobile, or any recreational device, except through a muffler or other device that effectively prevents loud or explosive noises and complies with all applicable state laws and regulations;

(W) Any loud or excessive noise in the loading, unloading, or unpacking of any vehicle;

(X) The use or operation, or permitting the use or operation, of any radio receiving set, musical instrument, music device, paging system, machine, or other device for producing or reproduction of sound in a distinctly and loudly audible manner so as to disturb the peace, quiet, and comfort of any person nearby; and

(Y) The parking or storage of any recreational vehicle in violation of § 70.07 or other vehicles in violation of § 70.08 of this code.

(Prior Code, § 801.04) (Am. Ord. 02-2011, passed 5-9-2011)

§ 95.05 ABANDONED, JUNK AND UNAUTHORIZED VEHICLES

The parking, storage, repairing, dismantling, demolition or maintenance of any junk or abandoned vehicle in violation of § 92.02 of this code constitutes a public nuisance. Abandoned, junk or unauthorized vehicles may be impounded and disposed of as permitted under § 92.03 of this code. (Ord. 02-2011, passed 5-9-2011)

§ 95.06 ENFORCEMENT BY CITY OFFICERS

City officials may apply and enforce any provision of this chapter relating to public nuisances in the city. Any peace officer or other designated city official shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances. Except in emergency situations of imminent danger to human life and safety, no peace officer or designated city official may enter private property for the purpose of inspecting or preventing public nuisances without the permission of the owner, resident, or other person in control of the property, unless the officer or person designated has obtained a warrant or order from a court of competent jurisdiction authorizing entry.

(Ord. 02-2011, passed 5-9-2011)

§ 95.07 ABATEMENT PROCEDURE

(A) *Procedure.* Except with regard to abandoned, junk or unauthorized vehicles, whenever the peace officer or other designated official determines that a public nuisance is being maintained or exists on the premises in the city, the official shall notify in writing the owner of record or occupant of the premises of such fact and order that the nuisance be terminated or abated. The notice of violation shall specify the steps to be taken to abate the nuisance and the time within which the nuisance is to be abated. If the notice of violation is not complied with within the time specified, the official shall report that fact forthwith to the City Council. Thereafter, the City Council may, after notice to the owner or occupant and an opportunity to be heard, determine that the condition identified in the notice of violation is a nuisance and further order that if the nuisance is not abated within the time prescribed by the City Council, the city may seek injunctive relief by serving a copy of the City Council order and notice of motion for summary enforcement or obtain an administrative search and seizure warrant and abate the nuisance.

(B) *Notice.* Written notice of the violation, notice of the time, date, place, and subject of any hearing before the City Council, notice of the City Council order, and notice of motion for summary enforcement hearing shall be served by a peace officer or designated official on the owner of record or occupant of the premises either in person or by certified or registered mail. If the premise is not occupied, the owner of record is unknown, or if the owner of record or occupant refuses to accept notice, notice shall be served by posting it on the premises.

(C) *Emergency procedure; summary enforcement.* In cases of emergency, where delay in abatement required to complete the procedure and notice requirements as set forth in divisions (A) and (B) of this section will permit a continuing nuisance to unreasonably endanger public health, safety, or welfare, the City Council may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the peace officer or other designated official shall determine that a public nuisance exists or is being maintained on premises in the city and that delay in abatement will unreasonably endanger public health, safety, or welfare. The officer or designated official shall notify in writing the occupant or owner of the premises of the nature of the nuisance, whether public health, safety, or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in division (A) of this section and may order that the nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the City Council may order summary enforcement and abate the nuisance.

(D) *Immediate abatement.* Nothing in this section shall prevent the city, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety.

(E) *Noisy parties or gatherings.* When a peace officer determines that a gathering is creating such a noise disturbance as prohibited under § 95.04, the officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disburse immediately. No person shall refuse to leave after being ordered to do so by law enforcement. Every owner or tenant of the premises who has knowledge of the disturbance shall make every reasonable effort to see that the disturbance is stopped.

(F) *Judicial remedy.* Nothing in this section shall prevent the city from seeking a judicial remedy when no other adequate administrative remedy exists.
(Ord. 02-2011, passed 5-9-2011)

§ 95.08 RECOVERY OF COSTS

(A) *Personal liability.* The owner of the premises on which a nuisance has been abated by the city, or a person who has caused a public nuisance on property not owned by that person, shall be personally liable for the cost to the city of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the City Clerk or other city official shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the City Clerk.

(B) *Assessment.* After notice and hearing as provided in M.S. § 429.061, as it may be amended from time to time, if the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect-infected trees, the City Clerk shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed under M.S. § 429.101 against

each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against the property under that statute and any other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding ten, as the City Council may determine in each case.

(C) *Collection of other charges.* This division applies to the collection of services charges for the abatement of nuisances other than those subject to assessment pursuant to M.S. § 429.101. For all such other services charges and pursuant to M.S. § 415.01, the city hereby avails itself of the authority under M.S. §§ 366.011 and 366.012 to impose and provide for the collection of services charges related to the abatement of nuisances. All unpaid charges shall be delinquent 30 days after a notice of delinquency is sent by the city to the owner of the affected property. The city may certify any unpaid charge to the County Auditor on or before October 15 of each year for collection with the property taxes levied against the property if, on or before September 15, the city has given written notice to the owner of the property of its intention to certify the charge to the auditor. All charges shall be subject to the same penalties, interest and other conditions provided for the collection of property taxes.

(Ord. 02-2011, passed 5-9-2011)

§ 95.99 PENALTY

Any person convicted of violating any provision of this chapter is guilty of a misdemeanor.

(Ord. 02-2011, passed 5-9-2011)

CHAPTER 96: VACANT BUILDINGS

Section

- 96.01 Purpose and findings
- 96.02 Definitions
- 96.03 Vacant building registration
- 96.04 Change of ownership
- 96.05 Inspections
- 96.06 Maintenance of vacant buildings
- 96.07 No occupancy or trespass
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§ 96.01 PURPOSE AND FINDINGS

(A) The purpose of this chapter is to protect the public health, safety and welfare by establishing a program for the identification and regulation of vacant buildings within the city. This chapter also determines the responsibilities of owners of vacant buildings and provides for administration, enforcement, and penalties associated with same.

(B) The City Council finds that vacant buildings are a major cause and source of blight in residential and non-residential neighborhoods, especially when the owner or responsible party of the building fails to maintain and manage the building to ensure it does not become a liability to the neighborhood. Vacant buildings often attract transients, trespassers and criminals. Neglect of vacant buildings and the use of vacant buildings by transients and criminals creates a risk of fire, explosion or flooding for the vacant building and adjacent properties. Vacant properties often are used as dumping grounds for junk and debris and frequently are overgrown with weeds and tall grass. Vacant buildings that are boarded to prevent entry by transients and other long-term vacancies are unsightly, discourage economic development and inhibit the increase of property values. There is a substantial cost to the city in monitoring vacant buildings regardless of whether they are boarded. This cost should not be borne by the general taxpayers but should be borne by those who choose to leave their buildings vacant.

(Ord. 08-2010, passed 12-13-2010)

§ 96.02 DEFINITIONS

For purposes of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED PROPERTY. Any property that the owner has surrendered, relinquished, disclaimed, or ceded all right, title, claim, and possession, with the intention of not reclaiming it.

BUILDING. A roofed structure used or intended for supporting or sheltering any use or occupancy.

COMPLIANCE OFFICIAL. The City Administrator or the City Administrator's designee authorized to administer and enforce this section.

OWNER or PROPERTY OWNER. The owner of record according to Wright County property tax records; those identified as owner or owners on a vacant building registration form; a holder of an unrecorded contract for deed; a mortgagee or vendee in possession; a mortgagor or vendor in possession; an assignee of rents; or a receiver, executor, trustee, lessee, other person, firm or corporation in control of the freehold of the premises or lesser estate therein. **OWNER** also means any person, partnership, association, corporation or fiduciary having legal or equitable title or any interest in the property or building, including any partner, officer or director of any partnership, corporation, association or other legally constituted business entity. All owners shall have joint and several obligations for compliance with the provisions of this section.

RESPONSIBLE PARTY. An owner, entity or person acting as an agent for the owner who has direct or indirect control or authority over the building or real property upon which the building is located or any party having a legal or equitable interest in the property, including but not limited to, a realtor, service provider, mortgagor, leasing agent, management company or similar person or entity.

VACANT BUILDING. A building in which no person actually and currently conducts a lawful business or lawfully resides or lives on a permanent, non-transient basis in accordance with city zoning regulations.

(Ord. 08-2010, passed 12-13-2010)

§ 96.03 VACANT BUILDING REGISTRATION

(A) *Application.*

- (1) The owner or responsible party shall register a vacant building with the city no later than 30 days after the building becomes vacant. The registration shall be submitted on a form provided by the city and shall include the following information supplied by the owner:

- (a) The name, address, telephone number and email address of each owner and each owner's representative;
- (b) The tax parcel identification number and street address of the premises on which the building is situated;
- (c) The names, addresses, telephone numbers and email addresses of all known lien holders and all other parties with any legal interest in the building;
- (d) The name, address, telephone number and email address of a local agent or person responsible for managing or maintaining the property;
- (e) The status of water, sewer, natural gas and electric utilities; and
- (f) The date the building became vacant, the period of time the building is expected to remain vacant, and a property plan and timetable for returning the building to appropriate occupancy or use and correcting code violations and nuisances, or for demolition of the building.

(2) The owner shall notify the Compliance Official within 30 days of changes in any of the information supplied as part of the vacant building registration and shall continue to do so on an ongoing basis during vacancy.

(B) *Property plan.* The property plan identified above in division (A)(1)(f) above shall meet the following requirements:

- (1) *General provisions.* The plan shall comply with all applicable regulations and meet the approval of the Compliance Official. It shall contain a timetable regarding use or demolition of the property. The plan shall be completed within 30 days after the building is registered.
- (2) *Maintenance of building.* The plan shall identify the means and timetable for addressing all maintenance and nuisance-related items identified in the application. Any repairs, improvements or alterations to the property shall comply with building code provisions and applicable city regulations.
- (3) *Plan changes.* If the property plan or timetable for the vacant building is revised in any way for any purpose, the revisions shall meet the approval of the Compliance Official.
- (4) *Demolition required.* If a building has remained vacant for a period of 365 consecutive days or more, and the Compliance Official has not approved an alternative schedule in the property plan, the city may declare the building to be a nuisance and direct the owner to demolish the building and restore the grounds. If the owner does not demolish the building and thereby eliminate the nuisance conditions, the city may commence abatement and cost recovery proceedings for the abatement of the violation in accordance with Chapter 95 of this code and M.S. § 429.101, as it may be amended from time to time.

(C) *Non-compliance and notification.* If the owner does not comply with the property plan, or maintain or correct nuisance violations, the city may commence abatement and recover its costs for correction of those items in accordance with Chapter 95 of this code and M.S. § 429.101, as it may be amended from time to time. In the case of an absent owner and ongoing nuisance issues, the city need not provide notice of each abatement act to the owner. A single notice by the city to the owner is determined to be sufficient notice that it intends to provide ongoing abatement until the owner corrects the violations.

(D) *Exemptions.*

(1) *Casualty damage.* A building that has suffered casualty damage is exempt from the registration requirement for a period of 90 days after the date of the casualty event if the owner submits a request for exemption in writing to the Compliance Official. An exemption request for review by the Compliance Official shall include the following information supplied by the owner:

- (a) A description of the premises;
- (b) The name and address of owner or owners;
- (c) A statement of intent to repair and reoccupy the building in an expeditious manner and the time frame for completion; and
- (d) Actions the owner will take to ensure the property does not become a nuisance.

(2) *Snowbirds.* Those persons who leave their residential buildings on a temporary basis for vacation purposes or to reside elsewhere during the winter season and have the intent to return are exempt from the registration requirement. Requests for "snowbird" exemption will be considered annually with proper verification.

(E) *Fees.* The owner shall pay an annual registration fee. The registration fee will be in an amount adopted by ordinance by the City Council. The amount of the registration fee shall be reasonably related to the administrative costs for registering and processing the registration form and for the costs of the city in monitoring the vacant building site. The fee shall be paid in full prior to the issuance of any building permits or licenses, with the exception of a demolition permit.

(F) *Assessment.* If the registration fee or any portion thereof is not paid within 60 days after billing or within 60 days after any appeal becomes final, the City Council may certify the unpaid fees against the property in accordance with M.S. § 429.101, as it may be amended from time to time.

(G) *Issuance of registration.* Upon completion of the registration process and payment of the fee, the city will issue a vacant building registration to the owner. The owner shall securely post the registration on the vacant building on a side entrance door, where possible, that is not generally visible from the public street. If no side entrance door is available, the registration shall be securely posted on another available entrance door.

(H) *Failure to register.* If the property is abandoned or the owner or responsible party fails to complete the registration process, the property will be registered administratively as a vacant property and the registration fee shall be assessed against the property.

(Ord. 08-2010, passed 12-13-2010)

§ 96.04 CHANGE OF OWNERSHIP

A new owner shall register or re-register a vacant building in accordance with § 96.03 within 15 days of any transfer of an ownership interest in a vacant building. The new owner shall comply with the approved property plan and timetable submitted by the previous owner or shall submit a revised or amended property plan to the Compliance Official for review and approval. For the purposes of this section, the new owner is an **OWNER** as defined in § 96.02 if the new owner has purchased the vacant building since its registration by the previous owner or has otherwise succeeded to all rights of the previous owner.

(Ord. 08-2010, passed 12-13-2010)

§ 96.05 INSPECTIONS

The Compliance Official may inspect any vacant building in the city for the purpose of enforcing and assuring compliance with this section and other applicable regulations. Upon the request of the Compliance Official, an owner or responsible party shall provide access to all interior portions of the building and the exterior of the property in order to complete an inspection. If the owner or responsible party is not available, is unresponsive, or refuses to provide access to the interior of the building, the city may use any legal means to gain entrance to the building for inspection purposes. Prior to any re-occupancy, the owner or responsible party shall request an inspection of the vacant building by the Compliance Official to determine compliance with this chapter and all other applicable regulations. All application and re-inspection fees also shall be paid prior to building occupancy.

(Ord. 08-2010, passed 12-13-2010)

§ 96.06 MAINTENANCE OF VACANT BUILDINGS

The owner shall comply with and address the following items in the property plan, as described in § 96.03(B):

(A) *Appearance.* All vacant buildings shall be maintained and kept so that they appear to be occupied.

(B) *Securing.* All vacant buildings shall be secured from outside entry by unauthorized persons or pests. Security shall be ensured by normal building amenities such as windows and doors having

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adequate strength to resist intrusion. All doors and windows shall remain locked. There shall be at least one operable door into every building and into each dwelling unit. Exterior walls and roofs shall remain intact without holes.

(1) *Architectural (cosmetic) structural panels.* Architectural structural panels may be used to secure windows, doors and other openings provided they are cut to fit the opening and match the characteristics of the building. Architectural panels may be of exterior grade-finished plywood or Medium Density Overlaid plywood (MDO) that is painted to match the building exterior or covered with a reflective material such as plexiglass to simulate windows.

(2) *Temporary securing.* Untreated, exterior grade (CDX) plywood or similar structural panels may be used to secure windows, doors and other openings for a maximum period of 90 days.

(3) *Emergency securing.* The Compliance Official may take immediate steps to secure a vacant building at his or her discretion in emergency circumstances.

(C) *Fire safety.*

(1) *Fire protection systems.* Owners of non-residential vacant buildings shall maintain all fire protection systems, appliances and assemblies in operating condition and maintain underwriter laboratories (UL) monitoring of all systems.

(2) *Removal of hazardous and combustible materials.* The owner of any vacant building shall remove all hazardous material and hazardous refuse that could constitute a fire hazard or contribute to the spread of fire.

(D) *Plumbing fixtures.* Plumbing fixtures connected to an approved water system, an approved sewage system, or an approved natural gas utility system shall be installed in accordance with applicable codes and be maintained in sound condition and good repair or removed and the service terminated in the manner prescribed by applicable codes. The building's water systems shall be protected from freezing.

(E) *Electrical.* Electrical service lines, wiring, outlets or fixtures not installed or maintained in accordance with applicable codes shall be repaired, removed or the electrical services terminated to the building in accordance with applicable codes.

(F) *Lighting.* All exterior lighting fixtures shall be maintained in good repair, and illumination shall be provided to the building and all walkways in the same manner as provided at the time the building was last occupied or as otherwise provided in the approved vacant building plan.

(G) *Heating.* Heating facilities or heating equipment in vacant buildings shall be removed, rendered inoperable, or maintained in accordance with applicable codes.

(H) *Termination of utilities.* The Compliance Official may require that water, sewer, electricity, or gas service to the vacant building be terminated or disconnected. Prior to the termination of any utility service, the city will provide written notice to the owner as provided in city Code of Ordinances. No utility may be restored until consent is given by the Compliance Official. Utilities may be discontinued at the request of the owner or responsible party as part of the approved vacant building property plan. The Compliance Official may authorize immediate termination of utilities at his or her discretion in emergency circumstances and provide subsequent notice to the owner or responsible party.

(I) *Signs.* On non-residential properties, obsolete or unused exterior signs and installation hardware shall be removed. Holes and penetrations shall be properly patched and painted to match the building. Surfaces beneath the signs that do not match the building shall be repaired, resurfaced, painted or otherwise altered to be compatible with the building surfaces. All signs remaining on the property shall be maintained in good condition and comply with the provisions of this code.

(J) *Exterior maintenance.* The owner shall comply with all applicable property maintenance regulations and city codes including, but not limited to, the following:

(1) *Nuisances.* The owner shall eliminate any activity on the property that constitutes a nuisance as defined by this code or state statute.

(2) *Grass and weeds.* Any weeds or grass shall be maintained at a height of no greater than eight inches and in accordance with this code.

(3) *Exterior structure maintenance.* The owner shall maintain the vacant building in a manner so that it does not constitute a nuisance or as otherwise determined to be necessary by the Code Official to protect public health and safety.

(4) *Abandoned or junk vehicles.* The owner shall keep the property free of unlicensed, inoperable, abandoned or junk vehicles. The city may cause such vehicles to be removed.

(5) *Storage and disposal of refuse.* The storage and disposal of refuse shall comply with the requirements of this code.

(6) *Animals.* The owner shall ensure that all animals, including domestic, exotic and feral, are removed from the property and handled in a humane manner.

(7) *Diseased, dead or hazardous trees.* The owner shall remove diseased, dead or hazardous trees or branches from the property in accordance with this code.

(8) *Graffiti.* The owner shall keep the property free from graffiti.

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(9) *Abandoned pools.* Swimming pools shall be covered and secured to prevent accidental entry, treated to prevent pest harborage, and properly drained and winterized.

(K) *Removal of garbage and refuse.* The owner of any vacant building shall keep the building and property free of all garbage, refuse, litter, rubbish, swill, film, or other materials identified in this code.

(L) *Police protection systems.* All alarm systems in any vacant building or portion thereof shall be maintained in operating condition.

(M) *Loitering, criminal activities.* Loitering or engaging in criminal activities is prohibited in the vacant building or on the real property upon which the vacant building is located. The owner or responsible party shall not allow these activities and shall take immediate actions to eliminate these conditions upon notification by the city or upon discovery.

(N) *Emergency abatement.* The Compliance Official may authorize immediate abatement of any public nuisance or correction of any maintenance item if the Compliance Official determines that conditions exist that present an imminent threat to the public health and safety in accordance with Chapter 95 of this code.

(O) *Other codes.* The property owner or responsible party shall comply with all other city codes and applicable regulations.

(Ord.08-2010, passed 12-13-2010)

§ 96.07 NO OCCUPANCY OR TRESPASS

No person may trespass, occupy or reside, on a temporary or permanent basis, in any vacant building, registered or not, without the owner's consent.

(Ord. 08-2010, passed 12-13-2010)

§ 96.08 VANDALISM OR REMOVAL OF ITEMS PROHIBITED

No person may vandalize or remove items from a vacant building or the property upon which it is located, including, but not limited to, appliances, fixtures, electrical wiring, copper, or other similar items without the owner's consent.

(Ord. 08-2010, passed 12-13-2010)

§ 96.09 APPEAL

Any person or responsible party aggrieved by a decision rendered under this chapter by the Compliance Official may appeal to the City Council. The appeal shall be made in writing, shall specify the grounds for the appeal, and shall be submitted to the City Administrator within ten business days of the decision that is basis of the appeal.

(Ord. 08-2010, passed 12-13-2010)

§ 96.99 PENALTY

Any person or responsible party who violates the provisions of this chapter is guilty of a misdemeanor. Nothing in this section, however, is deemed to limit other remedies or civil penalties available to the city under this code or state law, including but not limited to, M.S. §§ 429.101 and 463.15 through 463.261, as they may be amended from time to time.

(Ord. 08-2010, passed 12-13-2010)

