

City of Pennock Ordinance Code of 1997

Adopted by the Council, November 1997

Prepared by:
Mid-Minnesota Development Commission

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AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF ORDINANCES TO BE KNOWN AS THE PENNOCK CITY CODE.

THE CITY COUNCIL OF PENNOCK ORDAINS:

Section 1. **Code Adopted.** There is hereby adopted that certain revision and codification of the ordinances of the city contained in a printed compilation entitled "Pennock City Code". A copy of such code shall be marked "Official Copy" and filed as part of the official records of the city in the office of the city clerk.

Section 2. **Repeals.** The former Pennock City Code, adopted in 1989 and in effect as amended until adoption of this code is hereby repealed except those ordinances granting franchises and easements.

Section 3. **Copies.** The clerk shall provide a sufficient quantity of the Pennock City Code for general distribution to the public and shall give notice in the official newspaper for at least two successive weeks that copies are available in the clerk's office for examination or purchase for a reasonable price.

Section 4. **Prima Facie Evidence.** The Pennock City Code shall be prima facie evidence of the law of the city.

Section 5. **Effective Date.** This ordinance becomes effective upon the passage and publication of this ordinance and a notice for two successive weeks stating that printed copies are available at the office of the city clerk.

Passed by the Council this _____ day of _____, 1997.

Mayor

Attest:

Clerk

GENERAL PROVISIONS

100.00. **City Code.**

100.01. **How Cited.** This code of ordinances shall be known as the Pennock City Code and may be so cited.

100.02. **Additions.** New ordinances proposing amendments or additions to the code shall be assigned appropriate code numbers and shall be incorporated into the code as of their effective date. Reference or citation to the code shall be deemed to include such amendments and additions. When an ordinance is integrated into the code, there may be omitted from the ordinance the title, enacting clause, section numbers, definitions of terms identical to those contained in this code, the clause indicating date of adoption, and validating signatures and dates. In integrating ordinances into the code, the clerk, in cooperation with the city attorney, may correct obvious grammatical, punctuation, and spelling errors; change reference numbers to conform with sections, articles, and chapters; substitute figures for written words and vice versa; substitute dates for the words "the effective date of this ordinance"; and perform like actions to insure a uniform code of ordinances without, however, altering the meaning of the ordinances enacted.

100.03. **Numbering.** Each section number of this code consists of two component parts separated by a decimal. The first digit of the number refers to the chapter number and the digits after the period refer to the position of the subdivision within the section. If the chapter is divided into sections, the figure immediately to the left of the decimal corresponds to the section number.

100.04. **Title Headings; Cross References.** Chapter, part section, subdivision, and other titles shall not be considered part of the subject matter of this code but are intended for convenience only and not necessarily as comprehensive titles.

100.05. **Copies.** Copies of this code shall be kept in the office of the clerk for public inspection or sale for a reasonable charge.

101.00. **Definitions.**

101.01. **General.** Unless the context clearly indicates otherwise, the following words and phrases have the meaning given them in this section.

(a) **City.** "City" means the city of Pennock.

(b) **State.** "State" means the state of Minnesota.

(c) **Council.** “Council” means the city council.

(d) **Clerk.** “Clerk” means the city clerk.

(e) **Person.** “Person” means any natural individual, firm, partnership, association, or corporation. As applied to partnerships or associations, the term includes the partners or members; as applied to corporations the term includes the officers, agents or employees.

102.00. Statutory Rules Adopted. The definitions and rules of construction, presumptions, and miscellaneous provisions pertaining to construction contained in Minnesota Statutes, Chapter 645, are adopted by reference and made a part of this code. As so adopted, references in that chapter to laws and statutes mean provisions of this code and references to the legislature mean the council.

103.00. Existing Rights and Liabilities. The repeal of prior ordinances and adoption of this code are not to be construed to affect in any manner rights and liabilities existing at the time of repeal and the enactment of this code. Insofar as provisions in this code are substantially the same as pre-existing ordinances, they shall be considered as continuations thereof and not as new enactments. Any act done; offense committed; or right accruing; or liability, penalty, forfeiture, or punishment incurred or assessed prior to the effective date of this code is not affected by the enactment of the code.

104.00. Hearings.

104.01. General. Unless otherwise provided in this code, or by law, every public hearing required by law, ordinance, or resolution to be held on any legislative or administrative matter shall be conducted in accordance with this section.

104.02. Notice. Every hearing shall be preceded by 10 days mailed notice to all persons entitled thereto by law, ordinance, or regulation unless only published notice is required. The notice shall state the time, place, and purpose of the hearing. Failure to give the notice or defects in it shall not invalidate the proceedings if a good faith effort has been made to comply with this subdivision.

104.03. Conduct of Hearing. At the hearing, each party in interest shall have an opportunity to be heard and to present such evidence as is relevant to the proceeding. The council may adopt rules governing the conduct of hearings, records to be made, and such other matters as it deems necessary.

104.04. Record. Upon the disposition of any matter after hearing, the council shall have prepared a written summary of its findings and decisions and enter the summary in the official council minutes.

105.00. Penalties.

105.01. Petty Misdemeanor. Whenever an act or omission is declared by this code to be a petty misdemeanor any person violating the provision shall, upon conviction, be subject to a fine not to exceed that allowed by Minnesota Statutes.

105.02. Misdemeanors. Unless another penalty is expressly provided in this code, any person violating any provision of this code, or any rule or regulation adopted in the pursuance thereof, or any other provision of any code adopted in this code by reference, including any provision declaring an act or omission to be a misdemeanor shall, upon conviction, be subject to a fine not to exceed the amount allowed by Minnesota Statute, or imprisonment for a term not to exceed that allowed by Minnesota Statute, or both, plus, in either case, the costs of prosecution.

105.03. Separate Violations. Unless otherwise provided, each act of violation and every day on which a violation occurs or continues constitutes a separate offense.

105.04. Application to City Personnel. The failure of any officer or employee of the city to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for violation unless a penalty is specifically provided for such failure.

105.05. Separability. If any portion of this code or part thereof hereafter enacted is held invalid or suspended, such invalidity or suspension shall not apply to any other part of the code unless it is specifically provided otherwise.

CHAPTER 2

OPERATIONS AND ADMINISTRATION

200.00. **City Government.**

200.01. **Corporate Seal.** The corporate seal of the city of Pennock shall contain the following words, viz: City of Pennock, Kandiyohi County, Minnesota; Incorporated March 31, 1903; and shall be in the ordinary manner and form of such seals.

201.00. **Meetings.**

201.01. **Regular Meetings.** Regular meetings of the council shall be held on the first Thursday of each calendar month at 7:00 p.m. Any regular meeting falling upon a holiday shall be held on the next following business day at the same time and place. All meetings, including special and adjourned meetings, shall be held in the council chambers unless the council decides otherwise at a prior meeting, or meeting in the council chambers is impossible.

201.02. **Special Meetings.** The mayor or any two members of the council may call a special meeting of the council upon at least 24 hours written notice to each member of the council. This notice shall be delivered personally to each member or shall be left at the member's usual place of residence with some responsible person. Notice to the public shall be given in accordance with state law.

201.03. **Initial Meeting.** At the first regular council meeting in January of each year the council shall:

- (a) Designate the depositories of city funds;
- (b) Designate the official newspaper;
- (c) Choose one of the council members as acting mayor, who shall perform the duties of the mayor during the disability or absence of the mayor from the city or, in case of a vacancy in the office of mayor, until a successor has been appointed and qualifies;
- (d) Appoint such officers and employees and such members of boards, commissions, and committees as may be necessary;
- (e) Establish and appoint council members to such council committees as are deemed appropriate for the efficient and orderly management of the city.

201.04. **Public Meetings.** All council meetings, including special and adjourned meetings and meetings of council committees, shall be conducted in accordance with the Minnesota Open Meeting Law.

202.00. **Rules of Government.**

202.01. **Presiding Officer.** At the hour appointed for the meeting of the council, the mayor, if present, shall take the chair, or in his absence the acting mayor shall take the chair and cause a roll of the members to be called and announce whether a quorum be present. Upon the appearance of a quorum, the council shall be called to order.

202.02. **Order of Business.** Each meeting of the council shall convene at the time and place appointed therefor. Council business shall be conducted in the following order unless varied by the presiding officer:

- (1) Call to Order
- (2) Roll Call
- (3) Reading of Minutes of Last Meeting Amended and Approved
- (4) Petitions and Remonstrances Presented
- (5) Bills Audited or Referred
- (6) Resolutions Presented
- (7) Reports from Committees
- (8) Unfinished Business
- (9) Ordinances to be introduced or passed
- (10) New Business
- (11) Adjournment

202.03. **Committees.** All committees shall be appointed by the mayor, unless otherwise directed by the council.

202.04. **Voting.** Every member present shall vote upon all questions before the council, unless for special reasons he shall be excused.

202.05. **Motions.** When a motion is made and seconded, it shall be stated by the mayor. It shall then be deemed to be in possession of the council and open to debate, and can then be withdrawn only by leave of the council.

202.06. **Record of Vote.** Upon adoption of all ordinances and bylaws the vote shall be taken by yeas and nays and entered upon the minutes of the council and upon all other questions the

vote shall be taken by yeas and nays and entered upon the minutes when demanded by any member of the council.

202.07. Procedure. The presiding officer shall preserve order, enforce the rules of procedure herein prescribed, and determine without debate, subject to the final decision of the council on appeal, all questions of procedure and order. Except as otherwise provided by statute or by these rules, the proceedings of the council shall be conducted in accordance with Robert's Rules of Order, Revised. No standing rule or order of the council shall be rescinded or changed except upon a vote of two-thirds of the members thereof.

203.00. Minutes.

203.01. Who Keeps. Minutes of each council meeting shall be kept by the clerk or, in the clerk's absence, by the deputy clerk. In the absence of both, the presiding officer shall appoint a secretary pro tem. Ordinances, resolutions, and claims need not be recorded in full in the minutes if they appear in other permanent records of the clerk and can be accurately identified from the description given in the minutes.

203.02. Approval. The minutes of each meeting shall be reduced to typewritten form, shall be signed by the clerk, and copies thereof shall be delivered to each council member as soon as practicable after the meeting. At the next regular council meeting following such delivery, approval of the minutes shall be considered by the council. The minutes need not be read aloud, but the presiding officer shall call for any additions or corrections. If there is no objection to a proposed addition or correction, it may be made without a vote of the council. If there is an objection, the council shall vote upon the addition or correction. If there are no additions or corrections, the minutes shall stand approved.

204.00. Ordinance, Resolutions, Motions, Petitions and Communications.

204.01. Signing and Publication Proof. Every ordinance and resolution passed by the council shall be signed by the mayor, attested by the clerk, and filed by the clerk in the ordinance or resolution book. Proof of publication of every ordinance shall be attached and filed with the ordinance.

204.02. Repeals and Amendments. Every ordinance or resolution repealing a previous ordinance or resolution or a section or subdivision thereof shall give the number, if any, and the title of the ordinance or code number of the ordinance or resolution to be repealed in whole or in part. Each ordinance or resolution amending an existing ordinance or resolution or part thereof shall set forth in full each amended section or subdivision as it will read with the amendment.

205.00. Salaries of Mayor and Council Members. The salaries of the Mayor and Councilmembers shall be as determined from time to time by Council resolution. Under state law a change in salary cannot become effective until after the next regular city election.

NUISANCES AND OFFENSES

300.00. **Nuisances.**

300.01. **Public Nuisance Defined.** Whoever does an act or fails to perform a legal duty therefore intentionally doing any of the following is guilty of maintaining a public nuisance, which is a misdemeanor:

- (a) Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public; or
- (b) Interferes with, obstructs, or deposits garbage or refuse upon or otherwise renders dangerous for passage, any public highway or right of way, or waters used by the public; or
- (c) Is guilty of any other act or omission declared by law or this code to be a public nuisance and for which no sentence is specifically provided.

300.02. **Public Nuisances Affecting Health.** The following are declared to be nuisances affecting health:

- (a) Exposed accumulation of decayed or unwholesome food or vegetable matter;
- (b) All diseased animals running at large;
- (c) Carcasses of animals not buried or destroyed within 24 hours after death;
- (d) Accumulations of manure, refuse or other debris;
- (e) 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;
- (f) The pollution of any public or private well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances;
- (g) All noxious weeds and other rank growths of vegetation upon public or private property;
- (h) Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities;

- (i) Open or controlled burning in violation of state statutes and regulations;
- (j) Any offensive trade or business as defined by statute not licensed by the council.

300.03. 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 kept in violation of law;
- (b) Betting, bookmaking, and all apparatus used in such 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 liquor and illegal drugs are 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 liquor or using illegal drugs, or where intoxicating liquor or illegal drugs are kept for sale or other disposition in violation of law, and all liquor or drugs and other property used for maintaining such a place.
- (e) Any vehicle used for the transportation of intoxicating liquor, or for promiscuous sexual intercourse, or any other immoral or illegal purpose.

300.04. 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 or other precipitation causing the condition has ceased to fall;
- (b) All trees, hedges, billboards, or obstructions other than 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 and excavations affecting the ordinary use by the public of streets, alleys, sidewalks, or public grounds except under such conditions as are permitted by this code or other applicable law;
- (f) Radio aerials or television antennae erected or maintained in a dangerous manner;

- (g) Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use 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 rain water, ice, or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk;
- (j) Any barbed 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;
- (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 such 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 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 such substance;
- (q) Entry upon the premises of another if the person entering has been given oral or written notice not to, or if the premises are clearly marked with "no trespassing" signs posted so as to be in plain view along all routes of access to the premises, unless such entry is upon official business of a government agency or public utility.
- (r) The depositing of garbage, construction debris, or other refuse on a public right of way or on adjacent private property;
- (s) All other conditions or things which are likely to cause injury to the person or property of anyone.

300.05. Duties of City Officers. The city council shall delegate the enforcement of the provisions of this ordinance as it sees fit. Officers acting in this capacity for the city shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

300.06. Abatement. Whenever the officer charged with enforcement determines that a public nuisance is being maintained or exists on premises in the city, the officer shall notify in writing the owner or occupant of the premises of such fact and shall order that such nuisance be terminated and abated. The notice shall be served in person or by certified or registered mail. If the premises are not occupied and the owner is unknown, the notice may be served by posting it on the premises. The notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding 30 days, within which the nuisance is to be abated. If the notice is not complied with within the time specified, the enforcing officer shall report the fact forthwith to the council. Thereafter the council may, after notice to the owner or occupant and an opportunity to be heard, provide for abating the nuisance by the city. The notice shall be served in the same manner as notice by the enforcing officer is served and shall be given at least 10 days before the date stated in the notice when the council will consider the matter. If notice is given by posting, at least 30 days shall elapse between the day of posting the notice and the hearing.

300.07. Personal Liability. The owner of premises on which a nuisance has been abated by the city shall be personally liable for the cost to the city of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the city clerk or other officer designated by the council shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the city clerk.

300.08. Assessment. If the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect-infected trees, any unpaid charges by the city for the cost of elimination of the nuisance may be collected as a special assessment.

300.09. Penalties. Any person, firm or corporation who shall fail to comply with any reasonable order made under the provisions of this ordinance shall upon conviction thereof, be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$100 or by imprisonment in the county jail for not more than ninety (90) days. Any person, firm or corporation who shall knowingly cause or create a nuisance or permit any nuisance to be created or placed upon or remain upon any premises owned or occupied by him or them shall, upon conviction thereof be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$100 or by imprisonment in the county jail for not more than ninety (90) days.

301.01. **Definitions.** The following definitions shall apply to this article:

- (a) **Responsible Adult.** “Responsible adult” means parent, legal guardian, or adult person specifically pre-authorized by the parent or legal guardian to have care or custody of the juvenile person; or an adult chaperoning a supervised activity.
- (b) **Supervised Activity.** “Supervised activity” means and includes social, musical, athletic, or arts events sponsored by schools, churches, civic groups, or athletic associations, at which a responsible adult is present to supervise juveniles.
- (c) **Public Place.** “Public place” means any street, highway, sidewalk, alley, park, school grounds, public areas and public buildings, places of amusement or entertainment or refreshment, vacant or parking lot, or other area ordinarily used by or available to the public though not as a matter of right, or any private premises, other than the usual place of residence of the juvenile, where a juvenile is present, without the knowledge and consent of the owner or person in charge of those premises. Excluded under this section shall be the residence property of the juvenile’s parent or guardian, and a residence where the juvenile has specific prior approval from the parent or guardian to stay, with the approval of the adult in charge of that residence.

301.02. **Acts Prohibited Within the City.**

- (a) **Juveniles Under Age Sixteen (16).** It shall be unlawful for any person under the age of sixteen (16) to be in or upon or loiter at any public place between the hours of 10:00 p.m. and 5:00 a.m. the following morning, unless accompanied by a responsible adult.
- (b) **Juvenile Age Sixteen (16) or Seventeen (17).** It is unlawful for any person at least age sixteen (16) but under the age of eighteen (18) to be in or upon or loiter at any public place between the hours of 11:00 p.m. and 5:00 a.m. unless accompanied by a responsible adult.
- (c) **Responsibility of Business: Places of Amusement, Entertainment, or Refreshment.**
 - (1) It is unlawful for any person operating or in charge of any place of amusement, entertainment, or refreshment, or other place of business, to allow or permit any person whom he has cause to believe is a juvenile to remain upon the property or loiter at such place during the hours prohibited by this section unless the juvenile is accompanied by a responsible adult having the juvenile in charge.
 - (2) Whenever the person operating or in charge of any place of amusement, entertainment, refreshment, or other place of business shall find a juvenile at such place in violation of this section, he shall immediately order the juvenile to leave.

If the juvenile refuses to leave, such person shall immediately notify the police department of the violation.

- (3) This subsection shall not be construed to permit the presence, at any time, of any person in any place where his presence is otherwise prohibited by law.

- (d) **Responsibility of Parent or Guardian.** It is unlawful for any parent, guardian, or other adult having the legal care or custody of any juvenile person to allow or permit the juvenile to violate subsection (a) or (b), provided, however, that such person may not be prosecuted under this section, unless he has been notified in writing of a prior curfew violation committed by the juvenile. Such notification may be made by any law enforcement officer, probation officer, court services officer, or court administrator, and may be either personally served or mailed.

301.03. **Exceptions.** This article shall not apply to any of the following circumstances:

- (a) **Attendance at Supervised Activity.** Such curfew restrictions shall not apply to juveniles lawfully attending a supervised activity, or while returning home on a direct route within one-half ($\frac{1}{2}$) hour of the completion of such supervised activity.
- (b) **Employment.** Such curfew restriction shall not apply when the juvenile is lawfully engaged in a legitimate business trade, occupation, or other employment, or when returning home from or going to such employment, on a direct route, within one-half ($\frac{1}{2}$) hour of the completion or start of work hours.

301.04. **Penalties for Violation.**

(A) **Juveniles.**

- (1) Any juvenile who violates any of the provisions of this article shall be guilty of a misdemeanor and may be subject to arrest without a warrant. The appearance that a juvenile is in a public place at the times prohibited by this section unaccompanied by a responsible adult shall be probable cause to investigate a suspected violation. Upon detaining a juvenile for a curfew violation, a peace officer may:
 - (a) Upon first offense only, notify the juvenile's parent or legal guardian by telephone and, if approved by the parent, allow the juvenile to proceed directly home; or
 - (b) Deliver the juvenile into the hands of the parent, legal guardian, or other adult person authorized by the parent to have legal care or custody of the juvenile; or

- (c) Transport the child to the law enforcement center and notify the juvenile's parent or legal guardian to call for him.
- (d) If the juvenile's parent or legal guardian cannot be located within a reasonable length of time, the juvenile shall be turned over to social services for placement in emergency foster care.

Written documentation shall be made of all curfew violations, with one (1) copy to the juvenile, one (1) copy to the juvenile's parent or guardian, and one (1) retained for law enforcement records.

- (2) A second or subsequent curfew violation by the juvenile shall be dealt with in accordance with juvenile law and court procedure. Sentencing may be used on alternatives set forth in M.S.A. §260.165, Subd. 3, which are deemed appropriate for the juvenile in question, and may:
 - (a) Require the juvenile to pay a fine up to one hundred dollars (\$100.00);
 - (b) Require the juvenile to participate in a community service project;
 - (c) Require the juvenile to participate in a drug awareness program;
 - (d) Place the juvenile on probation for up to six (6) months;
 - (e) Require the juvenile to perform other activities or participate in other treatment programs deemed appropriate by the court.

(B) Parent or Legal Guardian.

- (1) A parent or legal guardian convicted of a violation of Subsection 301.02 is guilty of a misdemeanor. Sentence may include, but is not limited to:
 - (a) Payment of fine;
 - (b) Required participation in family counseling or education;
 - (c) Required participation in a community service project up to sixteen (16) hours.
- (2) Repeated violations by the parent may result in the parent being referred for investigation of child neglect by social services.

(C) Person in Charge of Place of Amusement, Entertainment or Refreshment.

A person operating or in charge of any place of amusement, entertainment or refreshment, or other business, who violates Subsection 301.02(c) is guilty of a petty misdemeanor, and may, upon conviction, be subject to a fine of up to two hundred dollars (\$200.00), or in lieu of a fine, be required to participate in a community service project.

301.05. Parental Control Shall Not be Impaired. This article is not to be construed to give juveniles the right to stay in public places until the maximum curfew hours as designated herein, but all juveniles are at all times subject to parental and other legal controls which may be more restrictive.

302.00. Unlawful Use of Firearms.

302.01. Unlawful Use Prohibited. No person shall discharge any firearm of any description or fire, explode or set off any other explosive instrument, substance or material within the limits of the city of Pennock, unless it be in the discharge of official duty prescribed by city ordinance, or by the laws of the state of Minnesota, or upon written permission of the mayor of the city of Pennock.

303.00. Junked Motor Vehicles.

303.01. Declared Nuisance. The following is declared to be a nuisance affecting community aesthetics, public peace, safety and general welfare.

303.02. Storage Unlawful. It shall be unlawful for any person, firm, partnership or corporation to pile, store, or keep for longer than a seven day period, wrecked, junked or abandoned vehicles on private property within the city of Pennock, without a special use permit granted by the city council.

303.03. Definition. Any vehicle shall be deemed to be covered by Section 2 of this ordinance if said vehicle does not have attached thereto a valid and current license plate issued by the proper state or agency, or be covered by a valid dealers license, issued by the proper state agency. A vehicle shall be deemed to be a junked motor vehicle within the meaning of the ordinance if for a period of thirty (30) days or more:

- (a) It is not in an operable condition, or
- (b) It is partly dismantled, or
- (c) It is used for sale of parts, or as a source of repairs, or replacement parts for other vehicles, or
- (d) Is kept for scrapping, dismantling or salvaging of any kind.

303.04. Special Use Permit. A special use permit may be issued only in accordance with the following provisions:

- (a) The person desiring such permit shall make application to the city council of the city of Pennock, and shall pay a fee of twenty-five dollars (\$25.00) at the time of application.
- (b) The person desiring said permit shall be required to keep said vehicle OUT OF VIEW OF THE GENERAL PUBLIC ("out of view" shall be deemed by the city council), or erect a seven foot high solid fence, with solid gate, constructed of either painted wood, pre-finished metal, fiber glass, aluminum or such materials as shall be approved in advance by the city council. If the fence is of wood, it is to be kept painted. The area surrounding shall be kept free of weeds and other unsightly objects and the entire area shall be properly maintained.

303.05. Investigation. It shall be the duty of the city council to investigate all written and signed complaints submitted to the city council, and if after investigation there appears to be a violation of this ordinance, the council shall sign a complaint.

303.06. Penalties. Any person, firm, partnership or corporation violating any section of this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$100.00 or by imprisonment in the county jail or county workhouse for not more than 90 days.

304.00. Regulating the Consumption of Alcoholic Beverages Within the City Limits.

304.01. Unlawful. It shall be unlawful for any person while in the city of Pennock to consume any intoxicating liquor or 3.2 percent malt liquor on any public sidewalk, streets or highways, parks or within any public buildings or other public lands except that 3.2 percent malt liquor may be consumed on or within any of said places when a license has been issued by the city of Pennock permitting such consumption.

304.02. Penalty. Any person violating the provisions of this ordinance shall be guilty of a misdemeanor as that term is defined in Minnesota Statute Section 609.02 as amended.

ANIMAL CONTROL

400.00. Dogs, Cats and Other Animals.**400.01. Definitions.** As used in this part, the terms shall mean the following:

- (a) **Owner.** Any person, group of persons, or legal entity owning, keeping, or harboring a dog or dogs, cat or cats.
- (b) **Harborer.** The harborer of a dog or cat shall be any person who has custody of any dog or cat or permits a dog or cat to be kept or to stay on or about the harborer's premises.
- (c) **At large.** A dog shall be termed at large when it is not under restraint, as defined herein.
- (d) **Restraint.** A dog is under restraint if it is controlled by a leash not exceeding eight feet in length; or if it is under the voice or signal command of a competent person, providing that the dog will immediately respond to and obey the voice or signal commands of such person; or if it is within the boundaries of the owner's or harborer's premises.

401.00. Licensing.**401.01. Licenses Required.** No person shall own, keep, or harbor a dog or cat unless such dog or cat is licensed as provided herein.

401.02. License Application. Written application shall be made in writing at the office of the clerk. The application shall state the name and address of the owner of the dog or cat, the name, breed, age, sex, and color of the dog or cat, and be accompanied by a certificate of vaccination from a qualified source certifying that the dog or cat has been vaccinated against rabies, or has received a booster shot therefore, within the 24-month period immediately proceeding the application.

401.03. License Fee. The annual license fee for each dog or cat shall be as set from time to time by resolution of the city council. The license fee shall be paid at the time of making the application.

401.04. Term of License. All dog or cat licenses shall be issued for one year beginning with the first day of April of each year. Application for license may be made 30 days prior to the first day of April of each year.

401.05. **Dogs and Cats Not Requiring Licensing.** No license shall be required of dogs and cats less than three months of age.

402.00. **Ownership.**

402.01. **Care and Shelter.** Every owner of a dog or cat kept in the city of Pennock shall provide proper care and shelter for that dog or cat so as to provide good health and sanitary conditions for both the animal and humans.

402.02. **Confinement of Certain Animals.** No person shall harbor or keep any dog or cat which is vicious or threatening in nature to other animals or humans except as follows:

- (a) If a party owns such an animal it shall be confined in an enclosed kennel with a fence at least six (6) feet high, or high enough to effectively keep the animal in.
- (b) The owner of any such animal which injures person or property of another shall be responsible for all damage done or injuries caused by said animal.

402.03. **Rabies Vaccination Required.** All dogs and cats in the city of Pennock shall have a current rabies vaccination and shall display at all times the vaccination tag provided. The tag is to be attached to the animal's collar.

402.04. **Leashes Required.** Each person who owns a dog or cat shall have that dog or cat confined in a kennel or on a leash unless the owner is present and the dog or cat is on the owner's property.

403.00. **Running at Large.**

403.01. **Prohibited.** No owner shall allow any dog or cat to run at large or onto the property of another without that person's permission.

403.02. **Impounding.** Any dog or cat found to be running at large in the city is subject to capture and is to be impounded at a licensed kennel. The animal is to be confined for a period of five (5) working days to allow the owner to claim their dog or cat. If in the event the dog or cat is not claimed within the five (5) day period, it shall be destroyed by the supervisor of the kennel in a humane method.

- (a) The owner of the dog or cat found at large shall be responsible for any and all costs incurred in the capture and kenneling of the animal.
- (b) The owner of the dog or cat shall show proof of current vaccination for that animal before the supervisor of the kennel will release the animal. If in the event the animal is not vaccinated, it shall be vaccinated before being released to the owner, and the owner shall pay for the costs of said vaccination.

- (c) If the animal is not claimed in the five (5) day period and the animal is destroyed by the kennel, the city shall pay all costs incurred.

403.03. **Enforcement.** This ordinance shall be enforced by any authorized licensed agent of the city or local law enforcement officials of the county.

- (a) Any authorized person who takes into custody any dog or cat shall as soon as possible notify a member of the Pennock city council, who shall make a reasonable attempt to locate the owner, if known, and notify the owner of the location of the dog or cat.

404.00. **Certain Animals Regulated.** It shall be unlawful to keep or harbor in the city any of the following animals, or animals of allied genera without first obtaining a written permit therefor from the council: horses, cows, sheep, goats, swine, chickens, animals of the genus reptila or allied genera which are venomous or of the constrictor type, or other animals the keeping in captivity of which is prohibited by law.

405.00. **Penalty.** Any person who violates any subdivision of this section shall be guilty of a petty misdemeanor and shall be subject to a fine not to exceed \$100.00.

LICENSES AND PERMITS

500.00. General Licensing and Permit Provisions.

500.01. General Rule. Except as otherwise provided in this code, all licenses and permits granted by the city shall be governed by the provisions of this part.

500.02. Acts Prohibited. No person shall conduct any activity or use any property for which a license or permit is required by law or this code without a currently valid license or permit for such activity or use.

500.03. Application. Every application for a license shall be made to the clerk on a form the clerk provides. It shall be accompanied by payment to the clerk of the prescribed fee. If, after investigation, the clerk is satisfied that all requirements of law and this code have been met, the clerk shall present the application to the council for action or, if the license or permit does not require council approval, the clerk shall issue a license or permit.

500.04. Not Transferrable. No license issued by the city may be transferred from one person to another without permission of the council. When the council permits the transfer of a license, it may waive any residency requirement, but only for the required term of the license.

500.05. Revocation. Any license may be revoked by the council for a violation of the section or chapter under which it is issued. However, the revocation must follow any procedure provided in the section or chapter in question.

500.06. Appeal. Any person who has made application which has been denied or not acted upon within 30 days after the application may apply directly to the council for a license. The application to the council shall contain the same information required in the original application, plus any additional information that the council may require or that the applicant may feel is pertinent. The council may grant the license, after hearing, if the requirements of this code are substantially complied with, and in the opinion of the council granting the license would be in the best interests of the public.

501.00. Bowling Alleys, Billiards, Pool, Pinball Machines and Other Games of Amusement.

501.01. License Required. No person shall allow the operation of a bowling alley, pinball machines, other gaming or electronic amusement devices, or a billiard, pool or pigeon hole table or allow such devices or tables to be kept on the premises of a business under their control and operation without first obtaining a license as hereinafter provided.

501.02. License. A person desiring a license under Subdivision 1 shall apply to the city clerk therefor and shall pay to the clerk as a fee the sum of ten dollars (\$10.00) per annum for each and every pinball machine, gaming or electronic amusement device, billiard, pool or pigeon hole table kept for use in their place of business or in the case of a bowling alley the fee shall be ten dollars (\$10.00) per annum for each lane within the alley.

501.03. Transfer of License. Upon payment of the foregoing sum, the city clerk shall issue a license for a term of one (1) year from the date of its issuance. For cause shown and upon payment of one dollar (\$1.00) to cover the cost thereof, such license may be transferred to another person or persons for the balance of the license year. Any such transfer shall be authorized only upon motion made to the city council and the council's approval by a majority vote.

501.04. Restrictions. Any person who obtains a license as provided herein shall keep an orderly place and shall not permit any wagering with respect to the playing of any amusement machine, device or game.

501.05. Revocation. Any license issued pursuant to this chapter may be revoked by the city council if said council should find, following notice to the licensee and a hearing thereon, that the said licensee has not complied with the provisions of this ordinance.

502.00. Circuses, Theatrical Performances, Amusements, Shows and Exhibitions.

502.01. License Required. No person except a local school, lodge, society, or charitable organization, none of which are organized or maintained for profit, shall hold, promote, advertise for, or otherwise engage in offering or opening to the public a circus, theatrical performance, amusement show, or exhibition without first obtaining from the council a license therefor.

502.02. Fee. The license fee shall be the sum of fifty dollars (\$50.00) per year or five dollars (\$5.00) per day for each day that the activity is conducted, offered, or held open for the public.

502.03. Application. Any person or persons desiring to engage in activities regulated under this section shall make application for such license on a form furnished by the clerk. The application shall set forth the name and address of the person, persons, committee, or organization which is to conduct the regulated activity; state the times and places where such activities are to be held or conducted, and state the nature of the activity for which the license is sought. The application shall also contain such other information as is reasonably requested by the clerk. In the event the license is issued, the same shall be posted in a conspicuous place on the premises at which the activity is conducted.

503.00. Peddlers and Transient Merchants.

503.01. License Required. No solicitor, peddler, hauler, or transient vendor of merchandise without having been requested or invited to do so by the owner or owners, occupant or occupants shall enter a private residence of the city for the purpose of soliciting orders for the sale of goods,

wares, and merchandise, or for the purpose of disposing of or peddling or hauling the same, without first obtaining a license therefor.

503.02. Application. Before any license shall be issued to any person to vend, sell, hawk, or peddle goods, the person desiring such license shall file a written application with the clerk. Said application shall show:

- (a) The name of the applicant and the persons associated with the applicant in the business;
- (b) Type of business for which the license is desired;
- (c) The length of time for which said license is to be desired;
- (d) A general description of the thing or things to be sold;
- (e) The present place of business of the applicant.

503.03. Issuance Fee. Every application for a license under this ordinance shall bear the written approval of the mayor after an investigation of the character of the applicant. When the applicant presents to the clerk an application in proper form for any business not prohibited by law, the applicant shall pay a fee of fifty dollars (\$50.00) to cover the cost of said application.

503.04. Exclusion by Placard. Any resident of the city who wishes to exclude peddlers or solicitors from premises the resident occupies may place upon or near the usual entrance to such premises a printed placard or sign bearing the notice: "Peddlers and Solicitors Prohibited." Such placard shall be at least three and three-quarters inches long and three and three-quarters inches wide and the printing thereon shall not be smaller than 48-point type. No peddler or solicitor shall enter in or upon any premises or attempt to enter in or upon any premises, where such placard or sign is placed and maintained.

503.05. Defacing Placard. No person other than the person occupying such premises shall remove, injure, or deface such placard or sign.

504.00. Tobacco Licensing.

504.01. Authority. This ordinance is adopted under the authority and pursuant to the mandate of Minnesota Statute § 461.12, pertaining to municipal tobacco license.

504.02. License Required. No person, corporation, partnership, or any other organization or retail establishment may engage in the retail sale of tobacco, as defined in Minnesota Statute § 609.685, subd. 1, unless a license therefore has been issued by Kandiyohi County Public Health. A retail tobacco sale license shall be required for each location at which tobacco is sold at retail. "Location" shall be defined as each parcel or place identified as a separate parcel for purposes of real estate taxes by the Office of the Kandiyohi County Assessor. No license shall be issued to a movable place of business. A movable place of business shall refer to any form of business

operated out of a truck, van, automobile, or any type of vehicle or transportable shelter which is not a fixed or other permanent type of location or structure authorized for sales, and identified as a separate parcel for purposes of real estate taxes. The license required herein shall be prominently displayed to the public at the location to which the license applies.

504.03. License Fee. The annual fee for retail tobacco sale license shall be \$200.00. Each such license shall expire on December 31 each year. The fee for tobacco licenses issued to a new licensee during the year shall be prorated in proportion to the number of days remaining in the year. Thereafter, all licenses shall be renewed on or before January 1, each year.

504.04. Basis For Denial of License. The following shall be grounds for denial of the issuance or renewal of a license under this ordinance. The following grounds are not an exclusive list. In the event a license is mistakenly issued or renewed to a person who should have otherwise been denied a license upon these grounds, the license shall be revoked immediately upon determination that the person was ineligible for licensing.

- (a) The applicant is under the age of 18 years.
- (b) The applicant has been convicted of a violation of a federal, state, or local law or ordinance pertaining to the sale of tobacco or tobacco products, or tobacco related devices within the past three years.
- (c) The applicant has had a license to sell tobacco, tobacco products or tobacco related devices revoked within the 12 months preceding the date of application.
- (d) The applicant fails to provide all information required on the prescribed application form, or provides false or misleading information thereon.
- (e) The applicant is prohibited by federal, state, or other law or ordinance from holding such a license.

504.05. Prohibited Sales. It shall be a violation of this ordinance for any person to sell or offer to sell any tobacco, tobacco product or tobacco related device:

- (a) To a person under the age of 18 years.
- (b) By sale of single packages of cigarettes or smokeless tobacco in open displays which are accessible to the public without the intervention of a store employee.
- (c) By sale of a single or individually packaged cigarette or by sale of any number of cigarettes less than 20 or not prepackaged by the original manufacturer.

504.06. Administrative Penalty. If a licensee or an employee of a licensee sells tobacco to a person under the age of 18 years, or violates any other provision of this ordinance, the licensee may be charged an administrative penalty of \$75.00 as provided in Minn. Stat. § 461.12, subd. 2. The administrative penalty for a second violation at the same location within 24 months shall be \$200.00. Upon a third violation at the same location within 24 months after an initial violation, the licensee's authority to sell tobacco at that location shall be suspended for not less than 30 days and a penalty of \$250.00 assessed. No suspension or administrative penalty shall be effective until the licensee or employee of a licensee is provided with opportunity to request a due process hearing as set forth in Minn. Stat. § 461.12, subd. 2. Upon the nonpayment of any

administrative penalty assessed hereunder, within 30 days of the notification to the licensee or employee of the licensee that an administrative penalty has been imposed, the retail tobacco sale license for the location at which the violation occurred shall be revoked. Thereafter, a new license will not be issued until a renewed application is made and the fee specified above paid, together with a sum equal to three times the administrative penalty imposed. An individual who sells tobacco to a person under the age of 18 years shall be charged with an administrative penalty of \$50.00. Forfeiture of the license or administrative penalty shall be stayed if the licensee or employee of the licensee requests a hearing as provided by Minn. Stat. § 461.12, subd, 2, within 30 days of notice of violation. No administrative penalty may be imposed under this section until the licensee or individual has received notice, served personally or by mail, of the alleged violation and an opportunity for a hearing as set forth in this section and Section 7, below.

504.07. Hearing. A due process shearing requested pursuant to Minn. Stat. § 461.12, subd, 2, shall be heard before the Kandiyohi County Board of Health within 30 days of the request for hearing by the licensee or employee of a licensee.

504.08. Minors - Diversion. Persons under the age of 18 years who purchase, possess, or consume tobacco shall be eligible for diversion on the first offense, and shall receive diversion programming pursuant to the Kandiyohi County Juvenile Diversion Program as administered by the Kandiyohi County Attorney.

504.09. Compliance Monitoring. Unannounced compliance checks of each licensee shall be made a minimum of once each calendar year at each location where tobacco is sold. The compliance monitoring shall be conducted in conformance with Minn. Stat. § 461.12, subd, 5. Compliance monitoring shall be conducted by the Environmental Health Specialist with such assistance of the Kandiyohi County Sheriff's Department as he or she deems necessary.

501.10. License Procedure. Kandiyohi County Public Health is designated as the licensing authority pursuant to this ordinance, and shall act on behalf of the Kandiyohi County Board of Commissioners in the enforcement thereof. An application for a license to sell tobacco, as required in Section 2 above, shall be submitted to the Environmental Health Specialist, as designated representative of Kandiyohi County Public Health. The application shall be submitted on forms provided by Kandiyohi County Public Health and shall contain, at a minimum: the full legal name of the applicant, the applicant's residential address, the business address of the location for which application is made, the telephone number at the location for which application is made, the name of the business for which the license is sought, and a diagram of all areas within said location to be used for display and sale of tobacco. Upon receipt of the completed application, and the fee required, Kandiyohi County Public Health shall act upon the application within 30 days thereof, and either notify the applicant of the issuance of the license, or the basis for denial. If a license is denied pursuant to this ordinance, any party aggrieved by the denial may request a hearing as provided by Minn. Stat. § 461.12, subd, 2, within 30 days of the Notice of Denial. If the Environmental Health Specialist notes that an application is incomplete, he or she shall return the application to the applicant with notice that

the information must be provided within ten days. Failure to provide the requested information will result in denial of the application.

504.11. Severability. If any section or portion of this ordinance is found to be unconstitutional or otherwise invalid or unenforceable by any court of competent jurisdiction, such findings shall not serve as an invalidation of nor effect validity and enforceability of any other section or provision of this ordinance.

504.12. Applicability. Pursuant to the mandate of the State statute, this ordinance applies to all locations within the City where tobacco or tobacco products are sold.

504.13. Penalties. The administrative penalties provided herein are not exclusive. Any person violating any of the provisions of this ordinance may be charged with a misdemeanor, and upon conviction therefore shall be subject to the penalties for a misdemeanor as provided by the laws of the State of Minnesota.

504.14. Effective Date. This ordinance shall be effective on and after its date of adoption on March 5, 1998.

504.15. An Ordinance Repealing and Replacing an Existing Ordinance. Ordinance 504.00., Cigarette Licenses, and Ordinance subparts 504.01.-504.06., under jurisdiction and administration of the City is hereby repealed and replaced with Ordinance 504.00., Tobacco Licensing and subparts 504.01.-504.14., under the jurisdiction and administration of the County of Kandiyohi.

505.00. Gambling.

505.01. Declaration of Policy. In order to promote the health, safety and welfare of the citizens of the city of Pennock it is necessary that measures relating to the licensing and conduct of lawful gambling within the city of Pennock be established. The council shall grant, suspend and revoke licenses subject to the applicable state laws and regulations relative to lawful gambling within the state of Minnesota, and shall endeavor to prevent syndicates, outside influences, and the like from infiltrating the organizations licensed to conduct such lawful gambling within the city. The council shall be satisfied that each applicant for a license is the operator in-fact of its establishment and will conduct it in conformance with the laws of the state of Minnesota and this ordinance.

505.02. Provisions of State Law Adopted. Chapter 349 of Minnesota Statutes, as now exist or shall be hereinafter amended, as well as the adopted rules of the Charitable Gambling Control Board, as now exist or are hereinafter amended, are hereby adopted and made a part of this ordinance as if fully set out herein.

505.03. License Required. No person or organizations shall conduct lawful gambling as defined by the laws of the state of Minnesota without the required state license issued through the

Charitable Gambling Control Board and as approved by the city of Pennock under the terms of this ordinance.

505.04. Application for License. Every application for a gambling license shall be verified and filed with the city clerk and shall be in compliance with the statutes and rules governing same adopted by the state of Minnesota and Charitable Gambling Control Board.

505.05. Granting of Licenses. The city of Pennock shall investigate the facts set out in the application and do a background check on the applicant, making its recommendation to the city council based thereon concerning the applicant. After such investigation and recommendation, the city council shall act on the application in granting it or refusing it at its discretion.

505.06. Organizations Ineligible for License Approval. No license shall be approved as to any organization or person not eligible for such license under state law. Applicants must have their home office or base of operations within the city limits of the city of Pennock and be an organization which serves the residents of the city of Pennock.

505.07. Conditions of License Approval. Every license shall be approved subject to the conditions in the following subdivisions and all other provisions of this ordinance and of any other applicable ordinance of the city or state law:

- (a) Every licensee shall be responsible for the conduct of its place of operation as described in its license application. Any peace officer of the city shall have the unqualified right to enter, inspect and search such premises of the licensee during business hours in order to ensure that said premises are conducted in compliance with this ordinance and applicable state laws and regulations.
- (b) The premises within which lawful gambling may be conducted pursuant to this ordinance may be duly licensed for the sale of 3.2 percent malt liquor.
- (c) All gambling operations conducted by the applicant must be managed by bona fide members of the organization applying for the license.

505.08. Revocation and Suspension of License. The city council may revoke or suspend any gambling license for violation of any provision or condition of this ordinance or any state law or rule incorporated herein, subject to the requirements and conditions as contained in said state law and applicable rules of the Charitable Gambling Control Board.

506.00. Bingo.

506.01. Provisions of State Law Adopted. Except as herein provided, the provisions of Minnesota Statutes Chapter 349.11 - 349.23 and laws supplementary thereto and amendatory thereof pertaining to the game of bingo are adopted and made a part of this ordinance as if set out herein in full.

- 506.02. **License Required.** No person, corporation, association or organization shall directly or indirectly organize, promote or conduct a bingo occasion without first obtaining a license to do so issued by the city of Pennock.
- 506.03. **Application for License.** Every application for license to conduct a bingo occasion shall be on forms provided by the city clerk and shall contain the name of the applicant, the length of time the applicant's organization has been in existence, the number of active members in applicant's organization, the address where bingo games are to be held, the time and place of bingo occasions, the name of the bingo manager and such other information as the city council may from time to time require.
- 506.04. **Bond.** Each application shall be accompanied by a bond issued pursuant to Minnesota Statutes 349.17, Subdivision 7.
- 506.05. **License Fee.** The annual fee for a bingo license shall be \$20.
- 506.06. **Payment.** Payment by cash, money order, certified check or cashier's check in the amount of \$20 shall accompany each application for a license.
- 506.07. **Term.** Each bingo license shall be issued for a period of one year or a part thereof, and shall expire on May 31 of each year. No pro rate adjustments of the fee herein required shall be made, regardless of the time of application.
- 506.08. **Refunds.** No refunds of any license fee shall be made except as may be compelled by state statute and except that in the event a license is denied, the entire license fee shall be returned to the applicant.
- 506.09. **Granting of License.** The city council or its appointees shall investigate all facts set out in the application for license. The city council may attach such conditions to the license as shall be deemed just and reasonable.
- 506.10. **Cancellation of License.** Failure on the part of any license holder to comply with any state law or municipal ordinance shall be grounds for immediate cancellation of the bingo license and forfeiture of the entire license fee.

LIQUOR AND BEER

600.00. **Intoxicating Liquor.**

600.01. **Sale Prohibited.** No person, except a wholesaler or manufacturer to the extent authorized under state license, shall directly or indirectly deal in, sell, or keep for sale in the city any intoxicating liquor.

601.00. **3.2 Percent Malt Liquor.**601.01. **Definitions.**

- (a) **3.2 Percent Malt Liquor.** “3.2 percent malt liquor” is malt liquor containing not less than one-half of one percent alcohol by volume nor more than 3.2 percent alcohol by weight.
- (b) **Club.** “Club” is an incorporated/organization organized under the laws of the state for civic, fraternal, social, or business purposes, for intellectual improvement, or for the promotion of sports, or a congressionally chartered veterans’ organization, which:
 - (1) has more than 50 members;
 - (2) has owned or rented a building or space in a building for more than one year that is suitable and adequate for the accommodation of its members;
 - (3) is directed by a board of directors, executive committee, or other similar body chosen by the members at a meeting held for that purpose. No member, officer, agent or employee shall receive any profit from the distribution or sale of beverages to the members of the club, or their guests, beyond a reasonable salary or wages fixed and voted each year by the governing body.
- (c) **Original Package.** “Original package” is the sealed or corked container in which the liquor is placed at the place of manufacture.
- (d) **Restaurant.** “Restaurant” is an establishment, other than a hotel, under the control of a single proprietor or manager, where meals are regularly prepared on the premises and served at tables to the general public, and having a minimum seating capacity as prescribed by the appropriate license issuing authority.

601.02. **License Required.** No person, except wholesalers and manufacturers to the extent authorized by law, shall deal in or dispose of by gift, sale, or otherwise, or keep or offer for sale,

any 3.2 percent malt liquor within the city without first having received a license as hereinafter provided. Licenses shall be of three kinds: 1) regular on-sale; 2) temporary on-sale; 3) off-sale.

601.02. Regular On-Sale. Regular on-sale licenses shall be granted only to drugstores, cafes, restaurants and hotels where food is prepared and served for consumption on the premises and in bona fide clubs and shall permit the sale of such liquor for consumption on the premises only.

601.03. Temporary On-Sale. Temporary on-sale licenses shall be granted only to clubs or charitable, religious, or non-profit organizations for the sale of 3.2 percent malt liquor for consumption on the premises only.

601.04. Off-Sale. Off-sale licenses shall be granted to permit the sale at retail of such liquor in the original packages for removal from and consumption off the premises only.

601.05. Applications for Licenses. All applications for any license to sell 3.2 percent malt liquor shall be made on forms provided by the city setting forth the name of the person asking for such license, the age of the applicant, representations as to the applicant's character with such references as may be required, citizenship, the location where such business is to be carried on, whether such application is for "on-sale", "off-sale", or "temporary on-sale", the business in connection with which the proposed license will operate, whether applicant is owner or operator of such business, the time such applicant has been in that business place, and such other information as the governing body may require from time to time. It shall be unlawful to make any false statement in an application.

601.06. Fees. All applications for licenses shall be accompanied by a receipt from the city clerk for the required annual fee for the respective license. Upon rejection of any application for a license, the clerk shall refund the amount paid.

The annual fee for an "on-sale" license shall be \$100. The annual fee for an "off-sale" license shall be \$25. The fee for a "temporary on-sale" license shall be \$20.

601.07. Term of License. All licenses shall expire on the last day of March in each year; provided that if eight months of any licensing year have elapsed when the application is made, the fee shall be reduced to one-half of the regular amount.

601.08. Granting of Licenses. The city council shall cause an investigation to be made of all facts set forth in the application. Opportunity shall be given to any person to be heard for or against the granting of any license. After such investigation, the city council shall grant or refuse any such application in its discretion. All licensed premises shall have the license therefore posted in a conspicuous place at all times.

601.09. Conditions of Licenses. All licenses granted hereunder shall be granted subject to the following conditions, and all other conditions of this ordinance, and subject to all other ordinances of the city applicable thereto.

- (a) No license shall be granted to any person who has been convicted of a felony, or of violating any law of this state or local ordinance relating to the manufacture, sale, distribution, or possession for sale or distribution of intoxicating liquor.
- (b) No license shall give permission to sell 3.2 percent malt liquor in any theater, recreation hall or center, dance hall, ball park or other place of public gathering for the purpose of entertainment, amusement or playing of games, and no such liquor shall be consumed there.
- (c) No “on-sale” license shall be granted for sales in connection with any business or club where such business or club has not been in operation at that place for at least six months immediately preceding such application.
- (d) No license shall be granted for sale on any premises where a licensee has been convicted of the violation of this ordinance or where any license hereunder has been revoked for cause for at least one year after the said conviction or revocation.
- (e) No sale of 3.2 percent malt liquor shall be made to any person under guardianship, nor to any person under 21 years of age.
- (f) All premises where any license hereunder is granted shall be open to inspection by any law enforcement or health officer or other properly designated officer or employee of the city at any time during which the place so licensed is open to the public for business.
- (g) No gambling, nor any gambling device prohibited by law, shall be permitted in any licensed premises.
- (h) All licenses under this ordinance shall be issued to the applicant only and shall be issued for the premises described in the application. Such license shall not be transferred to another place without the approval of the city council.
- (i) No license shall be granted to any manufacturer of non-intoxicating malt liquor nor to anyone interested in the control of any such place, and no equipment or fixture in any licensed place shall be owned in whole or in part by any such manufacturer.
- (k) Licenses shall be granted only to persons who are citizens or resident aliens and who reside within the city of Pennock and to persons of good moral character.

601.10. Closing Hours. No sales of 3.2 percent malt liquor shall be made between the hours of 11:00 p.m. and 7:00 a.m. of any day, nor on Sunday, nor on any primary, general or special election day, nor on Good Friday, Thanksgiving, and Christmas Day.

601.11. Clubs. No club shall sell 3.2 percent malt liquor except to members and to guests in the company of members.

601.12. No Bar, Partition Box or Screen Permitted. In any place licensed for “on sale”, the liquor sold shall be served and consumed at tables in the dining or refreshment room of the cafe, restaurant, hotel or club, and shall not be consumed or served at bars; provided the same may be served at counters where food is regularly served and consumed. All windows in the front of any such place shall be clear glass, and the view of the whole interior shall be divided by screens, curtains or other devices which shall obstruct the view of any part of said room; provided, however, that partitions, subdivisions or panels not higher than 48 inches from the floor shall not be construed as in conflict with the foregoing; and provided, however, such license shall entitle the holder thereof to serve 3.2 percent malt liquors in a separate room of such restaurant to banquets or dinners at which are present not less than six persons.

601.13. Revocation. Any license granted hereunder may be revoked by the council without notice to the grantee or a hearing may first be held by the council and the revocation then made for cause. Any violation of any provision or condition of this ordinance or any falsification of any statement in the application shall be ground for revocation. No portion of the license fee paid shall be returned upon revocation.

601.14. Prohibited Sale. Nothing hereunder shall permit the manufacture, sale or transportation, or keeping or having in possession for sale or transportation of, or taking or receiving, or soliciting, any order for any liquor of a greater alcoholic content than three and two-tenths by weight except for medicinal, pharmaceutical or scientific purposes, and any such act is hereby made unlawful. Any violation of this provision upon any premises licensed hereunder shall constitute grounds for revocation of the license, and the same shall be automatically revoked upon a conviction of the violation of this provision.

STREETS AND TRAFFIC

700.00. **Street Commissioner.**

700.01. **Control.** All streets, sidewalks and alleys now laid out and in public use, or which may hereafter be laid out in the city of Pennock shall be under the control of the street commissioner of the city of Pennock subject to the direction of the city council.

700.02. **Duties.** The street commissioner of the city of Pennock shall enforce or cause to be enforced all the ordinances of the city related to streets, sidewalks and alleys. The street commissioner shall require and cause all sidewalks to be graded to as uniform a width as possible.

700.03. **Obstructions.** No person shall pile, place or deposit upon any of the streets or sidewalks of the city of Pennock any goods, wares, merchandise, lumber, wood, material, rubbish or obstructions of any kind, or cause or allow the same to be done, without the written consent of the city council, and under the direction of the street commissioner.

700.04. **Sewers, Ditches and Watercourses.** That all sewers, ditches or watercourses, natural or artificial, shall be controlled by and built, altered or stopped only by the street commissioner of the city of Pennock within said city under the direction of the council, and no person shall in any manner make, alter, repair, obstruct, divert, change or stop the same or any of them without the consent of said commissioner.

700.05. **Shade Trees.** All shade or ornamental trees located within the street right-of-way of the city of Pennock shall be under the control of the street commissioner and shall be removed or cut down, only by him or under his direction, and then only when the same shall interfere with the use of said streets.

701.00. **Regulating Grade of Sidewalk.**

701.01. Station 0 - northeast corner of Block 4 - .054
 Station 1 - southeast corner of Block 4 - 1.14
 Station 2 - northeast corner of Lot 11, Block 4 - 1-74
 Station 4 - northwest corner of Block 3 - 1-69
 Station 5 - southwest corner of Lot 26, Block 4 - 2-29
 Station 6 - northwest corner of Lot 20, Block 3 - 2-99
 Station 7 - southwest corner of Block 4, Lot 20 - 4-47
 Station 8 - southeast corner of Lot 16, Block 4 - 1-78
 Station 9 - southwest corner of Lot 13, Block 4 - 1-95
 Station 10 - southeast corner of Lot 11, Block 4 - 2-30
 Station 11 - southwest corner of Lot 20, Block 3 - 3-29

Station 12 - southwest corner of Lot 19, Block 3 - 3-29
Station 13 - southeast corner of Lot 17, Block 3 - 4-11
Station 14 - southwest corner of Lot 13, Block 3 - 5-31
Station 15 - southeast corner of Lot 11, Block 3 - 6-15
Station 16 - southwest corner of Lot 20, Block 2 - 6-87
Station 17 - southwest of Lot 15, Block 2 - 6-80
Station 18 - southeast of 11, Block 2 - 6-86
Station 19 - southeast corner of Block 5, Lot 11 - 4-47

702.00. **Parking.**

702.01. **Definitions.** Any term used in this ordinance and defined in Minnesota Statutes 169.01 has the meaning given it by that section.

702.02. **General Time Limit.** No vehicle shall be parked upon any street or highway within the city limits of the city of Pennock in any one place for a longer continuous period than 48 hours.

702.03. **Parking Restrictions.** No person shall park a vehicle or permit it to stand, whether attended or unattended, upon any street or highway within the city limits of the city of Pennock in any of the following places:

- (a) On a sidewalk
- (b) In front of a public or private driveway
- (c) Within an intersection
- (d) On a crosswalk
- (e) Within 15 feet of a fire hydrant
- (f) At any place where official signs prohibit stopping or parking

702.04. **Parade Routes.** No person shall park on or along any designated parade route. The city council may, by resolution, designate any public street or highway within the city as a parade route and may prohibit parking during hours specified in the resolution. The parade route shall be marked by appropriate signs or other devices to indicate that parking is prohibited during the hours set forth in the resolution.

702.05. **Impoundment.** Any law enforcement officer may remove a vehicle from a street to a garage or other place of safety when the vehicle is parked in violation of this ordinance. Such vehicle shall not be released until the fees for towing and storage are paid, in addition to any fine imposed for violation of this ordinance.

702.06. Prima Facie Violation. The presence of any motor vehicle on any street when standing or parked in violation of this ordinance is prima facie evidence that the registered owner of the vehicle committed or authorized the commission of the violation.

702.07. Penalty. Any person violating any provision of this ordinance shall, upon conviction, be guilty of a petty misdemeanor punishable by a fine of not more than \$100.

703.00. Snow Season Parking.

703.01. Restrictions. In order to facilitate snow removal from the public streets and alleys of the city of Pennock, from December 1 through April 1 of each year, no vehicles shall be parked on any public street or alley in said city between the hours of 2:00 a.m. and 8:00 a.m.

703.02. Enforcement. If any vehicle is parked, abandoned, or left standing in violation of the provisions hereof, the same may be summarily removed without notice to the owner at the direction of the city through its officers, agents and employees. Such summary removal shall be to a place designated by the city and such removed vehicles shall be stored at such designated place until released to the owner or his agent upon the following conditions: the owner, or his agent, shall first pay all costs and expenses incident to the removal, towing and storage of such vehicle, said costs and expenses to be paid to the city clerk, his agent, or any other person or firm authorized by the council to receive same. Costs and expenses as herein stated shall mean such expenses as are actually incurred if said removal, towing and storage is performed by someone for hire, or the reasonable cost of said work if same is performed by city employees, as determined from time to time by the city council. Amounts paid by the owner under this section for release of a vehicle shall not be deemed to be a penalty or a fine.

703.03. Penalty. Violation of this section shall be a petty misdemeanor.

704.00. Unreasonable Acceleration.

704.01. Prohibited. No person shall start or accelerate any motor vehicle with an unnecessary exhibition of speed on any public or private way within the city of Pennock. Prima facie evidence of such unnecessary exhibition of speed shall be squealing or screeching sounds emitted by the tires or the throwing of sand or gravel by tires of said vehicle or both.

705.00. Snowmobiles and Recreational Vehicles.

705.01. Required Equipment. No person shall operate a snowmobile on the city streets of the City of Pennock without having all of the equipment required by Minn. Stat. § 84.47 in place and in good operating condition.

705.02. Places of Operation. It shall be unlawful to operate a snowmobile or any other recreational vehicle on the real estate of another without the permission of such other person and it shall also be unlawful to operate a snowmobile on all publicly owned lands within the city of Pennock, except streets.

705.03. **Manner of Operation.** It shall be unlawful to operate a snowmobile or any other recreational vehicle within the city of Pennock in a careless or reckless manner so as to endanger any person or property. It shall be unlawful to operate a snowmobile within the city of Pennock if said snowmobile is emitting unnecessarily loud noise, which noise would reasonably tend to disturb the peace and tranquility of other persons.

705.04. **Licenses Required.** No snowmobile shall be operated within the city limits of the city of Pennock without having the license required by Minnesota Statute Section 84.86 displayed thereon.

705.05. **Penalties.** Any person who violates the provisions of this ordinance shall be guilty of a petty misdemeanor.

706.00. **Truck Routes.**

706.01. **Definitions.** For the purpose of this ordinance, the following terms shall have the meaning given herein. When not inconsistent with the context, words used in the present text include the future; words in the plural include the singular; the words in the singular include the plural. The word "shall" is always mandatory and not merely directory.

- (a) **City.** "City" is the city of Pennock, Minnesota.
- (b) **Deviating Truck.** "Deviating Truck" is a truck which leaves and departs from a street designated to be used by truck traffic.
- (c) **Person.** "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.
- (d) **Truck.** "Truck" is any vehicle designed or operated for the transportation of property and whose total marked GVW weight, loaded or unloaded, exceeds 15,000 GVW pounds; or any vehicle which is registered for and pays a tax or vehicle license fee based on a gross weight of more than 15,000 pounds.
- (e) **Truck Route.** "Truck Route" is any street, as designated herein, over and along which trucks within the city must operate.

706.02. **Truck Travel Restricted.** All trucks operating within the city shall be operated only over and along the truck routes established in Section 3, except that this ordinance shall not prohibit:

- (a) The operation of trucks upon any street where necessary to the conduct of business only at a destination point, provided streets upon which such traffic is permitted are used until reaching the intersection nearest the destination point; (this exemption does not include the parking or driving of trucks from or to the owner or operator's home in a residential zoned area).

- (b) The operation of emergency vehicles upon any street in the city.
- (c) The operation of trucks owned or operated by the state of Minnesota, county of Kandiyohi, city of Pennock, public utilities, any contractor or materials man, while engaged in the repair, maintenance or construction of streets, street improvements or street utilities within the city.
- (d) The operation of trucks upon any officially established detour in any case where such truck could be lawfully operated on the street for which such detour is established.

.03. Streets Designated for Truck Use. The following streets or truck routes are hereby published or designated within the city:

- (a) U.S. Highway No. 12
- (b) Kandiyohi County Road No. 1
- (c) Second Street Northwest from Atlantic Avenue to Dakota Avenue
- (d) Second Street Northeast from Atlantic Avenue to Dakota Avenue
- (e) Second Street Southwest
- (f) Park Avenue from Kandiyohi County Road No. 1 to Second Street Southwest
- (g) Second Street Southeast

.04. Enforcement.

- (a) The city clerk shall keep and maintain accurate maps setting out the truck routes or streets upon which truck traffic is permitted and such maps shall be available to the public.
- (b) The city clerk shall cause all truck routes and streets upon which truck traffic is permitted to be clearly sign-posted.
- (c) Any law enforcement officer shall have the authority to require any person driving or in control of any truck not proceeding over a truck route or street upon which truck traffic is permitted to proceed to any public or private scale available for the purpose of weighing and determining whether this ordinance has been complied with.
- (d) In addition to the driver or operator, the owner of any truck being operated with his permission and consent shall be liable for any violation of the provisions of this ordinance.

FRANCHISES

800.00. AN ORDINANCE OF THE CITY OF PENNOCK, KANDIYOHI COUNTY, MINNESOTA, GRANTING TO WESTERN GAS UTILITIES, INC., A MINNESOTA CORPORATION, ITS LESSEES, SUCCESSORS OR ASSIGNS, A NON-EXCLUSIVE FRANCHISE TO OPERATE A GAS SYSTEM WITHIN THE CITY OF PENNOCK AND TO SUPPLY GAS TO THE INHABITANTS THEREOF; AND TO OTHERWISE REGULATE SUCH BUSINESS OPERATIONS.

800.01. Western Gas Utilities, Inc., a Minnesota corporation, its lessees, successors or assigns, hereinafter referred to as the grantee, is hereby granted the non-exclusive right and authority for a period of 25 years, but subject hereto, to erect, construct, operate and maintain a gas plant and gas system and any and all necessary mains, pipes, services and other appliances, thereunto appertaining, in, upon, over, across and along the streets, alleys, bridges and public places within the present and future corporate limits of the city of Pennock, Minnesota, for the manufacture and transmission and distribution and sale of gas, whether artificial, natural, mixed or otherwise, for heating, domestic, industrial and all other uses and purposes, in and beyond said city; and the grantee hereby agrees to operate said system and to supply gas for the period of time covered by this franchise.

800.02. The grantee, its lessees, successors or assigns shall make such reasonable extensions of the mains from time to time as may be necessary thereto; provided, however, that the grantee, its lessees, successors or assigns shall not be required to make any extensions of its mains for the purpose of serving any new consumers which shall necessitate the installation of more than 100 feet of main for each consumer to be served, nor where the estimated revenue to be derived from serving such new consumer or consumers is insufficient to show an adequate return upon the total investment required to serve such new consumer or consumers.

800.03. The grantee agrees for and in behalf of itself, its lessees, successors or assigns that all authority and right in this franchise contained shall at all times be subject to all rights, power and authority now or hereafter possessed by the said city of Pennock, or any other regulatory tribunal having jurisdiction thereover to regulate, fix and control just, reasonable, and compensatory gas rates, and to regulate, control and direct the manner in which the grantee, its lessees, successors or assigns shall use the streets, alleys, bridges and public places in said city of Pennock.

800.04. When the grantee, its lessees, successors or assigns shall do work of construction, maintenance or repair of its system in any street, alley, highway, bridge or other public place in said city of Pennock or any pavement, curbing or gutter therein shall be excavated in the course of such work, the grantee, its lessees, successors or assigns shall promptly and at its or their own expense make all repairs and restorations made necessary thereby; so that, said street, alley, highway, bridge or any other public place, shall, as far as practicable, be restored to as good a condition as it was before the said work was done.

800.05. The grantee, for itself and its lessees, successors or assigns, agrees that while the term hereof continues, it will at all times save, protect, indemnify and hold harmless the said city of Pennock from any and all claims, obligations, liabilities or judgements, legally established, arising, growing out of or flowing from the construction, operation and maintenance of the said gas plant and gas system by the grantee, its lessees, successors or assigns, and due to or caused by the fault or negligence of the grantee.

800.06. The right and authority herein granted shall be non-exclusive and shall be subject to all regulatory powers which the said city of Pennock possesses and shall continue for the period of 25 years (except as herein otherwise stated) from and after the date this franchise goes into effect under Section 11 hereof. On 90 days prior written notice to the grantee, its lessees, successors or assigns, of its intention so to do, the said city of Pennock, after not less than three years from the effective date hereof, may cancel and terminate this franchise, unless before such cancellation and termination the grantee or its lessees, successors or assigns shall have begun construction within the said city of Pennock, provided, however, that there shall be added to such three year period any time reasonably lost due to litigation instituted by others; or due to action of the said city of Pennock, its officials or governing body, or of any other governmental body or authority, or due to strikes.

800.07. The city council of the city of Pennock, at the end of any period of five years from the effective date of this ordinance, when authorized to do so by a two-thirds majority of the votes cast upon the question, may acquire and thereafter operate said gas plant and gas system, and all mains, pipes, services and other appliances thereunto appertaining which shall have been constructed, installed, operated and maintained by the said grantee, its lessees, successors or assigns, upon paying to said grantee, its lessees, successors or assigns the value of said property, to be ascertained in the manner provided by law for acquiring property under the right of eminent domain, upon petition of its governing body. Such vote shall be taken at a special election called for that purpose, and held within three months next preceding the expiration of said five-year period. The consideration for such works or property shall first be applied to the payment of any encumbrances thereon and the remainder, if any, shall be paid to said grantee, its lessees, successors or assigns.

800.08. No sale, assignment or lease of this franchise shall be effective until the city council of the city of Pennock shall have approved the same and until the vendee, assignee or lessee shall have filed in the office of the city clerk an instrument, duly executed, reciting the fact of such sale, assignment or lease, accepting the terms of the franchise and agreeing to perform all the conditions thereof.

800.09. The violation by the grantee, its vendee, assignee, lessee or successor of the provisions of this franchise or any material portions thereof, of the failure to promptly to perform any of the provisions thereof, shall be cause for the forfeiture of this franchise and all rights hereunder by resolution of the city council of the city of Pennock after reasonable written notice to the company, and continuation of such violation, failure or default.

800.10. All other ordinances or portions of ordinances inconsistent herewith are hereby repealed.

800.11. This ordinance shall be in full force and in effect from and after its passage and publication as required by law, and upon the written acceptance hereof by Western Gas Utilities, Inc., a Minnesota corporation, and thereafter shall be binding on Western Gas Utilities, Inc., its successors and assigns. Western Gas Utilities, Inc., shall within 60 days after the passage of this ordinance, file with the city clerk of the city of Pennock, Minnesota, its acceptance in writing, signed by its proper officers and attested by its corporate seal. The grantee may terminate this ordinance at any time after such acceptance but only prior to commencement of construction of the facilities, by filing a written surrender thereof with the city clerk of said city of Pennock.

MUNICIPAL WATER SUPPLY

900.00. Water Bills.

900.01. Accounts in Name of Owner. All water accounts shall be carried in the name of the owner. The owner shall be liable for water supplied to his property, whether he is occupying the property or not, and any charges unpaid shall be a lien upon the property.

900.02. Bills for Service. Bills for water service shall be computed and mailed to customers quarterly or at such other times as the council may by resolution determine. Bills shall reflect the sum due the city in accordance with rates established by the council by resolution.

900.03. Delinquent Accounts. All charges for water and sewer service shall be due on the quarterly due date specified by the city for the respective account and shall be delinquent if not paid by that date. The city shall endeavor to collect delinquent accounts promptly. In any case, where satisfactory arrangements for payment have not been made, the council may, after the procedural requirements of Section 4 have been complied with, discontinue service to the delinquent customer by shutting off the water at the stop box. When water service to any premises has been discontinued, service shall not be restored except upon the payment of all delinquent bills and a fee of \$25.00. Delinquent accounts shall be certified to the city clerk who shall prepare an assessment roll each year providing for assessment of the delinquent accounts against the respective properties served. The assessment roll shall be delivered to the council for adoption on or before October 1 of each year for certification to the county auditor for collection along with taxes. Such action is optional and may be subsequent to taking legal action to collect delinquent accounts.

900.04. Procedure for Shutoff of Service. Water shall not be shut off under Section 3 or for a violation of rules and regulations affecting utility service until notice and an opportunity for a hearing have first been given the occupant/owner of the premises involved. The notice shall be personally served and shall state that if payment is not made before a day stated in the notice but not less than seven days after the date on which the notice is given, the water supply to the premises will be shut off. The notice shall also state that the occupant may, before such date, demand a hearing on the matter, in which case the supply will not be cut off until after the hearing is held. If the customer requests a hearing before the date specified, a hearing shall be held on the matter by the city council at least one week after the date on which the request is made. If, as a result of the hearing, the city council finds that the amount claimed to be owing is actually due and unpaid and that there is no legal reason why the water supply of the delinquent customer may not be shut off in accordance with this ordinance, the city may shut off the supply.

AN ORDINANCE PROHIBITING DISCHARGES INTO THE SANITARY SEWER SYSTEM, AND PROVIDING PENALTIES FOR THE VIOLATIONS THEREOF,

The City of Pennock does hereby ordain as follows:

Section 1. DISCHARGE PROHIBITED.

(a) No person shall discharge or cause to be discharged any stormwater, groundwater, roof runoff, yard drainage, yard fountain or pond overflow into the sanitary collection system. Unpolluted water or waste shall be discharged to only storm sewers or to a natural outlet. Unpolluted water or wastewater may be discharged to the sanitary collection system upon prior written approval of the city clerk.

(1) No roof, sump pump, swinging pool discharge, or surface water drainage shall be connected to the sanitary sewer system and no building shall hereafter be constructed nor shall any existing buildings be hereafter altered in such a manner that the roof drainage shall connect with the sanitary sewer system inside or outside the building.

(2) Before March 1, 2001, any person, firm or corporation having a roof, sump pump, swimming pool discharge, or surface drain now connected and/or discharging into the sanitary sewer system shall disconnect and/or remove same. Any disconnects or openings in the sanitary sewer shall be closed or repaired in an effective, workmanlike manner, as approved by the City.

(3) Every person owning improved real estate that discharges into the City's sanitary sewer system shall allow City employee(s) to inspect the buildings to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system. Any person may furnish a certificate from a licensed plumber certifying that their property is in compliance with this Ordinance in lieu of having the City inspect their property. Any person refusing to allow their property to be inspected or refusing to furnish a plumber's certificate within fourteen (14) days of the date City employee(s) are denied admittance to the property, shall immediately become subject to the surcharge hereinafter provided for. Any property found to violate the Ordinance shall make the necessary changes to comply with the Ordinance and furnish proof of the changes to the City by March 1, 2001.

(4) A surcharge of One Hundred (\$100.00) Dollars per month is

hereby
April

imposed and added to every sewer billing mailed on and after
1, 2001, to property owners who are not in compliance with this

Ordinance. The surcharge shall be added every month through
October, 2001, until the property is in compliance. The surcharge
shall continue to be levied monthly for the months of April through
October (both inclusive) of every year, on properties not complying
with the Ordinance.

- (5) This ordinance shall be effective from and after its adoption and
publication.

This Ordinance introduced by Councilman Jerry Kolden

This Ordinance introduced on December 7, 2000

This Ordinance published on December 21, 2000

This Ordinance given a hearing on January 4, 2001

This Ordinance adopted on January 4, 2001

This Ordinance published on January 11, 2001

BUILDINGS

1000.00. AN ORDINANCE ADOPTING THE MINNESOTA STATE BUILDING CODE. THIS ORDINANCE: PROVIDES FOR THE APPLICATION, ADMINISTRATION, AND ENFORCEMENT OF THE MINNESOTA STATE BUILDING CODE BY REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA, AND MAINTENANCE OF ALL BUILDINGS AND/OR STRUCTURES IN THIS MUNICIPALITY; PROVIDES FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREOF; PROVIDES PENALTIES FOR VIOLATION THEREOF; REPEALS ALL ORDINANCES AND PARTS OF ORDINANCES THAT CONFLICT THEREWITH.

1000.01. Application, Administration and Enforcement. The application, administration, and enforcement of the code shall be in accordance with Minnesota Rule Part 1300.2100 and as modified by Chapter 1305. The code shall be enforced within the extraterritorial limits permitted by Minnesota Statute 16B.62 Subdivision 1 when so established by this ordinance.

The code enforcement agent of this municipality is called the Building Official.

A Minnesota certified Building Official must be appointed by this jurisdiction to administer the code (Minnesota Statute 16B.65).

1000.02. Permits and Fees. The issuance of permits and the collection of fees shall be as authorized in Minnesota Statute 16B.62 Subdivision 1 and as provided for in Chapter 1 of the *1994 Uniform Building Code* and Minnesota Rules Parts 1305.0106 and 1305.0107.

Permit fees shall be assessed for work governed by this code in accordance with Table No. 1-A of this ordinance. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota Statute 16B.70.

*Take out 1994 Uniform Building Code
replace with Minnesota State Building Code*

TABLE 1-A - BUILDING PERMIT FEES

TOTAL VALUATION	FEE
\$1.00 to \$500.00	\$21.00
\$501.00 to \$2,000.00	\$21.00 for the first \$500.00 plus \$2.75 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$62.25 to the first \$2,000.00 plus \$12.50 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$349.75 for the first \$25,000.00 plus \$9.00 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$574.75 for the first \$50,000.00 plus \$6.25 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$887.25 for the first \$100,000.00 plus \$5.00 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$2,887.25 for the first \$500,000.00 plus \$4.25 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$5,012.25 for the first \$1,000,000.00 plus \$2.75 for each additional \$1,000.00 or fraction thereof

1000.03. Fee Adjustment. For any construction within the city of Pennock exceeding \$2,000.00 in value, building permit fees shall be calculated at sixty percent (60%) of the fee as set out in Table 1-A.

1000.04. Violations and Penalties. A violation of the code is a misdemeanor (Minnesota Statute 16B.69).

1000.05. Building Code. The Minnesota State Building Code, established pursuant to Minnesota Statutes 16B.59 to 16B.75, is hereby adopted as the building code for this jurisdiction. The code is hereby incorporated in this ordinance as if fully set out herein.

(a) The Minnesota State Building Code includes the following chapters of Minnesota Rules:

1. 1300 Minnesota Building Code
2. 1301 Building Official Certification
3. 1302 State Building Construction Approvals
4. 1305 Adoption of the 1994 Uniform Building Code including Appendix Chapters
 - a. 3, Division I, Detention and Correctional Facilities
 - b. 12, Division II, Sound Transmission Control
 - c. 29, Minimum Plumbing Fixtures
5. 1307 Elevators and Related Devices

6. 1315 Adoption of the 1993 National Electrical Code
7. 1325 Solar Energy Systems
8. 1330 Fallout Shelters
9. 1335 Floodproofing Regulations
10. 1340 Facilities for the Handicapped
11. 1346 Adoption of the *1991 Uniform Mechanical Code*
12. 1350 Manufactured Homes
13. 1360 Prefabricated Buildings
14. 1365 Snow Loads
15. 1370 Storm Shelters
16. 4715 Minnesota Plumbing Code
17. 7670 Minnesota Energy Code

(b) The following optional appendix chapters of the *1994 Uniform Building Code* are hereby adopted and incorporated as part of the building code for this municipality.

1. Appendix Chapter 3, Division III: Requirements for Group R, Division 3 occupancies, *Council of American Building Officials*, 1995 One and Two Family Dwelling Code.
2. Appendix Chapter 15, Reroofing.
3. Appendix Chapter 19, Exposed Residential Concrete
4. Appendix Chapter 31, Division II, Membrane Structures
5. Appendix Chapter 33, Excavation and Grading

1001.00. **Relocation of Houses.** *Amended to all Structures*

1001.01. **Requirements.** A house may be moved into the city or from one tract to another within the city if the structure will meet all building, plumbing, heating and electrical codes of the city. This may require completely new systems for the building. The owner will be required to post a cash bond or a performance bond of 15 percent with the building inspector. The bond would insure that all code requirements would be met and that necessary exterior maintenance would be completed as proposed. Such relocated houses shall require plan approval of the city council before a permit is given. The clerk shall give or cause to be given written notice to all property owners within 300 feet of the date, time, and place of the city council meeting at which plans for relocation of the house will be considered. Such notice shall be mailed at least ten (10) days prior to the meeting date to the persons shown as owners of said property by the records in the office of the city of Pennock assessor. This ordinance shall be effective from and after its adoption and second publication.

DISPOSITION OF ORDINANCES

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	1000.00	41
on of Houses	1001.00	43

<u>Prior Code</u> <u>Code No.</u>	<u>Title</u>	<u>1997 Code</u>	<u>Page</u>
1201.000	Public Nuisances	300.00	8

CHAPTER 11, ZONING is not included in this codification.