

CHAPTER V PUBLIC SAFETY, WELFARE AND MORALS

Section 500. ACTS CONTRARY TO THE PUBLIC SAFETY, WELFARE AND MORALS

Section 500:00. NAME. This section shall be known as the Public Safety, Welfare and Morals Ordinance.

Section 500:05. DECLARATION. The doing of any of the acts or things prohibited, or the failing to do any of the things or acts commanded to be done as set forth in this chapter, is hereby declared to be an offense against the good order, public peace, health, welfare, morals, and proper government of this city and unlawful.

Section 500:10. DISORDERLY CONDUCT. The doing of any of the following acts without authority of law by any person or persons is hereby declared to be disorderly conduct and unlawful:

- (a) Willfully disturbing an assembly or meeting not unlawful in its character or the peace and quiet of any family or neighborhood;
- (b) Willfully and lewdly exposing the person or the private parts thereof or procuring another to so expose themselves and any open or gross lewdness or lascivious behavior or any act of public indecency;
- (c) Using profane, vulgar, or indecent language in or about any public building, store or place of business, or upon any of the streets, alleys or sidewalks of the city, so as to be audible and offensive;
- (d) Appearing on any public street or public place in an intoxicated condition or drinking intoxicating liquor in any vehicle upon a public street.

Section 500:15. ASSAULT. *No person shall strike or attempt to strike nor in any unlawful manner offer to do or do any bodily harm to another person, nor unlawfully make an attempt to apply any degree of force or violence to the person of another, nor in a violent, rude, angry, or insolent manner or lay hands upon the person of another.*

Section 500:20. VAGRANTS. Vagrancy is hereby declared to be unlawful and the following persons are hereby declared to be vagrant:

- (a) A person who being a habitual drunkard, abandons, neglects, or refuses to aid in the support of their family;
- (b) A person who has contracted an infectious or other disease in the practice of drunkenness or debauchery requiring charitable aid to restore them to health;
- (c) Fortune tellers and such other like imposters;
- (d) A person known to be a pickpocket, thief, burglar, yeggman or confidence man and having no visible or lawful means of support, when found loitering around any railroad depot, railroad yard, banking institution, broker's office, place of public amusement, hotel, auction room, store, shop, crowded thoroughfare, car or omnibus or at any public gathering or assembly;
- (e) A person engaged in practicing or attempting any trick or device to procure money or other thing of value when such trick or device is made a public offense by any law of this state or any person engaged in soliciting, procuring or attempting to solicit money or other thing of value by falsely pretending and representing themselves to be blind, deaf, dumb, without arms or legs, or to be otherwise physically deficient or to be suffering from any physical defect or infirmity;
- (f) A person wandering about and lodging in taverns, groceries, ale houses, market places, sheds, stables, barns, or other uninhabited buildings or in the open air, not giving a good account of themselves.

Section 500:25. DESTRUCTION OF PROPERTY AND TRESPASS. It shall be unlawful willfully or maliciously to displace, remove, or bridge upon such public or private way:

- (a) A highway or private way laid out by authority of law or bridge upon such public or private way;
- (b) A tree, rod, post or other monument, which has been erected or marked for the purpose of designating a point in any boundary or any mark in inscription thereof;
- (c) A mile board, a milestone or guide post erected upon a highway or any inscription thereof;
- (d) A line of telegraph or telephone or any part thereof or any appurtenance or apparatus connected with the working of any magnetic or electric telegraph or telephone of the sending or conveyance of messages thereby;
- (e) The pipe or main for conducting gas or water or heat or any works erected for supplying buildings with gas or water or heat or any appurtenance or appendage connected therewith;
- (f) A sewer or drain or a pipe or a main connected with or forming a part thereof;
- (g) Any standing crops, grain, cultivated fruits or vegetables, the property of another, in any case for which punishment has not been otherwise prescribed.

It shall be unlawful in any manner willfully to damage any building or part thereof, throw any stone or other missile at or break any window therein or aid, counsel, hire or procure any person to do so.

Section 500:30. DANGEROUS ARTICLES. It shall be unlawful for any manufacturer or vendor to sell, or cause to be placed any gasoline or benzine in quantities of more than one pint, in any receptacle except of a bright red color and tagged and labeled in large plain letters with the name of the contents or to sell or cause to be sold, place or cause to be placed kerosene or other illuminating oil in the same quantities in any receptacle except of a bright red color.

It shall be unlawful to sell, give, loan or in any way furnish any firearm or ammunition to a minor under the age of 18 years without the written consent of minor's parents or guardian or of a police officer or magistrate.

It shall be unlawful for any person to purchase, manufacture, use, sell or keep for sale within this city, firecrackers, and other explosive pyrotechnics, except by special permit.

Section 500:35. LAW AND ORDER. It shall be unlawful for any person willfully to oppose or obstruct a health officer or physician charged with the enforcement of the health laws in performing any legal duties.

It shall be unlawful for any person directly or indirectly to address any threat or intimidation to a public officer or to a referee, arbitrator, appraiser or assessor or to any other person authorized by law to hear or determine any controversy or matter with intent to induce public officer contrary to officers duty to do or make or to omit or delay in any act, decision or determination.

Section 500:40. CONSPIRACY. It shall be unlawful for any two or more persons to conspire to commit any act injurious to public health, public morals, trade or commerce or to conspire for the perversion or obstruction of public justice or the due administration of the law.

Section 500:45. JUVENILE CURFEW.

Subdivision 1. Findings and Purpose.

- (a) In recent years there has been a significant increase in juvenile victimization and crime. At the same time, the crimes committed by and against juveniles have become more violent. A significant percentage of juvenile crime occurs during curfew hours.
- (b) Because of their lack of maturity and experience, juveniles are particularly susceptible to becoming victims of older perpetrators. The younger a person is, the more likely they are to be a victim of crime.
- (c) While parents have the primary responsibility to provide for the safety and welfare of juveniles, the city also has a substantial interest in the safety and welfare of juveniles. Moreover, the city has an interest in preventing juvenile crime, promoting parental supervision, and providing for the well being of the general public.
- (d) A city-wide curfew will reduce juvenile victimization and crime and will advance public safety, health, and general welfare.

Subd. 2. Definitions. The following words and terms, when used in this section, shall have the meanings given to them, unless the context clearly indicates otherwise:

- (a) "Juvenile" means a person under the age of 18. The term does not include persons under 18 who are married or have been legally emancipated.
- (b) "Parent" means a birth parent, adoptive parent, or step-parent.
- (c) "Guardian" means an adult appointed pursuant to Minnesota Statutes, section 525.6155 or section 525.6165 who has the powers and responsibilities of a parent as defined by Minnesota Statutes, section 525.619.
- (d) "Responsible adult" means a person 18 years or older specifically authorized by law or by a parent or guardian to have custody and control of a juvenile.

- (e) "Public place" means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.
- (f) "Emergency" means a circumstance or combination of circumstances requiring immediate action to prevent property damage, serious bodily injury or loss of life.
- (g) "Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any body part or organ.
- (h) "Establishment" means any privately-owned place of business to which the public is invited, including but not limited to, any place of amusement, entertainment, or refreshment.
- (i) "Proprietor" means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

Subd. 3 Prohibited Acts.

- (a) It is unlawful for a juvenile under the age of 12 to be present in any public place or establishment within the city:
 - (1) any time between 9:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday and 5:00 a.m. of the following day; or
 - (2) any time between 10:00 p.m. on any Friday or Saturday and 5:00 a.m. on the following day.

Loretto City Code

**500:45, Subd. 3(b)
(Rev. 2002)**

- (b) It is unlawful for a juvenile, age 12 to 14, to be present in any public place or establishment within the city:
 - (1) any time between 10:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday and 5:00 a.m. of the following day; or
 - (2) any time between 11:00 p.m. on any Friday or Saturday and 5:00 a.m. on the following day.

- (c) It is unlawful for a juvenile, age 15 to 17, to be present in any public place or establishment within the city:
 - (1) any time between 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday and 5:00 a.m. of the following day; or
 - (2) any time between 12:01 a.m. and 5:00 a.m. on any Saturday or Sunday.

- (d) It is unlawful for a parent or guardian of a juvenile knowingly, or through negligent supervision, to permit the juvenile to be in any public place or establishment within the city during the hours prohibited in subdivision 3 (a), (b) and (c) of this section.

- (e) It is unlawful for a proprietor of an establishment within the city knowingly to permit a juvenile to remain in the establishment or on the establishment's property during the hours prohibited in subdivision 3 (a), (b) and (c) of this section. If the proprietor is not present at the time of the curfew violation, the responding officer shall leave written notice of the violation with an employee of the establishment. A copy of the written notice shall be served upon the establishment's proprietor personally or by certified mail.

Subd. 4. Defenses.

- (a) It is an affirmative defense for a juvenile to prove that:
 - (1) the juvenile was accompanied by their parent, guardian, or other responsible adult;
 - (2) the juvenile was engaged in a lawful employment activity or was going to or returning home from their place of employment;
 - (3) the juvenile was involved in an emergency situation;
 - (4) the juvenile was going to, attending, or returning home from an official school, religious, or other recreational activity sponsored and/or supervised by a public entity or a civic organization;
 - (5) the juvenile was on an errand at the direction of a parent or guardian;
 - (6) the juvenile was exercising First Amendment rights protected by the United States Constitution or Article I of the Constitution of the State of Minnesota;
 - (7) the juvenile was engaged in interstate travel; or
 - (8) the juvenile was on the public right-of-way boulevard or sidewalk abutting the property containing the juvenile's residence or abutting the neighboring property, structure, or residence.

- (b) It is an affirmative defense for a proprietor of an establishment to prove that:
 - (1) the proprietor or employee reasonably and in good faith relied upon a juvenile's representations of proof of age. Proof of age may be established pursuant to Minnesota Statutes, section 340A.503, subdivision 6, or other verifiable means, including but not limited to, school identification cards and birth certificates; or
 - (2) the proprietor or employee promptly notified the responsible police agency that a juvenile was present on the premises of the establishment during curfew hours.

Subd. 5. Penalty.

- (a) Violation of subdivision 3 (a) (b) and (c) of section 500:45 will be prosecuted pursuant to Minnesota Statutes, section 260.195 and will be subject to the penalties therein.
- (b) Violation of subdivision 3 (d) and (e) of section 500:45 is a misdemeanor and will be subject to the penalty set forth in Minnesota Statutes, section 609.03.

(Amended, Ord. 2002-06)

Section 500:50. MINNESOTA LAW INCORPORATED. The regulatory provision constituting misdemeanors set out in Minnesota Statutes 1963, chapter 753, and Laws amendatory thereto are hereby incorporated in and made a part of this chapter as completely as if set out here in full.

Section 500:55. UNLICENSED AUTOMOBILES. No unlicensed automobiles are permitted to be stored or repaired on residential property unless enclosed within an enclosed visually fenced area of at least six feet in height.

Section 505. REGULATION OF THE ISSUANCE OF WORTHLESS CHECKS.

Section 505:00. MINNESOTA STATUTES INCORPORATED. The regulatory provision of Minnesota Statutes, section 609.535 (1963) and Laws amendatory thereto are hereby adopted for the regulation of the issuance of worthless checks within the city of Loretto and said section of the Minnesota Statutes and Laws amendatory thereto are hereby included in and made a part of this chapter as completely as if set out here in full.

Section 510. DISCHARGE OF FIREARMS.

Section 510:00. DEFINITIONS. For the purposes of this chapter, the term "deadly weapon" as used herein shall include, but not be limited to, the following:

- (a) "Firearms" shall mean any device from which may be fired or ejected, one or more solid projectiles by means of a cartridge or shell or by the action of any explosive substance; or for which the propelling force is a spring elastic band, carbon dioxide, air, or other gas vapor;
- (b) Bows and arrows when arrows meet the definition of arrow contained in Minnesota Statutes Annotated, section 100.29;
- (c) All instruments used to propel a high velocity pellet of any kind, including, but not limited to, air rifles and compressed air guns;
- (d) Sling shots;
- (e) Sand clubs;
- (f) Metal knuckles;
- (g) Daggers, dirks, stilettos, switch blade knives; and
- (h) Any similar type instrument, whether such instrument is called by any name set forth herein or any other name.

Section 510:05. CONCEALMENT, DISCHARGE AND USE PROHIBITED. Except as herein specifically authorized, the concealment, discharge or use of deadly weapons within the city of Loretto is hereby prohibited.

Section 510:10. AIMING PROHIBITED. The aiming of any deadly weapons, whether loaded or not, at or toward any human being is hereby prohibited.

Section 510:15. SELLING OR FURNISHING A DEADLY WEAPON TO A MINOR. The selling, giving, loaning or furnishing in any way of a deadly weapon to a minor under the age of 19 years without the written consent of minors parent or guardian, or of a police officer or magistrate is hereby prohibited.

Section 510:20. MINORS UNDER 14 YEARS. No minor under the age of 14 years shall handle or have any deadly weapon in minors possession or under minors control, except while accompanied by or under the immediate charge of minors parent or guardian.

Section 510:25. EXCEPTIONS; LAWFUL DEFENSE AND LAW ENFORCEMENT. Nothing in this chapter shall be construed to prohibit the use or discharge of a deadly weapon in the lawful defense of persons or property or in the enforcement of the law by peace officers and other law enforcement personnel.

Section 510:30. HUNTING PERMITS. Subject to reasonable regulation by the council for the protection of persons and property, the chief of police, shall issue special permits for hunting or shooting on undeveloped land, but such permits shall be issued only with the consent of the owners of such land, such consent being given in writing.

Section 510:35. ISSUANCE OF HUNTING PERMITS. The permits provided for by the previous section shall be issued by the chief of police with such restrictions as necessary to protect the health, safety and welfare of the community. Appeals may be taken from the chief's determination to the council. The chief of police shall forward a copy of the permit to the city clerk. No permits issued under this section shall be deemed valid unless they be in writing and in the possession of the person using the permit. The cost of this permit shall be \$10.

Section 510:40. MISDEMEANOR PENALTY. Any person violating any provision of this chapter shall be guilty of a misdemeanor.

Section 515. SIDEWALKS AND PUBLIC STREETS. *(Amended, Ord. 94-2)*

The city council of the city of Loretto, Hennepin County, Minnesota, does ordain as follows:

Section 515:00. PURPOSE. It is unlawful for any person or entity to obstruct any public sidewalk, and it is the obligation of owners of property to maintain adjacent sidewalks in a condition adequate for public use.

Section 515:05. SNOW AND MATERIAL REMOVAL FROM SIDEWALKS. The obligation of any owner or occupant of buildings or grounds adjacent to sidewalks is as follows: *(Amended, Ord. 94-2)*

- (a) Remove, snow, ice, earthen materials and rubbish remaining on public sidewalks within 48 hours after its deposit. If such materials are not removed within said time period the city may remove such material and shall keep a record of the cost of such removal in the office of the city clerk.
- (b) Annually the city shall charge the owners or occupants of properties for which removal was performed for all costs of removal. On or before September 15 of each year, the city clerk must provide to the city council a list of unpaid snow removal charges for each separate lot or parcel of real estate to which the charges are attributable. The city council may levy the unpaid user fees against the benefited property as a special assessment pursuant to Minnesota Statutes, Section 429.101 and other applicable law. The city clerk shall, prior to October 1 of each year, certify the list of unpaid charges to the county auditor for collection along with current taxes in the following year, in a single installment. The assessment for each unpaid charge will include a penalty of 10 percent of the amount thereof and the total will bear interest at a rate not exceeding the amount set by law. *(Amended, Ord. 94-2; Ord. 2005-05)*
- (c) The city may assume snow removal responsibility for certain walks as may be determined to be essential as a public service.
- (d) When removing snow, ice, materials, or rubbish from sidewalks or private property, it is unlawful for the owner or occupant to deposit such materials in the public street. Violation of this paragraph is punishable as a misdemeanor. The city may remove unlawfully deposited materials from public streets and charge the owner or occupant of the adjacent property for said removal as provided in this section 515.

(1983 Code; Ord. 92-6)

Section 515:10. *(Repealed, Ord. 94-2; Added, Ord. 2005-02)* **SIDEWALK, MAINTENANCE AND REPAIR. Subdivision 1. Inspections.** The city will conduct inspections to determine that public sidewalks are safe and kept in good repair according to the city's sidewalk policy and procedures. If the public works administrator finds that a sidewalk is in need of repairs or reconstruction, written notice will be given to the record owner of the abutting property specifying the type of repair or reconstruction necessary and the estimated costs for the work to be completed. Such notice shall order completion of the work within 30 days after receipt of the notice and state that if the owner fails to do so, the public works administrator will cause the work to be done on behalf of the city, that 50% of the expense must be paid by the owner, and that if unpaid, it will be made a special assessment against the property affected. Where in the opinion of the public works administrator, an emergency exists, such notice may require completion of the work within a lesser period of time that is reasonable under the circumstances.

Subd. 2. Repair by Owner. If the owner undertakes to do the sidewalk repair or reconstruction, all work must be done in strict compliance with the specifications of the public works administrator and only after the owner has obtained all necessary permits. The city will reimburse the owner 50% of the costs for the work, but only if prior city council authorization has been obtained.

Subd. 3. Repair by City. If the owner has not caused the sidewalk repairs or reconstruction to be completed as required by the notice, or made arrangements by that date for the city to do the necessary work, the public works administrator will report such failure to the city council and the city council may order such work to be done. The public works administrator shall keep a record of the total cost of the repairs attributable to each lot or parcel of property and report such information to the city clerk.

Subd. 4. Assessment. After the repair has been completed and the costs determined, the city clerk shall prepare a bill and mail it to the owner, whereupon the amount is due and payable. If the property owner does not pay such charges for sidewalk repair or reconstruction, the city will levy the unpaid cost against each separate property or parcel as a special assessment pursuant to Minnesota Statutes, section 429.101 and other applicable law. The city clerk shall, prior to October 1 of each year, certify the list of unpaid costs to the county auditor for collection along with current taxes in the following year, in a single installment.

Section 515:15. *(Repealed, Ord. 94-2)*

Section 515:20. *(Deleted, Ord. 2007-04, Added, Ord. 2007-04)*
CONSTRUCTION OF DRIVEWAYS, SIDEWALKS, CURB AND GUTTER. Subdivision 1. Permit Required. No person may construct, remove, or repair any driveway, sidewalk, curb, or curb and gutter within a public street or public right-of-way in the city without first having obtained a permit from the city. A permit is not required for work done under contract with the city or done by the city itself.

Subd. 2. Application for Permit. Application for a permit shall be made in writing to the city clerk. The application must be filed by the property owner or owner's authorized agent and shall contain the following information: street address of the property; description of the proposed project; location of the sidewalk, curb, curb and gutter, or driveway proposed to be constructed, removed, or repaired; name of the person or entity who is to perform the work; and such other information as may be required under the circumstances.

Subd. 3. Permit Fee. The permit fees, including instances where a survey and a setting of grade stakes must be performed by the city, shall be set from time to time by resolution of the city council. Permits expire one year after issuance.

Subd. 4. Issuance of Permit. Upon receipt of a complete application, the city clerk shall refer the application for review to the public works supervisor or such other person who may be designated by the city council, who may approve issuance of the permit as requested. The public works supervisor, or other designee, may condition approval of the permit, or may refuse a permit when in their judgment the construction would unreasonably interfere with the public health, safety or welfare. Approval of the permit may be conditioned upon the applicant or its contractor posting a performance bond or other security, providing a certificate of insurance naming the city as an additional insured, or such other conditions determined to be reasonably necessary to protect the safety of pedestrians and the traveling public or to be in the public interest. If approved, the city clerk shall issue the permit upon the applicant's compliance with the requirements of this code and payment of the appropriate fee.

Subd. 5. Appeal. The applicant may appeal a denial of the requested permit to the city council by submitting a written request to the city clerk. The city council may affirm, reverse, or modify the permit decision of the public works supervisor, or other designee. The city council determination is final.

Section 515:25. DRIVEWAYS: SPECIAL REGULATIONS.

Subdivision 1. Width: Residential. No driveway from private property serving a single family dwelling or two family dwelling entering a public street may exceed 20 feet in width. Upon a showing of necessity and public convenience, the city council may authorize a greater width. *(Added, Ord. 94-2)*

Subd. 2. Width: Commercial, Multifamily or Industrial. No driveway from private property serving a commercial, multifamily, commercial-industrial or industrial use entering a public street may be less than 26 feet nor more than 32 feet in width. Upon a showing of necessity and public convenience, the city council may authorize a greater or lesser width. *(Added, Ord. 94-2)*

Subd. 3. Over Sidewalk. Where a driveway is constructed over a public sidewalk, that portion of the driveway within the public street must be paved with concrete in accordance with city specifications for sidewalk construction. *(Added, Ord. 94-2)*

Subd. 4. Curb Cut. Where an existing curb is cut for driveway construction, the curb must be returned to the sidewalk line in accordance with city specifications for sidewalk construction. *(Added, Ord. 94-2)*

Subd. 5. Surfacing: Commercial, Industrial. Driveways on private property within the city serving a commercial or industrial use must be surfaced according to city code section 420:50, subdivision 2(b). *(Added, Ord. 94-2; Amended, Ord. 2005-02)*

Subd. 6. Surfacing: Residential, Multifamily. All driveways on private property within the city serving a single family dwelling or a two family dwelling shall be surfaced according to city code regulations for “R-1” residential districts (section 420:15, subdivision 7) or “R-2” multiple dwelling district (section 420:20, subdivision 7). *(Added, Ord. 94-2; Amended, Ord. 2005-02)*

Section 515:30. SPECIFICATIONS AND INSPECTION.
Subdivision 1. Specifications. Construction, removal and repair of driveways, sidewalks, curbs, and curb and gutter must be performed in accordance with the city's standard specifications, a copy of which is on file with the city clerk and available for inspection. *(Added, Ord. 94-2)*

Subd. 2. Inspection. The city engineer, city building official, or other person as designated by the city council may provide for periodic inspection of any work being performed under this section to insure compliance. *(Added, Ord. 94-2)*

Section 516. RIGHT-OF-WAY MANAGEMENT. *(Added, Ord. 2010-04)*

Section 516:00. ELECTION TO MANAGE THE PUBLIC RIGHT-OF-WAY. In accordance with the authority granted to the city under state and federal statutory, administrative and common law, the city hereby elects pursuant to this chapter to manage rights-of-way within its jurisdiction. *(Added, Ord. 2010-04)*

Section 516:05. DEFINITIONS. The definitions included in Minnesota Statutes, section 237.162, are hereby adopted by reference and are incorporated into this chapter as if set out in full. *(Added, Ord. 2010-04)*

Section 516:10. PERMIT REQUIRED. *(Added, Ord. 2010-04)*

Subd. 1. Permit Required. Except as otherwise provided in this code, no person may obstruct or excavate any right-of-way without first having obtained the appropriate permit from the city. *(Added, Ord. 2010-04)*

- (a) **Excavation Permit.** An excavation permit is required to excavate that part of the right-of-way described in such permit and to hinder free and open passage over the specified portion of the right-of-way by placing facilities described therein, to the extent and for the duration specified therein. *(Added, Ord. 2010-04)*
- (b) **Obstruction Permit.** An obstruction permit is required to hinder free and open passage over the specified portion of right-of-way by placing equipment described therein on the right-of-way, to the extent and for the duration specified therein. An obstruction permit is not required if a person already possesses a valid excavation permit for the same project. *(Added, Ord. 2010-04)*

Subd. 2. Permit Extensions. No person may excavate or obstruct the right-of-way beyond the date or dates specified in the permit unless such person: *(Added, Ord. 2010-04)*

- (a) Makes a supplementary application for another right-of-way permit before the expiration of the initial permit, and *(Added, Ord. 2010-04)*
- (b) A new permit or permit extension is granted. *(Added, Ord. 2010-04)*

Subd. 3. Delay Penalty. A delay penalty shall be imposed for unreasonable delays in right-of-way excavation, obstruction, patching, or restoration. The amount of the delay penalty is \$100 per day, or as hereafter established from time to time by city council resolution. *(Added, Ord. 2010-04)*

Subd. 4. Permit Display. Permits issued under this chapter shall be conspicuously displayed or otherwise available at all times at the indicated work site and shall be available for inspection by the city. *(Added, Ord. 2010-04)*

Subd. 5. Plantings Within the Right-of-Way. Nothing herein shall be construed to prevent persons from planting or maintaining boulevard grasses, flowers, and/or other garden plants, but not woody shrubs or trees, in the area of right-of-way between their property and the street curb. Persons planting or maintaining boulevard plantings or gardens shall not be deemed to use or occupy the right-of-way, and shall not be required to obtain any permits or satisfy any other requirements for planting and maintaining such boulevard plantings and gardens under this section. However, these plantings are subject to disturbance or damage by city operations or permitted users. Required restoration in these cases will consist only of boulevard grade turf grasses. Persons planting or maintaining vegetation in the right-of-way will not be compensated for damaged plantings or vegetation. Excavations for plantings deeper than 12 inches are subject to the permit requirements of this section. *(Added, Ord. 2010-04)*

Subd. 6. Irrigation and Pet Containment Facilities. Nothing herein shall be construed to prevent owners of a residential or commercially zoned parcel from placing irrigation lines or pet containment wires in easements in favor of the city and located on their own property within 12 inches of the surface provided all other applicable regulations are met. The city and other permitted users will not be responsible for the location, protection, repair or replacement of facilities if city work is performed in the easement. No irrigation or pet containment facilities are allowed in any city owned public right-of-way unless a permit is obtained under this section. *(Added, Ord. 2010-04)*

Section 516:15. PERMIT APPLICATIONS. Application for a permit shall contain, and will be considered complete only upon compliance with the requirements of the following provisions: *(Added, Ord. 2010-04)*

- (a) Submission of a completed permit application form, including all required attachments, scaled drawings showing the location and area of the proposed project and the location of all known existing and proposed facilities, and the following information: *(Added, Ord. 2010-04)*
 - (1) Each permittee's name, Gopher One-Call registration certificate number, address and email address, if applicable, and telephone and facsimile numbers. *(Added, Ord. 2010-04)*
 - (2) The name, address and email address, if applicable, and telephone and facsimile numbers of a local representative. The local representative or designee shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of registration. *(Added, Ord. 2010-04)*
 - (3) A certificate of insurance or self-insurance: *(Added, Ord. 2010-04)*
 - (i) Verifying that an insurance policy as been issued to the permittee by an insurance company licensed to do business in the State of Minnesota, or a form of self insurance acceptable to the city; *(Added, Ord. 2010-04)*

- (ii) Verifying that the permittee is insured against claims for personal injury, including death, as well as claims for property damage arising out of the: *(Added, Ord. 2010-04)*
 - a. Use and occupancy of the right-of-way by the permittee, its officers, agents, employees and permittees, and *(Added, Ord. 2010-04)*
 - b. Placement and use of facilities and equipment in the right-of-way by the permittee, its officers, agents, employees and permittees, including, but not limited to, protection against liability arising from completed operations, damage of underground facilities and collapse of property; *(Added, Ord. 2010-04)*
- (iii) Naming the city as an additional insured as to whom the coverages required herein are in force and applicable and for whom defense will be provided as to all such coverages; *(Added, Ord. 2010-04)*
- (iv) Requiring that the city be notified 30 days in advance of cancellation of the policy or material modification of a coverage term; *(Added, Ord. 2010-04)*
- (v) Indicating comprehensive liability coverage, automobile liability coverage, workers compensation and umbrella coverage established by the city in amounts sufficient to protect the city and the public and to carry out the purposes and policies of this chapter. *(Added, Ord. 2010-04)*
- (vi) The city may require a copy of the actual insurance policies. *(Added, Ord. 2010-04)*

Loretto City Code

**516:15 (a)(3)(vii)
(Rev. 2010)**

- (vii) The city may require a copy of the person's order granting a certificate of authority from the Minnesota Public Utilities Commission or other applicable state or federal agency, where the person is lawfully required to have such certificate from said commission or other state or federal agency. *(Added, Ord. 2010-04)*

- (b) Payment of money due the city for: *(Added, Ord. 2010-04)*
 - (1) Permit fees, estimated restoration costs and other management costs, *(Added, Ord. 2010-04)*

 - (2) Prior obstructions or excavations; *(Added, Ord. 2010-04)*

 - (3) Any undisputed loss, damage, or expense suffered by the city because of applicant's prior excavations or obstructions of the rights-of-way or any emergency actions taken by the city; *(Added, Ord. 2010-04)*

 - (4) Franchise fees or other charges, if applicable. *(Added, Ord. 2010-04)*

Section 516:20. ISSUANCE OF PERMIT; CONDITIONS. *(Added, Ord. 2010-04)*

Subd. 1. Permit Issuance. If the applicant has satisfied the requirements of this chapter, the city clerk or other designated city official shall issue a permit. *(Added, Ord. 2010-04)*

Subd. 2. Conditions. The city may impose reasonable conditions upon the issuance of the permit and the performance of the applicant thereunder to protect the health, safety and welfare or when necessary to protect the right-of-way and its current use. *(Added, Ord. 2010-04)*

Section 516:25. PERMIT FEES. *(Added, Ord. 2010-04)*

Subd. 1. Excavation Permit Fee. The fee for an excavation permit, an amount sufficient to recover management costs and if applicable, degradation costs, is \$150.00, or as hereafter established from time to time by city council resolution. *(Added, Ord. 2010-04)*

Subd. 2. Obstruction Permit Fee. The fee for an obstruction permit, an amount sufficient to recover the city management costs, is \$75.00, or as hereafter established from time to time by city council resolution. *(Added, Ord. 2010-04)*

Subd. 3. Payment of Permit Fees. No excavation permit or obstruction permit shall be issued without payment of excavation or obstruction permit fees. *(Added, Ord. 2010-04)*

Subd. 4. Application to Franchises. Unless otherwise agreed to in a franchise, management costs may be charged separately from and in addition to the franchise fees imposed on a right-of-way user in the franchise. *(Added, Ord. 2010-04)*

Section 516:30. RIGHT-OF-WAY PATCHING AND RESTORATION. *(Added, Ord. 2010-04)*

Subd. 1. Timing. The work to be done under the excavation permit, and the patching and restoration of the right-of-way as required herein, must be completed within the dates specified in the permit, increased by as many days as work could not be done because of circumstances beyond the control of the permittee or when work was prohibited as unseasonable or unreasonable. *(Added, Ord. 2010-04)*

Subd. 2. Patch and Restoration. Permittee shall patch its own work. The city may choose either to have the permittee restore the right-of-way or to restore the right-of-way itself. *(Added, Ord. 2010-04)*

- (a) **City Restoration.** If the city restores the right-of-way, permittee shall pay the costs thereof within 30 days of billing. If following such restoration, the pavement settles due to permittee's improper backfilling, the permittee shall pay to the city, within 30 days of billing, all costs associated with having to correct the defective work. *(Added, Ord. 2010-04)*
- (b) **Permittee Restoration.** If the permittee restores the right-of-way restoration, a right-of-way user may elect to pay a degradation fee in an amount determined by the city to recover the costs associated with a decrease in the useful life of the public right-of-way caused by the excavation. However, the right-of-way user shall remain responsible for patching and the degradation fee shall not include the cost to accomplish these responsibilities. *(Added, Ord. 2010-04)*
- (c) **Degradation Fee in Lieu of Restoration.** In lieu of right-of-way restoration, a right-of-way user may elect to pay a degradation fee in an amount determined by the city to recover the costs associated with a decrease in the useful life of the public right-of-way caused by the excavation. However, the right-of-way user shall remain responsible for patching and the degradation fee shall not include the cost to accomplish these responsibilities. *(Added, Ord. 2010-04)*

Subd. 3. Standards. The permittee shall perform patching and restoration according to the standards and with the materials specified by the city and shall comply with Minnesota Rule 7819.1100. *(Added, Ord. 2010-04)*

Subd. 4. Duty to Correct Defects. The permittee shall correct defects in patching, or restoration performed by permittee or its agents. Permittee upon notification from the city, shall correct all restoration work to the extent necessary, using the method required by the city. Said work shall be completed within five calendar days of the receipt of the notice from the city, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonable or unreasonable. *(Added, Ord. 2010-04)*

Subd. 5. Failure to Restore. If the permittee fails to restore the right-of-way in the manner and to the condition required by the city, or fails to satisfactorily and timely complete all restoration required by the city, the city at its option may do such work. In that event the permittee shall pay to the city, within 30 days of billing, the cost of restoring the right-of-way. If permittee fails to pay as required, the city may exercise its rights under the construction performance bond. *(Added, Ord. 2010-04)*

Section 516:35. SUPPLEMENTARY APPLICATIONS. *(Added, Ord. 2010-04)*

Subd. 1. Limitation on Area. A right-of-way permit is valid only for the area of the right-of-way specified in the permit. No permittee may do any work outside the area specified in the permit, except as provided herein. Any permittee which determines that an area greater than that specified in the permit must be obstructed or excavated, must before working in that greater area, make application for a permit extension and pay any additional fees required thereby, and be granted a new permit or permit extension. *(Added, Ord. 2010-04)*

Subd. 2. Limitation on Dates. A right-of-way permit is valid only for the dates specified in the permit. No permittee may begin its work before the permit start date or, except as provided herein, continue working after the end date. If a permittee does not finish the work by the permit end date, it must apply for a new permit for the additional time it needs, and receive the new permit or an extension of the old permit before working after the end date of the previous permit. This supplementary application must be submitted before the permit end date. *(Added, Ord. 2010-04)*

Section 516:40. DENIAL OF PERMIT. The city may deny a permit for failure to meet the requirements and conditions of this chapter or if the city determines that the denial is necessary to protect the health, safety, and welfare or when necessary to protect the right-of-way and its current use. *(Added, Ord. 2010-04)*

Section 516:45. INSTALLATION REQUIREMENTS. The excavation, backfilling, patching and restoration, and all other work performed in the right-of-way shall be done in conformance with Minnesota Rules 7819.1100 and other applicable local requirements. *(Added, Ord. 2010-04)*

Section 516:50. INSPECTION. *(Added, Ord. 2010-04)*

Subd. 1. Notice of Completion. When the work under any permit hereunder is completed, the permittee shall furnish a completion certificate in a form acceptable to the city. *(Added, Ord. 2010-04)*

Subd. 2. Site Inspection. Permittee shall make the work-site available to city personnel and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work. *(Added, Ord. 2010-04)*

Subd. 3. Authority of Public Works Director. *(Added, Ord. 2010-04)*

- (a) At the time of inspection the public works director, or other designated city official may order the immediate cessation of any work, which poses a serious threat to the life, health, safety, or well being of the public. *(Added, Ord. 2010-04)*
- (b) The director or designated official may issue an order to the permittee for any work that does not conform to the terms of the permit or other applicable standards, conditions, or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten days after issuance of the order, the permittee shall present proof to the city that the violation has been corrected. If such proof has not been presented within the required time, the director may revoke the permit pursuant to section 516.65. *(Added, Ord. 2010-04)*

Section 516:55. WORK DONE WITHOUT A PERMIT. *(Added, Ord. 2010-04)*

Subd. 1. Emergency Situations. Each person with facilities in the right-of-way shall immediately notify the city of any event regarding its facilities that it considers being an emergency. The owner of the facilities may proceed to take whatever actions are necessary to respond to the emergency. Within two business days after the occurrence of the emergency the owner shall apply for the necessary permits, pay the fees associated therewith and fulfill the rest of the requirements necessary to bring itself into compliance with this chapter for the actions it took in response to the Emergency. If the city becomes aware of an emergency regarding facilities, the city will attempt to contact the local representative of each facility owner affected, or potentially affected, by the emergency. In any event, the city may take whatever action it deems necessary to respond to the emergency, the cost of which shall be borne by the person whose facilities occasioned the emergency. *(Added, Ord. 2010-04)*

Subd. 2. Non-Emergency Situations. Except in an emergency, any person who, without first having obtained the necessary permit, obstructs or excavates a right-of-way must subsequently obtain a permit, and as a penalty pay double the normal fee for said permit, pay double all the other fees required by this code, deposit with the city the fees necessary to correct any damage to the right-of-way and comply with all of the requirements of this chapter. *(Added, Ord. 2010-04)*

Section 516.60. SUPPLEMENTARY NOTIFICATION. If the obstruction or excavation of the right-of-way begins later or ends sooner than the date given on the permit, permittee shall notify the city of the accurate information as soon as this information is known. *(Added, Ord. 2010-04)*

Section 516.65. REVOCATION OF PERMITS. *(Added, Ord. 2010-04)*

Subd. 1. Substantial Breach. The city reserves its right, as provided herein, to revoke any right-of-way, without a fee refund, if there is a substantial breach of the terms and conditions of any statute, ordinance, rule or regulation, or any material condition of the permit. A substantial breach by permittee shall include, but shall not be limited to, the following: *(Added, Ord. 2010-04)*

- (a) The violation of any material provision of the right-of-way permit; *(Added, Ord. 2010-04)*
- (b) An evasion or attempt to evade any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the city or its citizens; *(Added, Ord. 2010-04)*
- (c) Any material misrepresentation of fact in the application for a right-of-way permit; *(Added, Ord. 2010-04)*
- (d) The failure to complete the work in a timely manner; unless a permit extension is obtained or unless the failure to complete work is due to reasons beyond the permittees control; or *(Added, Ord. 2010-04)*
- (e) The failure to correct, in a timely manner, work that does not conform to a condition indicated on an order issued pursuant to 516:50. *(Added, Ord. 2010-04)*

Subd. 2. Written Notice of Breach. If the city determines that the permittee has committed a substantial breach of a term or condition of any statute, ordinance, rule, regulation or any condition of the permit the city shall make a written demand upon the permittee to remedy such violation. The demand shall state that continued violations might be cause for revocation of the permit. A substantial breach, as stated above, will allow the city, at its discretion, to place additional or revised conditions on the permit to mitigate and remedy the breach. *(Added, Ord. 2010-04)*

Subd. 3. Response to Notice of Breach. Within 24 hours of receiving notification of the breach, permittee shall provide the city with a plan acceptable to the city, which will cure the breach. Permittee's failure to so contact the city, or the permittee's failure to submit an acceptable plan, or permittee's failure to reasonably implement the approved plan, shall be cause for immediate revocation of the permit. *(Added, Ord. 2010-04)*

Subd. 4. Reimbursement of City Costs. If a permit is revoked, the permittee shall also reimburse the city for the city's reasonable costs, including restoration costs and the costs of collection and reasonable attorneys' fees incurred in connection with such revocation. *(Added, Ord. 2010-04)*

Section 516:70. MAPPING DATA. *(Added, Ord. 2010-04)*

Subd. 1. Information Required. Each permittee shall provide mapping information required by the city in accordance with Minnesota Rules 7819.4000 and 7819.4100. *(Added, Ord. 2010-04)*

Section 516:75. LOCATION OF FACILITIES. *(Added, Ord. 2010-04)*

Subd. 1. Placement, location, and relocation of facilities must comply with all applicable law, and with Minnesota Rules 7819.3100, 7819.5000 and 7819.5100, to the extent the rules do not limit authority otherwise available to cities. *(Added, Ord. 2010-04)*

Subd. 2. Corridors. The city may assign specific corridors within the right-of-way, or any particular segment thereof as may be necessary, for each type of facilities that is or, pursuant to current technology, the city expects will someday be located within the right-of-way. All excavation, obstruction, or other permits issued by the city involving the installation or replacement of facilities shall designate the property corridor for the facilities at issue. *(Added, Ord. 2010-04)*

Subd. 3. Limitation of Space. To protect health, safety, and welfare or when necessary to protect the right-of-way and its current use, the city shall have the power to prohibit or city shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of the public interest, the public's needs for the particular utility service, the condition of the right-of-way, the time of year with respect to essential utilities, the protection of existing facilities in the right-of-way, and future city plans for public improvements and development projects which have been determined to be in the public interest. *(Added, Ord. 2010-04)*

Section 516:80. DAMAGE TO OTHER FACILITIES. When the city does work in the right-of-way and finds it necessary to maintain, support, or move facilities to protect the right-of-way, the city shall notify the local representative as early as is reasonably possible. The costs associated therewith will be billed to that facility owner and must be paid within 30 days from the date of billing. Each facility owner shall be responsible for the cost of repairing any facilities in the right-of-way which it or its facilities damages. Each facility owner shall be responsible for the cost of repairing any damage to the facilities of another caused during the city's response to an emergency occasioned by that owner's facilities. *(Added, Ord. 2010-04)*

Section 516.85. RIGHT-OF-WAY VACATION. *(Added, Ord. 2010-04)*

Reservation of Right. If the city vacates a right-of-way that contains facilities, the facility owner's rights in the vacated right-of-way are governed by Minnesota Rules 7819.3200. *(Added, Ord. 2010-04)*

Section 516:90. INDEMNIFICATION AND LIABILITY. By applying for and accepting a permit under this chapter, a permittee agrees to defend and indemnify the city in accordance with the provisions of Minnesota Rule 7819.1250. *(Added, Ord. 2010-04)*

Section 516:95. ABANDONED FACILITIES. *(Added, Ord. 2010-04)*

Removal of Abandoned Facilities. Any person who has abandoned facilities in any right-of-way shall remove them from that right-of-way if required in conjunction with other right-of-way repair, excavation, or construction, unless the city waives this requirement. *(Added, Ord. 2010-04)*

Section 516:100. APPEAL. A right-of-way user that: (1) has been denied registration; (2) has been denied a permit; (3) has had permit revoked; or (4) believes that the fees imposed are invalid may have the denial, revocation, fee imposition, or decision reviewed, upon written request, by the city council. The city council shall act on a timely written request at its next regularly scheduled meeting. A decision by the city council affirming the denial, revocation, or fee imposition will be in writing and supported by written findings establishing the reasonableness of the decision. *(Added, Ord. 2010-04)*

Section 516:105. RESERVATION OF REGULATORY AND POLICE POWERS. A permittee's rights are subject to the regulatory and police powers of the city to adopt and enforce general ordinances necessary to protect the health, safety and welfare of the public. *(Added, Ord. 2010-04)*

Section 517. PARKS. *(Adopted, Ord. 2001-07; Amended, Ord. 2018-04)*

Section 517:00. DEFINITIONS. For the purposes of this chapter, the term “Park” or “Parks” as used herein shall mean any land or water area and all facilities thereon, owned and controlled by the City of Loretto and used for park or recreational purposes.

Section 517:05. HOURS AND ACCESS.

Subd. 1. No person shall be in or upon any Park nor shall any person park a vehicle in or on any Park or parking lot within a Park between the hours of 9:00 p.m. and 8:00 a.m. of the following day, unless otherwise indicated by signs posted by the City. This Section shall not apply to softball or baseball fields owned, controlled and/or supervised by the City of Loretto.

Subd. 2. The following are excepted from the provisions of Subd. 1 above:

- (a) Persons authorized by the City to perform a necessary public function.
- (b) A person who is traveling without delay directly through a Park.

Section 517:10. DOGS

Subd.1. Dogs are allowed in the city parks subject to the restrictions in this section.

Subd. 2. At all times while present in the park, dogs must be accompanied by a competent person in the immediate vicinity of the dog, who is responsible for the animal.

Subd. 3. Other than in an area specifically designated by the City as a “dog park”, dogs must be kept on a leash no longer than six feet in length. Tethering animals to any tree, plant, building or park equipment is not allowed.

Subd. 4. No person shall permit any animal to disturb, harass, or interfere with any park visitor, or park visitor’s property, or city employee.

Subd. 5. The owner or person having custody or control of the dog is responsible for immediately cleaning up any feces of the animal and disposing of it in a sanitary manner.

Subd. 6. Subdivisions 1 and 2 above do not apply to service animals as defined by the federal Americans with Disabilities Act, or to law enforcement animals.

Section 520. TREE DISEASES.

Section 520:00. DECLARATION OF POLICY. The city council determines that the health of the elm and oak trees within the municipal limits is threatened by fatal diseases known as Dutch elm and oak wilt diseases, and other trees may be threatened by other epidemic diseases of shade trees. It further determines that the loss of elm, oak and other trees growing upon public and private property would substantially depreciate the value of property within the city and impair the safety, good order, general welfare and convenience of the public. It is declared to be the intention of the council to control and prevent the spread of those diseases and this chapter is enacted for that purpose.

Section 520:05. FORESTER. The city council may assign a forester to administer tree disease enforcement activities. It is the duty of the forester to coordinate, under the direction and control of the council, all activities of the municipality relating to the control and prevention of Dutch elm disease and oak wilt disease and other epidemic diseases of shade trees. Forester shall recommend to the council the details of a program for the control of such disease; and perform the duties incident to such a program adopted by the council.

Section 520:10. EPIDEMIC DISEASE PROGRAM. It is the intention of the council to conduct a program of plant pest control pursuant to all the powers of this city including the authority granted by Minnesota Statutes, section 18.022. This program is concentrated on, but not limited to, the control and elimination of Dutch elm disease fungus, elm bark beetles and the oak wilt fungus and is undertaken at the recommendation of the commissioner of agriculture. The forester shall act as coordinator between the commissioner of agriculture and the council in the conduct of this program.

Section 520:15. NUISANCES DECLARED. The following are public nuisances whenever they may be found within the city:

- (a) Any living or standing elm tree or part thereof infected to any degree with the Dutch elm disease fungus *Ceratocystis Ulmi* (Buisman, Moreau) or which harbors any of the elm bark beetles *Scolytus Multistriatus* (Eichh.) or *Hylungopinus Rufipes* (Marsh).
- (b) Any dead elm tree or part thereof, including branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle insecticide.
- (c) Any living or standing oak tree or part thereof infected to any degree with the oak wilt fungus *Ceratocystis fagacearum*.
- (d) Any dead oak tree or part thereof which in the opinion of the forester constitutes a hazard, including but not limited to logs, branches, stumps, roots, firewood or other oak material, which has not been stripped of its bark and burned or sprayed with an effective fungicide.
- (e) Any other shade trees with an epidemic disease.

Section 520:20. ABATEMENT. It is unlawful for any person to permit any diseased tree public nuisance to remain on any premises owned or controlled by that person within the city. Such nuisances may be abated in the manner prescribed by this part. Inspection, entry and diagnosis shall be performed as follows:

- (a) As often as practicable, the forester shall inspect all public and private premises within the city which might harbor any plant pest as defined in Minnesota Statutes, section 18.46, subdivision 13 to determine whether any condition described within provisions of this chapter exists thereon. Forester shall investigate all reported incidents of infestation by Dutch elm fungus, elm bark beetles, oak wilt fungus, or any other epidemic disease of shade trees.
- (b) The forester or forester's duly authorized agents may enter upon private place, other than a private home, at any reasonable time for the purpose of carrying out any of the duties assigned them under this chapter.
- (c) The forester shall, upon finding conditions indicating Dutch elm, oak wilt, or other infestation, immediately send appropriate specimens or samples to the commissioner of agriculture for analysis, or take such other steps for diagnosis as may be recommended by the commissioner.

Section 520:25. ABATEMENT OF DUTCH ELM DISEASE NUISANCE. In abating a disease tree nuisance the forester shall cause the infected tree or wood to be sprayed, removed, burned, or otherwise effectively treated so as to destroy and prevent as fully as possible the spread of epidemic diseases including Dutch elm disease and oak wilt disease. Forester shall also take such steps as are necessary to prevent root graft transmission of the diseases. Such abatement procedures shall be carried out in accordance with current technical and expert opinions and plans as may be designated by the commissioner of agriculture.

Section 520:30. PROCEDURE FOR REMOVAL OF INFECTED TREES AND WOOD. Whenever the forester finds with reasonable certainty that infestation exists in any tree or wood in any public or private place in the city, the forester shall proceed as follows:

- (a) If the forester finds that the danger of infestation of other elm, oak or other trees is not imminent because of the dormancy of the infected trees, the forester shall make a written report of the finding to the council which shall proceed by (a) abating the nuisance as a public improvement under Minnesota Statutes, chapter 429 or (b) abating the nuisance as provided in this chapter.
- (b) If the forester finds that danger of infestation of other elm, oak, or other trees is imminent, the forester shall notify the abutting property owner by certified mail that the nuisance will be abated within a specified time, not less than five days from the date of mailing of such notice. The forester shall immediately report such action to the council, and after the expiration of the time limit in the notice forester may abate the nuisance.

Section 520:35. ACTIONS, RECORDS, AND ASSESSMENTS.

Procedures are as follows:

- (a) Upon receipt of the forester's report the council shall by resolution order the nuisance abated. Before action is taken on such resolution, the council shall publish notice of its intention to meet to consider taking action to abate the nuisance. This notice shall be mailed to affected property owners and published no less than one week prior to such meeting. The notice shall state the time and place of the meeting, the streets affected, action proposed, the estimated cost of abatement, and the proposed basis of assessment, if any, of costs. At such hearing or adjournment thereof, the council shall hear property owners with reference to the scope and desirability of the proposed project. The council shall thereafter adopt a resolution confirming the original resolution with such modifications as it considers desirable and provide for the doing of the work by day labor or by contract.
- (b) The forester shall keep a record of the costs of abatements done under this section and shall report monthly to the city clerk all work done for which assessments are to be made stating and certifying the description of the land, lots, parcels involved, and the amount chargeable to each.
- (c) On or before September 15 of each year the clerk shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this chapter. The council may then spread the charges or any portion thereof against the property involved as a special assessment under Minnesota Statutes, section 429.101 and other pertinent statutes for certification to the county auditor and collection the following year along with current taxes. The city may share in abatement costs not to exceed 50 percent of the cost of removing and treating boulevard shade trees. (*Amended, Ord. 2005-05*)

Section 520:40. SPRAYING ELM TREES. Whenever the forester determines that any elm tree or elm wood within the city is infected with Dutch elm fungus, forester may spray or treat all nearby high value elm trees with an effective elm bark beetle destroying concentrate or fungicide or both. Activities authorized by this section shall be conducted in accordance with technical and expert opinions and plans of the commissioner of agriculture and under the supervision of the commissioner and forester's agents whenever possible. Notice provisions contained herein apply to spraying and treatment operations conducted under this section.

Section 520:45. TRANSPORTING ELM WOOD PROHIBITED. It is unlawful for any person to transport within the city any bark-bearing elm or oak wood without having obtained a permit from the forester. The forester shall grant such permits only when the purpose of this chapter will be served thereby. It is unlawful for any person to prevent, delay or interfere with the forester or forester's agents while they are engaged in the performance of duties imposed by this chapter.

Section 525. NUISANCES.

Section 525:00. PUBLIC NUISANCE DEFINED. Whoever by their act or failure to perform a legal duty intentionally does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor:

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

Section 525:05. PUBLIC NUISANCES AFFECTING HEALTH.

The following are hereby 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) All ponds or pools of stagnant water;
- (d) Carcasses of animals not buried or destroyed within 24 hours after death;
- (e) Accumulations of manure, refuse, or other debris;
- (f) Garbage cans or other depositories which are not rodent free or fly-tight or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors;
- (g) The pollution of any stream or lake, canal, body of water, public well or cistern by sewage, industrial waste or other substances;
- (h) Any weeds or grasses, whether noxious or not, growing upon any lot or parcel of land within the city to a height greater than six inches in height on the average, or which have gone or are about to go to seed. *(Amended, 6/86)*
- (i) Dense smoke, noxious fumes, gas and soot, or cinders in unreasonable quantities;
- (j) All public exposure of persons having a contagious disease;
- (k) Any offensive trade or business as defined by statute not licensed by the city board of health as defined by law.

Section 525:10. 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;
- (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 is manufactured or disposed of in violation of law or where, in violation of law, persons are permitted to resort for the purpose of drinking intoxicating liquor, or where intoxicating liquor is kept for sale or other disposition in violation of law, and all liquor 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.
- (f) The operation of bingo parlor, gaming places and the like except as may be permitted by state law by churches or non-profit organizations.

Section 525:15. PUBLIC NUISANCES AFFECTING PEACE AND SAFETY. The following are declared to be nuisances affecting public peace and safety:

- (a) All trees, hedges, billboards or other obstructions which prevent persons from having a clear view of all traffic approaching an intersection;
- (b) 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;
- (c) All unnecessary noises and annoying vibrations;
- (d) 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;
- (e) Radio aerials or television antennae erected or maintained in a dangerous manner;
- (f) 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 uses of the streets or sidewalks;
- (g) All hanging signs, awnings, and other similar structures over streets and sidewalks, or so situated so as to endanger public safety, or not constructed and maintained as provided by ordinance;
- (h) The allowing of rain water, ice, or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk;
- (i) Any barbed wire fence less than six feet above the ground and within three feet of a public sidewalk or way;

Loretto City Code

525:15(j)
(Rev. 2005)

- (j) All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;
- (k) Waste water cast upon or permitted to flow upon streets or other public property;
- (l) 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;
- (m) Any well, hole or similar excavation which is left uncovered or in such other condition as to constitute a hazard to any child coming on the premises where it is located;
- (n) Any excessive noise or activity at any hour that is a disturbance to the general public, including: *(Amended, Ord. 2005-13)*
 - (1) Operating power lawn mowers, power hedge clippers, chain saws, mulchers, garden tillers, edgers, drills, or other similar domestic power equipment (snow removal equipment is exempt) between the hours of 10:00 p.m. and 7:00 a.m. on any weekday or between the hours of 9:00 p.m. and 8:00 a.m. on any weekend or holiday; *(Added, Ord. 2005-13)*
 - (2) collecting or removing garbage or recycling materials between the hours of 10:00 p.m. and 7:00 a.m.; *(Added, Ord. 2005-13)*
 - (3) engaging or permitting construction activities involving the use of any kind of electric, diesel, or gas-powered machine or other power equipment between the hours of 10:00 p.m. and 7:00 a.m. on any weekday or between the hours of 9:00 p.m. and 8:00 a.m. on any weekend or holiday. *(Added, Ord. 2005-13)*

Loretto City Code

525:15(o)
(Rev. 2005)

- (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) The depositing of garbage or refuse on a public right-of-way or on adjacent private property;
- (r) Any motor vehicle which is not currently licensed in Minnesota or any other state, or which is not in operable condition, or which is partially dismantled, or which is used for the sale of parts, or as a source of repair or replacement parts for other vehicles, or which is kept for scrapping or dismantling or salvage of any kind, unless the vehicle is kept in an enclosed garage or storage building. *(Added, Ord. 2009-01)*
- (s) All other conditions or things which are likely to cause injury to the person or property of anyone. *(Amended, Ord. 2009-01)*

Section 525:20. DUTIES OF CITY OFFICERS. The city council may designate the police department or other official to enforce the provisions relating to nuisances. The police department shall enforce provisions relating to nuisances affecting public safety. Such officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

Section 525:25. ABATEMENT. Except under section 525:15(r), 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. The notice shall further provide that if the owner or occupant fails to abate the nuisance within the time specified, the city council may order the nuisance to be abated by the city and to certify the cost thereof in accordance with city code sections 525:30 and 525:35. *(Amended, Ord. 2009-01)*

When a nuisance is found to exist under section 525:15(r), the chief of police or chief's designee shall place written notice of the violation on the motor vehicle. If the violation is not corrected within seven days, the police department is authorized to remove the motor vehicle to a storage facility designated by the city. The costs of removal and storage shall be the sole responsibility of the owner of the motor vehicle removed. Motor vehicles not claimed within 30 days of removal shall be disposed of as unclaimed in accordance with Minnesota Statutes, sections 168B.01 through 168B.101. *(Added, Ord. 2009-01)*

Section 525:30. RECOVERY OF COST. 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 official designated by the council shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the city clerk.

Section 525:35. ASSESSMENT. On or before September 15 next following abatement, the city clerk shall list the total unpaid charges to be assessed against each separate lot or parcel to which the charges are attributable. The council may then spread the costs against each property as a special assessment for collection as other special assessments in the following year. *(Amended, 6/86; Ord. 2005-05)*

Section 526. OUTDOOR FURNACES*(Added, Ord. No. 2013-03)*

Section 526:01. PURPOSE. It is generally recognized that Outdoor Furnaces and the scale and duration of the burning, can create noxious and hazardous smoke, soot, fumes, odors and air pollution, can be detrimental to citizens' health, and can deprive neighboring property owners of the enjoyment of their property or premises in a developed urban setting. The purpose of this section is to establish and impose restrictions upon outdoor furnaces within the city limits of Loretto for the purpose of protecting and promoting the public health, safety and general welfare of the city and its inhabitants.

Section 526:02 DEFINITIONS.

Outdoor Furnace. Any equipment, device or apparatus, or any part thereof, which is installed, affixed, situated or constructed for the purpose of combustion of fuel to produce heat, hot water and/or energy that is used as a component of a heating system providing heat for the interior or a building or for a pool, where the equipment, device or apparatus is located outside of the building or pool for which the heat, hot water, and/or energy is to be generated. Said device shall be deemed to be outdoors, even if it is located in a building.

Section 526:03. PROHIBITION OF OUTDOOR FURNACES. It shall be unlawful for any person to install, construct, operate or use an Outdoor Furnace in the City, except as set forth in Section 526.04

Section 526:04 EXISTING FURNACES. The lawful use or operation of any Outdoor Furnace, legally installed prior to the adoption of this ordinance, may be continued subject to the requirements of Section 526. No existing Outdoor Furnace may be expanded, enlarged, rebuilt, or extended. If the use of a legally existing furnace is discontinued for any reason for a period of twelve (12) consecutive months, it shall not be permitted to be re-established, cannot be used or operated and must immediately be removed by the owner from the premises.

Section 526:05 MINIMUM REQUIREMENTS. The property owner of any Outdoor Furnace existing as of the effective date of this ordinance shall, within six (6) months of the effective date of this ordinance, register said device with the City and obtain a permit from the city clerk.

Section 526:06. NUISANCE. Any dense smoke, noxious fumes, gas, soot, or cinders in unreasonable quantities, is a public nuisance and is not permitted.

Section 526:07 PENALTIES. Failure to comply with any of the provisions of this section is a misdemeanor. In addition, the City may enforce Section 526 by use of civil injunctive relief or other available legal remedies separately, or in conjunction with each other. Each day that a violation continues is deemed a separate punishable offense.

Section 527. MOTOR VEHICLE NOISE ORDINANCE.
(Added, Ord. No. 2006-01)

Section 527:00. DEFINITIONS. For the purposes of this section, the following phrases are defined as follows:

“Engine retarding brake” shall mean a Dynamic Brake, Jake Brake, Jacobs Brake, C-Brake, Paccar Brake, transmission brake or other similar engine retarding brake system which alters the normal compression of the engine and subsequently releases that compression.

“Abnormal or excessive noise” shall mean (a) distinct and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort and repose of any person or precludes their enjoyment of property or affects their property’s value, (b) noise in excess of that permitted by Minnesota Statutes, Section 169.69, as it may be amended from time to time, which requires every motor vehicle to be equipped with a muffler in good working order, or (c) noise in excess of that permitted by Minnesota Statutes, Section 169.693 and Minnesota Rules, parts 7030.1000 through 7030.1050, as this statute and these rules may be amended from time to time, which establish motor vehicle noise standards.

Section 527:10. MUFFLER REQUIRED. It shall be unlawful for any person to discharge the exhaust or permit the discharge of the exhaust from any motor vehicle except through a muffler that effectively prevents abnormal or excessive noise and complies with all applicable state laws and regulations.

Section 527:20. ENGINE RETARDING BRAKE PROHIBITED. It shall be unlawful for the operator of any truck to intentionally use an engine retarding brake on any public highway, street, parking lot or alley within the city which causes abnormal or excessive noise from the engine because of an illegally modified or defective exhaust system, except in an emergency.

Section 527:30. INCORPORATION BY REFERENCE. Minnesota Statutes, Sections 169.69 and 169.693 (motor vehicle noise limits) and Minnesota Rules, parts 7030.1000 through 7030.1050, as these statutes and rules may be amended from time to time, are hereby adopted by reference.

Section 527:40. SIGNS. Signs stating “VEHICLE NOISE LAWS ENFORCED” may be installed at locations deemed appropriate by the city council to advise motorists of the prohibitions contained in this section, except that no sign stating “VEHICLE NOISE LAWS ENFORCED” shall be installed on a state highway without a permit from the Minnesota Department of Transportation. The provisions of this section are in full force and effect even if no signs are installed.

Section 527:50. AMENDMENTS. It is the intention of the city council that all future amendments to any statutes and rules referenced or adopted by reference in this section are also referenced or adopted by reference as if they had been in existence at the time this section was adopted.

Section 527:60. PENALTY. Any person, firm or corporation who violates any provision of this section shall, upon conviction, be guilty of a petty misdemeanor.

Section 530. HAZARDOUS BUILDINGS.

Section 530:00. HAZARDOUS BUILDING NUISANCE DEFINED. Any building which because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment constitutes a fire hazard or a hazard to public safety or health.

Section 530:05. The city council may order the owner of any hazardous building to correct the hazardous condition of such building or to raze or remove same.

Section 530:10. Legal procedures relating to public actions in this regard shall be exercised as directed by Minnesota Statutes, section 462.39.

Section 531. JUNK MOTOR VEHICLES, PARTS, ENGINES, AND RELATED ACCESSORIES.

Section 531:00. INTENT AND CONSTRUCTION. The collection of unused and unusable motor vehicle bodies, parts, engines and related accessories having become a common occurrence in the community, and such collection having become a source of danger to the physical and mental well being of children and adults within the community, and such collection having become a source of concern and complaint by citizens of the community, this vehicle ordinance is enacted for the purpose of prohibiting the collection and maintaining of such motor vehicle bodies, parts, engines and related accessories. *(Added, Ord. 92-3)*

Section 531:05. DEFINITIONS. Subdivision 1. For purposes of this chapter, the following words and terms have the meanings given them below.

Subd. 2. "Person" means any natural person, firm, association, partnership or corporation, or agent thereof.

Subd. 3. "Junk vehicle" means any motor vehicle which is not properly licensed for operation in Minnesota or any other state, or which is partially dismantled, or which is used for sale of parts, or as a source of repair or replacement parts for other vehicles, or which is kept for scrapping, dismantling, or salvage of any kind. The term does not include pioneer, classic, or collector vehicles which are licensed in accordance with Minnesota Statutes, section 168.10 and which meet the outdoor storage requirements of that statute. The term also does not include unlicensed vehicles that are: (a) being offered for sale by a licensed auto dealer in the course of a lawfully operated auto sales business; or (b) kept for repair on the premises of an auto repair business for a period of 30 days, or less. (*Amended, Ord. 94-3; Ord. 2002-07*)

Subd. 4. "Motor vehicle" means any vehicle which is self-propelled and any vehicle propelled or drawn by a self-propelled vehicle, including without limitation, automobiles, motorcycles, tractors, snowmobiles, boats, campers, trailers, and carts. A "vehicle" is a device in, upon, or by which any person or property is or may be transported over land or water. The term "motor vehicle" does not include vehicles that are propelled solely by human power.

Subd. 5. "Partially dismantled" means a condition in which one or more exterior parts the motor vehicle are missing or removed so that the vehicle (1) does not comply with the minimum equipment standards applicable to the vehicle under chapters 84, 86B or 169 of Minnesota Statutes or (2) is otherwise inoperable. (*Added, Ord. 92-3; Amended, Ord. 94-3*)

Section 531:10. PARKING AND STORAGE OF JUNK VEHICLES. No person shall park, keep, place or store, or permit the parking or storage of a junk vehicle on a public street or alley for a period in excess of 24 hours. Except as provided in this section 531, no person shall park, keep, place or store, or permit the parking or storage of a junk vehicle on any private lands or premises which the person owns, occupies, or controls for a period in excess of 14 days unless the vehicle shall be within a building on such premises or screened from public view behind a fence at least six feet in height. *(Added, Ord. 92-3; Amended, Ord. 94-3)*

Section 531:15. STORAGE OF PARTS, ENGINES, AND RELATED ACCESSORIES. No person shall store or keep parts, engines and related accessories on a public street or alley. No person shall store or keep parts, engines and related accessories on any private lands or premises which the person owns, occupies, or controls, unless such parts, engines, and related accessories are kept or stored within a building. *(Added, Ord. 92-3)*

Section 531:20. EXCEPTION. Sections 531:10 and 531:15 do not apply to junk yards or salvage yards which are lawfully licensed, permitted and operated in accordance with local ordinances and zoning regulations. *(Added, Ord. 92-3)*

Section 531:25. PENALTY. Violation of any provision of this chapter is punishable as a misdemeanor, with a minimum fine of \$100. The city may also enforce compliance with this chapter through appropriate civil legal action. *(Added, Ord. 92-3)*

Section 535. GARBAGE COLLECTION & ASSESSMENT OF COSTS. *(Added, 5/86)*

Section 535:00. GARBAGE SERVICE PROVIDED. The city council shall provide by contract for the collection and disposal of residential garbage one day each week. *(Added, 5/86)*

Section 535:05. CONTRACT REQUIRED. It shall be unlawful for any person to collect or dispose of residential garbage from any dwelling unit within the city, said dwelling unit being defined as each residential living accommodation designed or used by a single family, and contained within a one family building, a two family building or a three family building, without authorization from the city council. *(Added, 5/86)*

Section 535:10. POINT OF COLLECTION. The occupant of each dwelling unit as defined herein shall place all residential garbage generated within the dwelling unit at the intersection of the street and driveway of the dwelling unit on Tuesday of each week prior to 8:00 a.m., for collection. The volume of residential garbage shall not exceed three 32 gallon containers plus not to exceed four 30 gallon bags of yard waste, excluding tree waste, hazardous waste and tires, and all containers shall be fitted with tight fitting lids or closures. *(Added, 5/86)*

Section 535:15. USER FEES AND ACCOUNTS. The city shall impose and collect from each dwelling unit a user fee in an amount set by ordinance by the city council for the collection and disposal of residential garbage. The owner of the real estate upon which each dwelling unit is situated shall be liable for the user fee. All accounts shall be carried in the name of the owner who personally, or by owner's agent, applied for such service. The owner shall be liable for all services supplied to the property, whether owner is occupying the property or not, and any unpaid charges shall be a lien upon the property. *(Added, 5/86; Amended, Ord. 2005-07)*

Section 535:20. BILLING AND PAYMENT. Garbage user fees and taxes and other utility service charges shall be billed on one bill as applicable to each account. All charges for garbage and recycling user fees and taxes, and other utility service charges shall be due by the 25th of each month and considered past due if not received by three days after the due date and considered delinquent 30 days after the due date. All bills shall contain the address and telephone number of the city. Bills shall be mailed to customers and specify the garbage and recycling user fees and taxes along with any other utility service charges in accordance with the current fee schedule set by ordinance of the city council. *(Added, Ord. 2005-07)*

Section 535:25. DELINQUENT ACCOUNTS. *(Added, 5/86)*
Delinquent accounts shall be subject to the following procedures: *(Amended, Ord. 2005-07)*

- (a) Penalties. A late payment penalty of ten percent shall be assessed on all accounts with a past due balance. *(Amended, Ord. 2005-07)*
- (b) Certification for collection with taxes. *(Amended, Ord. 2005-07)*
 - (1) Unpaid charges on garbage and recycling user fees and taxes and other utility services shall not be certified to the county auditor until notice for a hearing has been provided to the owner of the premises involved. The notice shall be sent by first class mail and shall state that if payment is not made by September 25, the entire amount unpaid plus a penalty of ten percent will be certified to the county auditor for collection as other taxes are collected. The notice shall also state that the occupant may, before such certification date, attend or schedule a hearing on the matter to object to certification of unpaid utility charges. *(Amended, Ord. 2005-07)*
 - (2) The owner of the property shall have the option of paying the balance due on the account by September 25. After this date, the certified roll will be finalized. After the date the certified roll is finalized, payments will still be accepted but will include the ten percent penalty. *(Amended, Ord. 2005-07)*
 - (3) A hearing shall be heard on the matter by the city council. Property owners with unpaid utility charges shall have the opportunity to object to the certification of unpaid charges to be collected as taxes are collected. If, after the hearing, the city council finds that the amounts claimed as delinquent are actually due and unpaid and that there is no legal reason why the unpaid charges should not be certified for collection with taxes in accordance with this section, the city may certify the unpaid charges to the county auditor for collection as other taxes are collected. *(Amended, Ord. 2005-07)*

- (4) For each certification sustained, the property owner shall have the following options after the hearing: *(Amended, Ord. 2005-07)*
 - (i) To pay the delinquent amount listed on the preliminary roll, but without additional penalties after the hearing, before the certified roll is finalized on September 25. *(Amended, Ord. 2005-07)*
 - (ii) To pay the certified charges as billed to them by Hennepin County on their property tax statement with a collection term of one year. *(Amended, Ord. 2005-07)*
- (5) By October 1, the certified roll, minus any payments, shall be mailed to Hennepin County. *(Amended, Ord. 2005-07)*

Section 535:30. PENALTIES. Any person violating any of the provisions of this chapter by doing any act or omitting any act which constitutes a breach of any section of this chapter, shall, upon conviction thereof by lawful authority, be guilty of a misdemeanor punishable in accordance with state law, and shall be liable for the cost of prosecution. Each day that a violation continues shall be deemed a separate punishable offense. No provision of this chapter designating the duties of any official or employee of the city shall be so construed as to make such official or employee liable for the penalty provided in this section or any civil damages or penalty, because of failure to perform such duty. *(Added, 5/86; Amended, Ord. 2005-07)*

SECTION 536. COLLECTION OF RECYCLABLE MATERIALS.

Section 536:00. DEFINITIONS. For purposes of this section 536, the following terms have the meanings given below:

- (a) "Dwelling unit" means a building or portion thereof designed for occupancy by three or fewer families living independently of each other.
- (b) "Multiple family dwelling" means a building or portion thereof designed for occupancy by more than three families living independently of each other.
- (c) "Designated recyclable materials" means the following recyclable materials: aluminum beverage containers, disposable metal containers, glass recyclables, paper recyclables, disposable plastic bottles, corrugated cardboard, and any other recyclable material designated for collection by resolution of the city council.
- (d) "Glass recyclables" means unbroken jars, bottles and containers which are primarily used for packing and bottling of various matter.
- (e) "Paper recyclables" means newsprint, office paper, and other uncoated paper products. The term does not include paper products with a waxy, polished, or glossy surface, such as glossy magazines, and does not include paper products that are bound together with glue, such as telephone books.

(Adopted, Ord. 91-4)

Section 536:05. COLLECTION SERVICE PROVIDED. The city council shall provide by contract for the collection and disposal of designated recyclable materials from dwelling units and multiple family dwellings in the city. the city will provide owners and occupants of dwelling units and multiple family dwellings with information regarding authorized recycling procedures and dates and times of collection.

(Adopted, Ord. 91-4)

Section 536:10. USER FEES, BILLING AND DELINQUENT ACCOUNTS. The city shall impose and collect a user fee for recycling collection services and process billing and delinquent accounts for recycling in the manner provided by this code for garbage collection and assessment of costs. *(Adopted, Ord. 91-4; Amended, Ord. 2005-07)*

Section 536:15. MULTIPLE FAMILY DWELLINGS.

Subdivision 1. Collection Services Required. The owner of a multiple family dwelling must provide space on the premises for the collection of designated recyclables by the occupants of all residential units on the premises.

Subd. 2. Recycling Information Required. The owner of a multiple family dwelling must provide information to the occupants of each dwelling unit which notifies the occupants of the availability of collection services, describes the procedures required to prepare the designated recyclable materials for collection, and identifies the dates and times of collection.

Subd. 3. Container Requirements. The owner of a multiple family dwelling must provide containers for the collection of designated recyclable materials and must maintain the containers in a clean and sanitary condition. The containers must be sufficient in number and size to meet the demands for recycling services created by the occupants. The owner must replace stolen or broken containers and purchase additional containers as needed. Containers must be placed in a location on the premises which permits access for collection purposes but which does not obstruct pedestrian or vehicular traffic, and must comply with applicable zoning restrictions. Containers must be screened from view from adjacent properties and public streets and must be fitted with pest-proof lids.

Subd. 4. Penalties for Violation. Violation of this section 536:15 is a petty misdemeanor punishable by a fine in accordance with state law. A fourth or subsequent violation of this section is a misdemeanor. *(Adopted, Ord. 91-4; Amended, Ord. 2005-07)*

Section 536:30. ANTI-SCAVENGING. It is unlawful for a person other than employees of the city or the city's authorized hauler to distribute, collect, remove or dispose of recyclable materials after the materials have been deposited for collection. Violation of this section is a misdemeanor.

(Adopted, Ord. 91-4)

Section 540. REGULATION OF TRAIN WHISTLES.

Section 540:00. No person shall ring the bell, blow the horn or sound the whistle on a railroad locomotive within the corporate limits of the city of Loretto except to warn of imminent and immediate danger to life or property.

Sec. 540:05. In any prosecution of this section, the sounding of any locomotive whistle, bell or horn shall be prima facie evidence that it was sounded by the engineer operating the locomotive.

Sec. 540:10. A violation of this section is a misdemeanor.

(Added, Ord. 98-13)

Section 545:00. PREDATORY OFFENDER RESIDENCY RESTRICTIONS

Subd. 1. Findings and Intent.

- (a) Repeat predatory offenders, predatory offenders who use physical violence, and predatory offenders who prey on children are predators who present an extreme threat to the public safety. Predatory offenders are extremely likely to use physical violence and to repeat their offenses. Most predatory offenders commit many offenses, have more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of predatory offender victimization to society at large, while incalculable, clearly exorbitant.
- (b) It is the intent of this chapter to serve the city's compelling interest to promote, protect and improve the health, safety and welfare of its citizens by establishing areas around locations where children regularly congregate in concentrated numbers, wherein certain predatory offenders are prohibited from establishing temporary or permanent residence.

Subd. 2. Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Day Care Center* – A facility licensed by the State of Minnesota in which care, supervision and training for individuals under the age of 18 is provided for part of a 24-hour period.
- (b) *Designated Offender* – Any person who has been categorized as a Level III predatory offender under Minnesota Statutes § 244.052, a successor statute, or a similar statute from another state.

- (c) Park or Playground – Any land, including improvements, but excluding trails and sidewalks, operated by a city, county, or the Three Rivers Park District for the use by the general public as a recreational area.
- (d) Permanent Residence – A place where a person abides, lodges or resides for 14 or more consecutive days.
- (e) School – Any public or non-public educational institution that offers educational instruction to individuals under the age of 18.
- (f) Temporary Residence – A place, other than a person’s permanent residence, where a person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year or four or more consecutive or non-consecutive days during any month.

Subd. 3. Residency Prohibition; Penalties; Exceptions.

(a) Residency Prohibition.

- (1) It is unlawful for any Designated Offender to establish a Permanent Residence or Temporary Residence within 250 feet of any School, Day Care Center, Park or Playground. Such prohibition shall apply regardless of whether the School, Day Care Center, Park or Playground is located in the City of Loretto or a neighboring city.
- (2) For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the Permanent Residence or Temporary Residence of the Designated Offender to the nearest outer property line of a School, Day Care Center, Park or Playground.
- (3) A map of prohibited areas within 250 feet of any School, Day Care Center, Park or Playground will be kept by the City’s Police Department.

- (b) **Penalties.** A person who violates this section shall be punished by a fine not exceeding \$1,000, or by confinement for a term not exceeding 90 days, or by both such fine and confinement. Each day a person maintains a residence in violation of this chapter constitutes a separate violation.
- (c) **Exceptions.** A Designated Offender residing within a prohibited area as described in Section 300.15 Subd. 3(a) does not commit a violation of this section if any of the following apply:
- (1) The Designated Offender established the Permanent Residence or Temporary Residence and reported and registered the residence pursuant to M.S. § 243.166, § 243.167, or successor statute, prior to the effective date of this section.
 - (2) The Designated Offender was a minor when he or she committed the offense and was not convicted as an adult.
 - (3) The Designated Offender is a minor.
 - (4) The School, Day Care Center, Park or Playground within 250 feet of the Designated Offender's Permanent Residence or Temporary Residence was designated or opened after the Designated Offender established the Permanent Residence or Temporary Residence and reported and registered the residence pursuant to M.S. § 243.166 or § 243.167, or successor statute.
 - (5) The residence is also the primary residence of the Designated Offender's parents, grandparents, siblings, spouse, or adult children.
 - (6) The residence is a property owned by the Minnesota Department of Corrections or the federal government.

(Adopted, Ord. 2017-03)

Section 550:00. TARGETED RESIDENTIAL PICKETING (*Added Ord. 2021-03*)

Section 550:00. PURPOSE. The City has an interest in the protection of residential privacy, the well-being, and tranquility of the home, and protecting citizens from unwanted speech when they are a captive audience within their homes. The City Council finds that, without resorting to targeted residential picketing, ample opportunities exist for those otherwise engaged in targeted residential picketing to exercise constitutionally protected freedoms of speech and expression.

Section 550:10. DEFINITIONS. For the purposes of this Section, the term “targeted residential picketing” means;

- (1) Marching, standing, patrolling, or other similar activities, by one or more persons, directed at a particular residential dwelling in a manner that adversely affects the safety, security, or privacy of an occupant of the dwelling;
- (2) Marching, standing, patrolling, or other similar activities, by one or more persons, which prevents or hinders an occupant of a residential dwelling from gaining access to or exiting from the property on which the residential dwelling is located; or
- (3) Marching, standing, patrolling, or other similar activities, by one or more persons focused on and/or directed at, in front of or about a particular residential dwelling without the consent of the dwelling’s occupants.

Section 550:20. PROHIBITION. No person shall engage in targeted residential picketing within the City of Loretto.

Section 550:30. VIOLATION/PENALTY. Every person convicted of a violation of any provision of this Ordinance shall be guilty of a misdemeanor.

Section 550:40. SEVERABILITY. Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as w hole, or any part thereof, other than the part held to be invalid.