



Clearwater (Minn.). Records

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AN ORDINANCE ESTABLISHING
CHAPTER 9.1 OF THE ORDINANCES OF THE VILLAGE
OF CLEARWATER TO LIMIT THE USE OF HOUSE TRAILERS
WITHIN THE VILLAGE LIMITS OF THE VILLAGE OF
CLEARWATER

The Village Council of the Village of Clearwater ordains:

SECTION 1. No structure used for sleeping, living, business or storage purposes which is or has been equipped with wheels for the transportation thereof from place to place (and the fact that the wheels have been removed therefrom or a foundation placed thereunder shall not exclude herefrom) shall be used for residential or other purposes within the Village limits of the Village of Clearwater.

SECTION 2. No structure as defined in Section 1 herein above shall be parked on any privately owned tract of ground within the Village limits of the Village of Clearwater, excepting that the lawful use of any such structure existing at the time of the effective date of this ordinance may be continued on the premises where it is then located, although such use does not conform to the provisions hereof.

SECTION 3. Any person violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than One Hundred and 00/100 (\$100.00) Dollars or imprisonment for not more than ninety (90) days for each offense. The imposition of one penalty for any violation of this ordinance shall not excuse the violation or permit it to continue; each ten (10) days that a violation continues shall constitute a separate offense.

SECTION 4. This ordinance shall take effect and be in force from and after its passage and publication.

Dated: September 8, 1970.

Mayor

Attest:

Village Clerk

AN ORDINANCE ESTABLISHING CHAPTER 9.1
OF THE ORDINANCES OF THE
VILLAGE OF CLEARWATER

TO LIMIT THE USE OF HOUSE TRAILERS WITHIN THE
VILLAGE LIMITS OF THE VILLAGE OF CLEARWATER

AN ORDINANCE ESTABLISHING CHAPTER 10.1
OF THE ORDINANCES OF THE
VILLAGE OF CLEARWATER

PROHIBITING THE DEPOSIT OF TRASH, REFUSE AND JUNK
VEHICLES AND THE CONDEMNING OF ABANDONED AND
UNSAFE BUILDINGS ON PROPERTY WITHIN THE VILLAGE
OF CLEARWATER AND PRESCRIBING PENALTIES FOR
VIOLATION THEREOF

The Village Council of the Village of Clearwater ordains:

Section 1. No person shall cause or permit any garbage, tin cans, paper, ashes, junk or other trash or refuse of any kind to be dumped, thrown, scattered or deposited upon any street, highway, or other public land, or upon any private land or premises within the corporate limits of the Village of Clearwater.

Section 2. Every person who shall have caused or permitted any garbage, tin cans, paper, ashes, junk or other trash or refuse of any kind to be dumped, thrown, scattered or deposited upon any street, highway or public or private land or premises within the corporate limits of the Village of Clearwater shall immediately remove the same, and each day that he shall fail to remove same shall be deemed a separate offense.

Section 3. (a) No person shall cause or permit any junk vehicle, as hereinafter defined, to be deposited, parked, displayed, stored or abandoned within the corporate limits of the Village of Clearwater upon any public street, highway or other public land or upon any private land or premises otherwise than in an enclosed building.

(b) "Junk vehicle" is defined as used in this ordinance as any vehicle which is not in operable condition, or which is partially dismantled, or which is used as a source of repair or replacement parts for other vehicles, or which is kept for scrapping, dismantling or salvage of any kind, or for sale of parts thereof. Any junk vehicle which shall remain on any public or private premises more than seven (7) days shall be deemed to have been abandoned.

Section 4. Every person who shall have caused or permitted any junk vehicle to be deposited, stored, or abandoned in violation of Section 3 shall immediately remove the same, and each day that he shall fail to remove same shall be deemed a separate offense.

Section 5. (a) No person shall cause or permit any building, structure or dwelling to stand or remain abandoned or unsafe condition upon any land or premises within the Village of Clearwater.

(b) Every person who shall have caused or permitted any abandoned or unsafe building, structure or dwelling to stand or remain on any premises owned or controlled by such person shall, upon receipt of notice of determination of the Village Council that the building, structure, or dwelling has been determined to be abandoned or unsafe, promptly remove the same.

(c) The Village Council may determine that any building, structure or dwelling is abandoned or unsafe whenever it shall find that such building, or structure has not been occupied or used for one year prior to such determination, and continuance of the building, structure or dwelling in its abandoned or unsafe condition is a nuisance, a hazard to children and other persons in the vicinity thereof, or detrimental to use of surrounding property and value thereof.

Section 6. Whenever any garbage, tin cans, paper, ashes, junk or other trash, or junk vehicles or abandoned or unsafe building, structure or dwelling shall remain upon any private property within the Village of Clearwater in violation of this ordinance, the Village Council may order its immediate removal at the cost of the owner of said premises and may proceed as authorized by Section 429.021 Minnesota Statutes to abate the condition constituting such violation and to assess the cost thereof against the property assessable on account of such abatement proceeding.

Section 7. Any person who shall within the corporate limits of the Village of Clearwater violate any provision of any section of this ordinance, or who shall fail to comply with any requirement thereof, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than One Hundred and 00/100 (\$100.00) Dollars or imprisoned not more than ninety (90) days.

Section 8. This ordinance shall take effect and be in force from and after its passage and publication.

Dated: September 8, 1970.

Mayor

Attest:

Village Clerk

AN ORDINANCE ESTABLISHING CHAPTER 10.1
OF THE ORDINANCES OF THE
VILLAGE OF CLEARWATER

PROHIBITING THE DEPOSIT OF TRASH, REFUSE AND JUNK
VEHICLES AND THE CONDEMNING OF ABANDONED AND
UNSAFE BUILDINGS ON PROPERTY WITHIN THE VILLAGE
OF CLEARWATER AND PRESCRIBING PENALTIES FOR
VIOLATION THEREOF

AN ORDINANCE PROVIDING FOR THE COMBINATION OF THE
OFFICE OF VILLAGE CLERK AND VILLAGE TREASURER AND
PROVIDING FOR ANNUAL VILLAGE AUDITS

THE VILLAGE COUNCIL OF CLEARWATER, MINN ORDAINS:

Section 1. Pursuant to the authority granted by Laws 1961,
Ch. 230⁺
the offices of clerk and treasurer in the village of Clearwater
Wright County, Minnesota are hereby combined in the office of
clerk-treasurer.

Section 2. Beginning with the year in which this ordinance ~~is~~
becomes effective and each year thereafter, there shall be an
audit of the village's financial affairs by the Public ~~and~~
Examiner or a Public Accountant in accordance with minimum
auditing procedures prescribed by public examiner.

Section 3. This ordinance is effective after its passage
and publication.

Adopted by the council this twenty first day of December
1970.

A

Approval

A. P. Dolinger

Mayor

Attest:

Kitty Selget
Clerk

ORDINANCE CHAPTER 4.1

AN ORDINANCE REGULATING THE USE OF HIGHWAYS AND OTHER LANDS WITHIN THE VILLAGE OF CLEARWATER, INCORPORATING PROVISIONS OF THE STATE HIGHWAY TRAFFIC REGULATION ACT BY REFERENCE, AND IMPOSING A PENALTY FOR THE VIOLATION THEREOF

The council of the Village of Clearwater ordains:

Section 1. Highway Traffic Regulation Act Incorporated By Reference. The regulatory provisions of Minnesota Statutes, Ch. 168, 169 and 171 as amended, are hereby adopted as a traffic ordinance regulating the use of highways, streets, alleys and other lands within the Village of Clearwater and are hereby incorporated in and made a part of this ordinance as completely as if set out here in full.

Section 2. Penalty. Any violation of the statutes adopted by reference in Section 1 is a violation of this ordinance when it occurs within the Village of Clearwater. Any person thus violating any provision of this ordinance shall be guilty of such an offense and shall be punished by such penalty as is prescribed by such statutes.

Section 3. Repeal. Chapter 4.1 of the Code of Ordinances, dated the 5th day of May, 1958, is hereby repealed.

Section 4. Preservation of Rights. Except as provided by M.S.A. 169.89, Subd. 3, the repeal of any ordinance or portion thereof by the preceding section shall not affect or impair any act done or right vested or accrued, or proceeding, suit or prosecution had or commenced shall remain in full force and effect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No

offense committed and no liability, penalty or forfeiture either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by the Village of Clearwater shall be discharged or effected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

Section 5. Erratic Driving.

Subd. 1. Squealing Tires, Grinding Gears, Backfiring. No person shall operate a vehicle on a public highway, street, parking lot, alley, or other public property in such manner as to cause the tires to squeel, the gears to grind, or the motor to backfire, except when an emergency creates the necessity for such operation. No person shall operate a motor vehicle within the Village of Clearwater with a loud or defective exhaust system or without an operational muffler.

Subd. 2. Erratic Driving. No person shall operate a motor vehicle on a public highway, street, parking lot, alley, or other public property at erratic or irregular and changing speeds so as to create a hazard to himself or other persons or property or so interfere with other traffic in the area.

Subd. 3. Penalty. Any person violating this Section shall be guilty of petty misdemeanor and upon conviction thereof shall be subject to a fine of not more than One Hundred Dollars (\$100.00).

Passed and approved this 4th day of April, 1973

Curtis Heaton
Mayor of the Village of
Clearwater, Minnesota

Geraldine Moorhouse
Clerk of the Village of
Clearwater, Minnesota

SEAL

Gilbert Bernal

25% COTTON

COPY

ORDINANCE CHAPTER 4.1
AN ORDINANCE REGULATING THE
USE OF HIGHWAYS AND OTHER
LANDS WITHIN THE VILLAGE OF
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Passed and approved this 4th day of April, 1973.

(Seal)

/s/ CURTIS HEATON
Mayor of the Village of
Clearwater, Minnesota

/s/ GERALDINE MOORHOUSE
Clerk of the Village of
Clearwater, Minnesota
Publish: May 15, 1973

[Superseded
4/18/95]

ORDINANCE

[7.2]

AN ORDINANCE OF THE VILLAGE OF CLEARWATER REGULATING THE
KEEPING OF DOGS, CATS AND ANIMALS WITHIN THE LIMITS OF THE VILLAGE.

Gilbert Brown
EST. 1900
COTTON

Chapter 7.2 - Dogs, Cats and Animals

Section 1.0. Definitions

Subd. 1. The word or words defined herein shall have the meaning ascribed thereto in the subdivisions which follow.

Subd. 2. "Owner" means any person, firm, or corporation owning, harboring or keeping a dog or cat.

Subd. 3. "Person" means and includes an individual, firm or corporation.

Subd. 4. "At large" means off the premises of the owner and not under the control of the owner, or other competent person, either by leash not exceeding six (6) feet in length or otherwise restrained.

Subd. 5. "Kennel" means any location where more than two (2) dogs are kept and maintained.

Subd. 6. "Pound master" means the person in charge of the Village pound.

Subd. 7. "Pound" means the duly licensed facility designated by the Village to be the place of confinement for any animal authorized to be impounded under this ordinance.

Subd. 8. "Household" is defined as a single family residence, apartment or trailer house.

Section 2.0. Limit on Number of Dogs and Cats

It shall be unlawful for any owner, or owners, to harbor or keep in any household more than a total of two (2) dogs and cats taken together, over the age of four (4) months within the limits of the Village of Clearwater.

Section 2.1. Restriction on Certain Dogs

Subd. 1. It shall be unlawful to keep or harbor a dog which habitually barks or cries between the hours of 10:00 P.M. and 6:00 A.M., or to permit the dog to damage any lawn, garden or other property.

Subd. 2. It shall be unlawful for any owner or keeper of a dog, or the parents or guardians of any person under twenty-one (21) years of age who owns a dog,

to allow such dog to run at large at any time.

Subd. 3. It shall be unlawful for any owner to maintain at any place within the Village any dog or dogs which, by their habitual barking, howling, whining or other disagreeable noises, disturbs the people in the locality where kept.

Section 2.2. Dog or Animal Biting; Quarantine

Whenever any dog or animal has bitten any person, the owner or custodian of any such dog or animal, shall immediately cause the dog or animal to be quarantined by a veterinarian licensed to practice in the State of Minnesota, for a period of ten (10) days after such person has been bitten by said dog or animal. The dog or animal shall be examined immediately after it has bitten anyone and kept under observation for ten (10) days. If at the end of ten (10) days the veterinarian diagnoses the dog or animal to be free of the signs of rabies, the dog or animal shall be released from quarantine. If the dog or animal dies in the meanwhile, its head shall be sent to the State Department of Health for examination for rabies. The owner of said dog or animal shall be responsible for the cost of such quarantine.

Section 2.3. Disposition of Diseased Dogs or Animals

If a dog or animal quarantined under Section 2.2 hereof is found to be sick or diseased, the operator of the quarantine facility shall immediately report in writing to the County Health Officer the condition of the dog or animal. The Health Department may then take possession of the dog or animal for the purpose of determining if it is suffering from rabies. A diseased dog or animal may either be destroyed or euthanized, if the County Health Officer determines such action necessary for the protection of public health and safety, as recommended by a licensed veterinarian.

Section 2.4. Other Animals

It shall be unlawful for any owner to keep, harbor or confine within the limits of the Village of Clearwater any wild animals, or any animal creating a nuisance or health hazard, or any horses, cows, sheep, pigs, goats or any other large domesticated animals.

Section 2.5. Vicious Animals

It shall be unlawful for any owner to keep, harbor or confine any animal, within the Village of Clearwater, known to be vicious, which animal known to its owner has on at least one prior occasion without provocation attacked, bitten or scratched any person unless said person was unlawfully on the premises of the owner of said animal.

Section 2.6. Restrictions on Food and Drink Establishments

It shall be unlawful for the owner or operator of any establishment wherein the selling, handling, processing or preparation of food is done to permit any animal in such establishment. This section shall not apply to a seeing-eye or leader type dog accompanied by its blind master.

Section 2.7. Kennels

No person shall maintain a kennel within the limits of the Village of Clearwater.

Section 3.1. License Required; Fee

It shall be unlawful for any person to own, keep or harbor any dog or dogs over four (4) months of age within the corporate limits of the Village without having obtained a license therefor as herein provided. The license fee shall be Two Dollars (\$2.00) for a male dog or spayed female dog and Five Dollars (\$5.00) for a female dog.

Section 3.2. Rabies Immunization Required

No license shall be issued for any dog unless the applicant for such license

presents proof that the dog has been immunized against rabies by a licensed veterinarian with modified live vaccine no longer than twenty-four (24) months prior to the date of licensing or with killed vaccine no longer than two (2) months prior to the date of licensing in order to be assured of immunity during the year of licensure.

Section 3.3. Date of Payment of License Fee

It shall be the duty of the owner of a dog required to be licensed to pay to the Village Clerk the prescribed license fee on or before the 31st day of May, in each year, or upon acquiring ownership or possession of an unlicensed dog, or upon establishing residence in the Village. The Village Clerk shall cause a notice of the necessity of obtaining such license and paying such license fee to be published in the official newspaper of the Village, twice before the 31st day of May, in each year, the last publication to be at least one (1) week prior to the 31st day of May. When applying for a dog license, the owner shall state the name, sex, breed, and color of the dog for which the license is to be procured.

Section 3.4. Receipts and Tags

Upon the payment of the required license fee, the Village Clerk shall execute a receipt, in duplicate, showing the name and place of residence of the person to whom issued and the number designated upon the dog tag delivered by him to such person. The Village Clerk shall procure a sufficient number of suitable tags, consecutively numbered, and shall deliver one tag to the person paying the fee. The owner shall cause said tag to be affixed by a permanent fastening to the collar of the dog so licensed, in such manner that the tag may be seen easily, and the tag shall be worn constantly by such dog. All licenses issued hereunder shall expire on the 31st day of May of the calendar year following its issuance.

Section 3.5. Duplicate Tags

When any dog tag is lost, a duplicate may be issued by the Village Clerk, upon presentation of a receipt showing the payment of the license fee for the then current year. A fee of One Dollar (\$1.00) shall be paid for each such duplicate tag.

Section 3.6. Offenses Involving Tags

It shall be unlawful to counterfeit, or attempt to counterfeit, the tags provided for in Section 3.4, or to remove from any dog a tag legally placed upon it with the intent of placing it upon another dog, or to place such tag upon another dog. It shall be unlawful for any person to transfer any tag issued, or to place a tag upon any dog other than the one for which it was issued, provided a tag may be transferred with the dog for which it was issued. No refunds shall be made on any dog license fee because of the removal of the dog from the Village or because of the death of the dog before the expiration of the license period.

Section 4.1. Impounding

It shall be lawful for any peace officer to take up and impound any dog found in the Village without the currently effective tag provided for in Section 3.4 hereof; or any dog found running at large at any time within the Village in violation of Section 2.1, Subd. 2 hereof; and in enforcing this ordinance such officers may enter upon any private premises where they have reason to believe there is an unlicensed dog.

Section 4.2. Redemption

Dogs may be redeemed from the pound by the owner any time, during office hours, within one hundred twenty (120) hours after seizure and impoundage, upon a sworn statement of ownership, proof that license has been duly issued for such dog, and presentation of a receipt showing payment to the Village Clerk of the impounding fee of Twenty-five Dollars (\$25.00). The Poundmaster shall thereupon release to the owner the dog claimed by him, unless the dog is being held

for rabies observation pursuant to Section 2.2 of this ordinance.

Section 4.3. Disposition of Unredeemed Dogs

Any dog not redeemed as provided for in Section 4.2 within the time specified therein may be sold for not less than the amount due in impounding fees at the time of sale, to anyone desiring to purchase the dog. All sums so received shall be paid to the Village Clerk. Any dog which is not redeemed by the owner or sold shall be painlessly killed or otherwise disposed of, as directed by the Health Officer of the Village or his duly authorized representative.

Section 5.0. Violations

If after ten (10) days from the date of mailing written notice from the Village Clerk, any owner fails to comply with this ordinance, any such owner shall be guilty of a petty misdemeanor and shall be sentenced to pay a fine of up to One Hundred Dollars (\$100.00).

Passed and approved this 4th day of April, 1973.

Curtis Heaton
Mayor of the Village of
Clearwater, Minnesota

Geraldine Moorhouse
Clerk of the Village of
Clearwater, Minnesota

SEAL

(Faint, illegible text and markings are visible in the background of the page, possibly from a stamp or bleed-through.)

ORDINANCE NO. 11-1

VILLAGE OF CLEARWATER, WRIGHT COUNTY, MINNESOTA

AN ORDINANCE GRANTING PERMISSION TO NORTHERN STATES POWER COMPANY, A MINNESOTA CORPORATION, ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, OPERATE, REPAIR, AND MAINTAIN, IN THE VILLAGE OF CLEARWATER, MINNESOTA, AN ELECTRIC DISTRIBUTION SYSTEM AND TRANSMISSION LINES, INCLUDING NECESSARY POLES, POLE LINES, AND FIXTURES AND APPURTENANCES, FOR THE FURNISHING OF ELECTRIC ENERGY TO THE VILLAGE AND ITS INHABITANTS, AND OTHERS, AND TRANSMITTING ELECTRIC ENERGY INTO AND THROUGH THE VILLAGE AND TO USE THE STREETS, ALLEYS, AND PUBLIC GROUNDS OF SAID VILLAGE FOR SUCH PURPOSES

THE VILLAGE COUNCIL OF THE VILLAGE OF CLEARWATER, WRIGHT COUNTY, MINNESOTA, ORDAINS AS FOLLOWS:

Section 1. There be and hereby is granted to Northern States Power Company, a Minnesota corporation, its successors and assigns, hereinafter referred to as "Company", during the period of 20 years from the date hereof, the right and privilege of constructing, operating, repairing, and maintaining, in, on, over, under, and across the streets, alleys, and public grounds of said Village, an electric distribution system and electric transmission lines, including all poles, pole lines, and fixtures and appurtenances, usually, conveniently, or necessarily used in connection therewith, for the purpose of transmitting and furnishing electric energy for light, heat, power, and other purposes for public and private use in and to said Village and the inhabitants thereof, and others, and for the purpose of transmitting into and through said Village such electric energy, provided that such electric distribution system and transmission lines shall be so located as in no way to interfere with the safety and convenience of ordinary travel along and over said streets, alleys, and public grounds, and provided that Company, in the construction, operation, repair, and maintenance of such poles, pole lines, and fixtures and appurtenances, shall be subject to such reasonable regulation as may be imposed by the Village Council.

Section 2. The rates to be charged by Company for the electric energy sold within said Village shall be reasonable and shall not exceed Company's standard schedule of rates and minimum charges effective for and in communities of like size in adjoining territory which are similarly served and situated.

Section 3. There is also granted to Company, during the term hereof, permission and authority to trim all trees and shrubs in the streets, alleys, and public grounds of said Village interfering with the proper construction, operation, repair, and maintenance of any poles, pole lines, and fixtures and appurtenances, installed in pursuance of the authority hereby granted, provided that Company shall save said Village harmless from any liability in the premises.

Section 4. Nothing contained in this Ordinance shall be construed as giving to Company any exclusive privileges in, on, over, under, or across the streets, alleys, or public grounds of said Village.

Section 5. Company shall have full right and authority to assign to any person, persons, firm, or corporation all the rights conferred upon it by this Ordinance, provided that the assignee of such rights, by accepting such assignment, shall become subject to the terms and provisions of this Ordinance.

Section 6. Company shall, if it accepts this Ordinance and the rights hereby granted, file a written acceptance of the rights hereby granted with the Village Clerk within 90 days from the date of the publication of this Ordinance.

Section 7. This Ordinance shall be in full force and effect from and after its passage and publication, as provided by law.

Section 8. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Passed and approved: March 5, 19 73

Curtis Deaton
Mayor

ATTEST:

Kitty Helgit
Village Clerk

EXCERPTS OF MINUTES OF Regular MEETING
OF THE VILLAGE COUNCIL
OF THE
VILLAGE OF CLEARWATER, WRIGHT COUNTY, MINNESOTA

March 5, 19 73

A regular meeting of the Village Council of the Village of Clearwater, Minnesota, duly called, convened, and held in accordance with law, was called to order by Mayor Heaton on the 5th day of March, 19 73, at 7 o'clock P.m. at the Council Chamber in said Village.

The following members, constituting a legal quorum, were present:

Al Solinger, Mrs. Robert Langanki, Harold Frank, Mrs. Roger Kampa and

Mayor Heaton.

Councilman Al Solinger introduced a certain Ordinance No. 11-1 entitled:

"AN ORDINANCE GRANTING PERMISSION TO NORTHERN STATES POWER COMPANY, A MINNESOTA CORPORATION, ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, OPERATE, REPAIR, AND MAINTAIN, IN THE VILLAGE OF CLEARWATER, MINNESOTA, AN ELECTRIC DISTRIBUTION SYSTEM AND TRANSMISSION LINES, INCLUDING NECESSARY POLES, POLE LINES, AND FIXTURES AND APPURTENANCES, FOR THE FURNISHING OF ELECTRIC ENERGY TO THE VILLAGE AND ITS INHABITANTS, AND OTHERS, AND TRANSMITTING ELECTRIC ENERGY INTO AND THROUGH THE VILLAGE AND TO USE THE STREETS, ALLEYS, AND PUBLIC GROUNDS OF SAID VILLAGE FOR SUCH PURPOSES"

and on motion made, seconded, and duly adopted, the above-entitled Ordinance was read.

Thereafter a motion was made by Councilman Al Solinger and seconded by Councilman Mrs. Kampa that the above-entitled Ordinance be adopted as read and in its entirety.

On roll call the vote was as follows:

AYES: Mrs. Robert Langanki, Harold Frank, Mrs. Roger Kampa, Al Solinger,

Curtis Heaton

NAYS: None

The Mayor then declared said motion duly carried and the above-entitled Ordinance duly passed and adopted, and ordered the Village Clerk to publish the same in accordance with the law in such case made and provided.

I DO HEREBY CERTIFY that I am Village Clerk of the Village of Clearwater, Wright County, Minnesota, and that I am custodian of its records, that the above is a true and correct copy of a part of the minutes of the regular meeting of the Village Council of said Village held on March 5, 19 73.

Kitty Helget

Village Clerk

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA, }
COUNTY OF STEARNS }

Wilfred F. Miller, being duly sworn, Bookkeeper

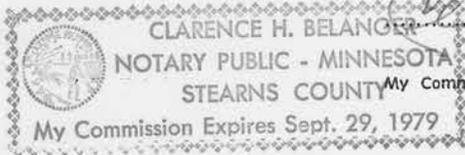
on oath says he is and during all the times herein stated has been the publisher of the newspaper known as St. Cloud Daily Times, and has full knowledge of the facts herein stated as follows: (1) Said newspaper is printed in the English language in newspaper format and in column and sheet form equivalent in printed space to at least 900 square inches. (2) Said newspaper is a daily and is distributed daily except Sundays and holidays. (3) Said newspaper has 50 percent of its news columns devoted to news of local interest to the community which it purports to serve and does not wholly duplicate any other publication and is not made up entirely of patents, plate matter and advertisements. (4) Said newspaper is circulated in and near the municipality which it purports to serve, has at least 500 copies regularly delivered to paying subscribers, has an average of at least 75 percent of its total circulation currently paid or no more than three months in arrears and has entry as second-class matter in its local post office. (5) Said newspaper purports to serve the City of St. Cloud in the County of Stearns and it has its known office of issue in the City of St. Cloud in said county, established and open during its regular business hours for the gathering of news, sale of advertisements and sale of subscriptions and maintained by publisher of said newspaper or persons in his employ and subject to his direction and control during all such regular business hours and at which said newspaper is printed. (6) Said newspaper files a copy of each issue immediately with the State Historical Society. (7) Said newspaper has complied with all the foregoing conditions for at least two years preceding the day or dates of publication mentioned below. (8) Said newspaper has filed with the Secretary of State of Minnesota prior to January 1, 1966 and each January 1 thereafter an affidavit in the form prescribed by the Secretary of State and signed by the publisher of newspaper, and sworn to before a notary public stating that the newspaper is a legal newspaper.

He further states on oath that the printed Ordinance 11-1 Village of Clearwater

hereto attached as a part hereof was cut from the columns of said newspaper, and was printed and published therein in the English language, once each week, for successive weeks, that it was first so published on Friday the 9 day of March, 1973 and was thereafter printed and published on every to and including the day of 1973 and that the following is a printed copy of the lower case alphabet from A to Z, both inclusive, and is hereby acknowledged as being the size and kind of type used in the composition and publication of said notice, to-wit:

a b c d e f g h i j k l m n o p q r s t u v w x y z

Wilfred F. Miller, Subscribed and sworn to before me this 16 day of March, 1973



Clarence H. Belanger, Notary Public, Stearns County, Minnesota. My Commission Expires September 29th, 1979.

ORDINANCE NO. 11-1 Village of Clearwater Wright County, Minnesota AN ORDINANCE GRANTING PERMISSION TO NORTHERN STATES POWER COMPANY, A MINNESOTA CORPORATION, ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, OPERATE, REPAIR, AND MAINTAIN, IN THE VILLAGE OF CLEARWATER, MINNESOTA, AN ELECTRIC DISTRIBUTION SYSTEM AND TRANSMISSION LINES, INCLUDING NECESSARY POLES, POLE LINES, AND FIXTURES AND APPURTENANCES, FOR THE FURNISHING OF ELECTRIC ENERGY TO THE VILLAGE AND ITS INHABITANTS, AND OTHERS, AND TRANSMITTING ELECTRIC ENERGY INTO AND THROUGH THE VILLAGE AND TO USE THE STREETS, ALLEYS, AND PUBLIC GROUNDS OF SAID VILLAGE FOR SUCH PURPOSES THE VILLAGE COUNCIL OF THE VILLAGE OF CLEARWATER, WRIGHT COUNTY, MINNESOTA, ORDAINS AS FOLLOWS: Section 1. There be and hereby is granted to Northern States Power Company, a Minnesota corporation, its successors and assigns, hereinafter referred to as "Company," during the period of 20 years from the date hereof, the right and privilege of constructing, operating, repairing, and maintaining, in, on, over, under, and across the streets, alleys, and public grounds of said Village, an electric distribution system and electric transmission lines, including all poles, pole lines, and fixtures and appurtenances, usually, conveniently or necessarily used in connection therewith, for the purpose of transmitting and furnishing electric energy for light, heat, power, and other purposes for public and private use in and to said Village and the inhabitants thereof, and others, and for the purpose of transmitting into and through said Village such electric energy, provided that such electric distribution system and transmission lines shall be so located as in no way to interfere with the safety and convenience of ordinary travel along and over said streets, alleys, and public grounds, and provided that Company, in the construction, operation, repair, and maintenance of such poles, pole lines, and fixtures and appurtenances, shall be subject to such reasonable regulation as may be imposed by the Village Council. Section 2. The rates to be charged by Company for the electric energy sold within said Village shall be reasonable and shall not exceed Company's standard schedule of rates and minimum charges effective for and in communities of like size in adjoining territory which are similarly served and situated. Section 3. There is also granted to Company, during the term hereof, permission and authority to trim all trees and shrubs in the streets, alleys, and public grounds of said Village interfering with the proper construction, operation, repair, and maintenance of any poles, pole lines, and fixtures and appurtenances, installed in pursuance of the authority hereby granted, provided that Company shall save said Village harmless from any liability in the premises. Section 4. Nothing contained in this Ordinance shall be construed as giving to Company any exclusive privileges in, on, over, under, or across the streets, alleys, or public grounds of said Village. Section 5. Company shall have full right and authority to assign to any person, persons, firm, or corporation all the rights conferred upon it by this Ordinance, provided that the assignee of such rights, by accepting such assignment, shall become subject to the terms and provisions of this Ordinance. Section 6. Company shall, if it accepts this Ordinance and the rights hereby granted, file a written acceptance of the rights hereby granted with the Village Clerk within 90 days from the date of the publication of this Ordinance. Section 7. This Ordinance shall be in full force and effect from and after its passage and publication, as provided by law. Section 8. All ordinances and parts of ordinances in conflict herewith are hereby repealed. Passed and approved: March 5, 1973. CURTIS HEATON, Mayor (Seal) Attest: /s/ KITTY HELGET, Village Clerk Publish: March 9, 1973

ACCEPTANCE OF ORDINANCE NO. 11-1

VILLAGE OF CLEARWATER, WRIGHT COUNTY, MINNESOTA

KNOW ALL MEN BY THESE PRESENTS: That

WHEREAS the Village Council of the Village of Clearwater, Wright County, Minnesota, on the 5th day of March, 1973, passed and adopted Ordinance No. 11-1, entitled:

"AN ORDINANCE GRANTING PERMISSION TO NORTHERN STATES POWER COMPANY, A MINNESOTA CORPORATION, ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, OPERATE, REPAIR, AND MAINTAIN, IN THE VILLAGE OF CLEARWATER, MINNESOTA, AN ELECTRIC DISTRIBUTION SYSTEM AND TRANSMISSION LINES, INCLUDING NECESSARY POLES, POLE LINES, AND FIXTURES AND APPURTENANCES, FOR THE FURNISHING OF ELECTRIC ENERGY TO THE VILLAGE AND ITS INHABITANTS, AND TRANSMITTING ELECTRIC ENERGY INTO AND THROUGH THE VILLAGE AND TO USE THE STREETS, ALLEYS, AND PUBLIC GROUNDS OF SAID VILLAGE FOR SUCH PURPOSES"

which Ordinance was duly published according to law on the 9th day of March, 1973, in the ST. CLOUD DAILY TIMES, a newspaper printed and published in the Village of Clearwater, Wright County, Minnesota, and of general circulation in said Village of Clearwater and County of Wright and State of Minnesota;

NOW THEREFORE, Northern States Power Company, a Minnesota corporation, for itself and its successors and assigns, does hereby accept all the terms and conditions of said Ordinance.

IN WITNESS WHEREOF, Northern States Power Company has caused these presents to be executed in its corporate name by its proper officers thereunto duly authorized and its corporate seal to be hereto affixed this

20th day of March, 1973.

Witness:

Ralph Burwell Bralock
James M. Hoffman

NORTHERN STATES POWER COMPANY

By Edward C. Spethman
VICE PRESIDENT AND REGIONAL MANAGER

And Margaret W. Olson
ASSISTANT SECRETARY

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF
THE VILLAGE OF CLEARWATER TO INCLUDE CERTAIN
UNINCORPORATED UNPLATTED LAND NOT EXCEEDING 200
ACRES IN AREA ABUTTING UPON THE VILLAGE LIMITS

WHEREAS, a certain Petition dated the 8th day of April, 1974, requesting annexation of the territory herein after described was duly presented to the Council on the 6th day of May , 1974; and

WHEREAS, the quantity of land embraced within the area described in the Petition and bounded as described is Nineteen (19) acres of unplatted land, no part of which is included in the limits of an unincorporated city, village or borough; and

WHEREAS, the Petition was signed by the sole owner of said land; and

WHEREAS, no objections to the annexation have been received from the Town Board, the County Board, or the governing body of any municipality whose boundaries abut upon the boundaries of the land to be annexed; and

WHEREAS, the land described in the Petition abuts upon the village limits at the southerly boundary thereof;

The Council of the Village of Clearwater, Minnesota, ordains:

Section 1. The Village Council hereby determines:

1. That the annexation will be to the best interests of the village and of the territory affected;
2. That the territory described herein abuts upon the village limits and is about to become urban in character; and
3. That none of said territory is now included within the limits of any village, city or borough.

Section 2. The corporate limits of the village are hereby extended to include the unplatted land described as follows and the same is hereby annexed to and included within the village as

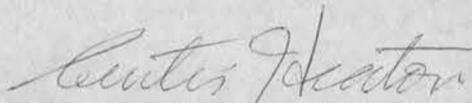
effectually as if it had been originally a part thereof:

That part of the Northwest Quarter (NW1/4) of Section Two (2), Township One Hundred Twenty-two (122) North, Range Twenty-seven(27) West, Wright County, Minnesota, that lies North of the I94 right-of-way and Westerly of a line described as follows: Commencing at the Northwest corner of Section(2) Two; thence Easterly along the North line of said Section, 40.3 feet to the Southeasterly right-of-way line of Trunk Highway No. 240, thence continuing on the same course, 820 feet to an iron monument marking the point of beginning of the line to be decribed herein, thence deflect right 88°57' to the Northeasterly right-of-way line of I94 and there terminating.

Section 3. The Village Clerk is hereby directed to file certified copies of this ordinance with the Municipal Commission, the Sceretary of State, and the County Auditor.

Section 4. This ordinance takes effect upon its passage and publication and the filing of the certified cpoies as directed in Section 3.

Adopted by the Council this 2nd day of December , 1974.


Curtis Heaton, Mayor


Geraldine Moorhouse, Clerk

AN ORDINANCE RELATING TO THE CONTROL AND PREVENTION OF DUTCH ELM DISEASE WITHIN THE CITY OF CLEARWATER

Section 1. The city of Clearwater ordains:

Section 2. **Declaration of Policy.** The city council of Clearwater has determined that the health of the elm trees within the municipal limits is threatened by a fatal disease known as Dutch elm disease. It has further determined that the loss of elm 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 this disease and this ordinance is enacted for that purpose.

Section 3. **Forester.** Subd. 1. **Position Created.**

The power and duties of the city forester as set forth in this ordinance are hereby conferred upon the City Maintenance Supervisor.

Subd. 2. **Duties of Forester.** 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. He shall recommend to the council the details of a program for the control of Dutch elm disease, and perform the duties incident to such a program adopted by the council.

Section 4. **Dutch Elm Disease Program.** Subd. 1.

It is the intention of the council of Clearwater to conduct a program of plant pest control pursuant to all the powers of this municipal corporation including the authority granted by Minnesota Statutes 1961, Section 18.022, as amended. This program is directed specifically at the control and elimination of Dutch elm disease fungus and elm bark beetles and is undertaken at the recommendation of the Commissioner of Agriculture. The city forester shall act as coordinator between the Commissioner of Agriculture and the council in the conduct of this program.

Section 5. **Nuisances Declared.** Subd. 1. The following things are public nuisances whenever they may be found within the city of Clearwater:

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 *Hylurgopinus Rufipes* (Marsh).

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

Subd. 2. **Abatement.** It is unlawful for any person to permit any public nuisance as defined in subdivision 1 to remain on any premises owned or controlled by him within the city of Clearwater. Such nuisances may be abated in the manner prescribed by this ordinance.

Section 6. **Inspection and Investigation.**

Subd. 1. **Annual Inspection.** The forester shall inspect all premises and places within the city as often as practicable to determine whether any condition described in Section 5 of this ordinance exists thereon. He shall investigate all reported incidents of infestation by Dutch elm fungus or elm bark beetles.

Subd. 2. **Entry on Private Premises.** The forester or his duly authorized agents may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned him under this ordinance.

Subd. 3. **Diagnosis.** The forester shall, upon finding conditions indicating Dutch elm infestation, immediately send appropriate specimens or samples to the Commissioner of Agriculture for analysis, or take such other steps for diagnosis as may be recommended by the Commissioner. Except as provided in Section 8 no action to remove infected trees or wood shall be taken until positive diagnosis of the disease has been made.

Section 7. **Abatement of Dutch Elm Disease Nuisances.** Subd. 1. In abating the nuisances defined in Section 5, 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 Dutch elm disease fungus and elm bark beetles. 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 8. **Procedure for Removal of In-**

fecting Trees and Wood. Subd. 1. Whenever the forester finds with reasonable certainty that the infestation defined in Section 5 exists in any tree or wood in any public or private place in the city, he shall proceed as follows:

A. If the forester finds that the danger of infestation of other elm trees is not imminent because of elm dormancy, he shall make a written report of his findings to the council which shall proceed by (1) abating the nuisance as a public improvement under Minnesota Statutes Ch. 429 or (2) abating the nuisance as provided in Subd. 2 of this Section.

B. If the forester finds that danger of infestation of other elm trees is imminent, he shall notify the abutting property owner by certified mail that the nuisance will be abated within a specified time, not less than 5 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 limited by the notice he may abate the nuisance.

Subd. 2. Upon receipt of the forester's report required by Subd. 1, part A, 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 once 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 the abatement, and the proposed bases 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.

Subd. 3. The forester shall keep a record of the costs of abatements done under this Section and shall report monthly to the city clerk (or other appropriate officer) 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.

Subd. 4. On or before September 1 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 ordinance. The council may then spread the charges or any portion thereof against the property involved as a special assessment under Minnesota Statutes Sec. 429.101 and other pertinent statutes for certification to the county auditor and collection the following year along with current taxes.

Section 9. **Spraying Elm Trees.** Subd. 1. Whenever the forester determines that any elm tree or elm wood within city limits is infected with Dutch elm fungus, he 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 his agents whenever possible.

Subd. 2. The notice provisions of Section 8 apply to spraying and treatment operations conducted under this Section.

Section 10. **Transporting Elm Wood Prohibited.** Subd. 1. It is unlawful for any person to transport within the city any bark-bearing elm wood without having obtained a permit from the forester. The forester shall grant such permits only when the purposes of this ordinance will be served thereby.

Section 11. **Interference Prohibited.** It is unlawful for any person to prevent, delay or interfere with the forester or his agents while they are engaged in the performance of duties imposed by this ordinance.

Section 12. **Penalty.** Any person, firm or corporation who violates Sections 11 or 12 of this ordinance is guilty of a misdemeanor and may be punished by a fine of not to exceed \$300 or imprisonment for 90 days or both.

Section 13. This ordinance is effective from and after its passage and publication.

Adopted by the Council 5 day of May, 1975.

Attest:
Geraldine H. Moorhouse, Clerk
Publish: 14th day of May, 1975.
Curtis Heaton, Mayor

AN ORDINANCE ANNEXING CERTAIN UNPLATTED LAND TO THE
CITY OF CLEARWATER IN WRIGHT COUNTY, MINNESOTA

WHEREAS, a certain petition having been duly filed with the City Council in and for the City of Clearwater in Wright County, Minnesota, by the sole owner of certain real estate situate in the County of Wright and State of Minnesota, described as follows, to-wit:

Part of Section 2, Township 122 North, Range 27 West, Wright County, Minnesota, described as follows: Commencing at the northwest corner of said Section 2; thence S 89°27'15" E (assumed bearing) along the north line of the Northwest Quarter of said Section 2 a distance of 860.30 feet to the point of beginning of the tract to be described; thence S 00°30'15" E 993.86 feet to the northeasterly right-of-way line of Interstate 94; thence S 52°25'54" E along said right-of-way line 359.50 feet; thence S 89°40'21" E 1,715.12 feet; thence S 89°42'15" E 610.24 feet to the easterly right-of-way line of a road; thence N 13°08'15" W along last described right-of-way line 1,237 feet, more or less, to the north line of the Northeast Quarter of said Section 2; thence westerly along said north line of the Northeast Quarter 549 feet, more or less, to the northeast corner of the Northwest Quarter of said Section 2; thence N 89°27'15" W along the north line of said Northwest Quarter 1,790.63 feet to the point of beginning. Containing 67.68 acres, more or less.

petitioning that said real estate be annexed to the City of Clearwater, Minnesota, and

WHEREAS, it was determined by said City Council that said property owner who signed said petition is the sole owner of said property above described, and that said property consists of less than 200 acres, and abuts upon the boundaries of the City of Clearwater, and

WHEREAS, upon receipt of said petition said City Council filed copies of the same with the Minnesota Municipal Commission, the Clearwater Town Board and the Wright County Board, and within sixty (60) days of said filing there were no written objections to said annexation submitted to the City of Clearwater or to the Minnesota Municipal Commission, and

WHEREAS, it has been determined by said City Council that said annexation will be in the best interest of the City of Clearwater and the above-described property.

NOW, THEREFORE, the City Council in and for the City of Clearwater does hereby declare and ordain:

That the corporate limits of the City of Clearwater in Wright County, Minnesota, be and they hereby are extended to include that certain real estate hereinbefore described, and the same is hereby annexed and included in the City of Clearwater as effectually as if it had originally been a part thereof.

IT IS FURTHER ORDAINED, that the City Clerk file certified copies of this ordinance with the Minnesota Municipal Commission, the Wright County Auditor and the Secretary of State of the State of Minnesota.

This ordinance shall become effective from and after its passage, publication and filing of certified copies as hereinbefore directed.

Adopted by the City Council this 6 day of June, 1977.

Curtis Heaton

Geraldine Moorhouse
Geraldine Moorhouse, City Clerk

AN ORDINANCE REGULATING
THE USE OF PUBLIC SEWERS
FOR THE CITY OF CLEARWATER

THE COUNCIL OF THE CITY OF CLEARWATER HEREBY ORDAINS:

Section 1.00 - Sewer Use Code

Section 1:00. Definitions.

Subd. 1. For the purpose of this ordinance, the following words and terms shall have the meaning set out below, unless the context specifically indicates otherwise.

Subd. 2. "BOD" (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the chemical oxidation of Organic matter expressed in milligrams per liter, as determined in accordance with laboratory procedure as set out in the latest edition of Standard Methods for the Examination of Water and Wastewater.

Subd. 3. "Building Drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Subd. 4. "Building Sewer" means the extension from the building drain to the public sewer or other place of disposal.

Subd. 5. "Garbage" means solid wastes resulting from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage or sale of meat, fish, fowl, fruit, vegetables and condemned food.

- Subd. 6. "Industrial Wastes" mean the solid, liquid or gaseous wastes resulting from any industrial or manufacturing processes, trade or business, or from the development, recovery or processing of natural resources.
- Subd. 7. "Natural Outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
- Subd. 8. "Other Wastes" shall mean other substances except sewage and industrial wastes.
- Subd. 9. "Person" means any individual, firm, company, association, society, corporation, municipal corporation, governmental unit, or group.
- Subd. 10. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- Subd. 11. "Process Water" means any water used in the manufacturing, preparation or production of goods, materials or food.
- Subd. 12. "Public Sewer" means any sewer owned or operated by the City.
- Subd. 13. "Sanitary Sewer" means a sewer which carries sewage and to which storm surface, and ground water are not intentionally admitted.
- Subd. 14. "Sewage" means the water-carried waste products from residences, public buildings, institutions, industrial establishments or other buildings including the excrementitious or other discharge from the bodies of human beings or animals, together with such ground water infiltration and storm and surface water as may be present.

Subd. 15. "Sewer" means a pipe or conduit for carrying sewage, industrial waste or other waste liquids.

Subd. 16. "Sewer System" means pipe lines or conduits, pumping stations, force mains, and all other devices and appliances appurtenant thereto, used for collecting or conducting sewage, industrial wastes or other wastes to a point of ultimate disposal.

Subd. 17. "Shall" is mandatory: "May" is permissive.

Subd. 18. "Slug" means any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during the normal operation.

Subd. 19. "Storm Sewer" (sometimes termed "storm drain") means a sewer which carries storm and surface water and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling or process water.

Subd. 20. "Suspended Solids" mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering, in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater.

Subd. 21. "Unpolluted Water" means clean water uncontaminated by industrial wastes, other wastes, or any substance which renders such water unclean, or noxious, or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety

or welfare, to domestic, commercial, industrial or recreational use, or to livestock, wild animals, bird, fish, or other aquatic life.

Section 1.05. Use of Public Sewers.

Subd. 1. It shall be unlawful to discharge to any natural outlet within the City or in any area under the jurisdiction of the City any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

Subd. 2. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

Subd. 3. The owner of any building or property which is located within the City, or in any area under the jurisdiction of the City, and from which sewage is discharged, shall be required to connect to a public sewer at his expense within ninety (90) days after service of official notice to do so, provided that said public sewer is reasonably available for connection. Additionally, if the building or property is used for human occupancy, employment or recreation, the owner shall be required to install at the same time toilet facilities in accordance with the State Building Code and other ordinances of the City. Said official notice shall be served upon the owner personally or be certified mail.

Subd. 4. In the event an owner shall fail to connect to a public sewer in compliance with a notice given under Section 1.05, Subd. 3 of this Ordinance, the City may undertake to have said connection made and shall assess the cost thereof against the benefited property and said assessment shall be a lien against said property. Such assess-

ment, when levied, shall bear interest at the rate of eight percent (8%) per annum and shall be certified to the auditor of the County in which the land is situated and shall be collected and remitted to the City in the same manner as assessments for local improvements. The rights of the City under this subdivision shall be in addition to any other remedial or enforcement provisions of this Ordinance.

Subd. 5. No person shall discharge or cause to be discharged directly or indirectly any storm water, surface water, ground water, roof runoff, subsurface drainage, unpolluted cooling or process water to any sanitary sewer, except as permitted by the City.

Subd. 6. Storm water and all other unpolluted water shall be discharged to a storm sewer, except that unpolluted cooling or process water shall only be so discharged upon approval by the City. The City may also approve discharge of unpolluted water into a natural outlet, provided such discharge complies with applicable State and Federal regulations.

Subd. 7. No person shall discharge or cause to be discharged, directly or indirectly, any of the following described substances to any public sewer:

(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(b) Any water or wastes containing toxic or poisonous solids, liquids, or gasses in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the sewerage works.

(c) Any water or wastes having a pH lower than 4.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewerage works.

(d) Solid or viscous substances, either whole or ground, in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewerage works such as, but not limited to ashes, cinders, disposable diapers, glass grinding or polishing wastes, stone cutting or polishing wastes, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and sanitary napkins, paper dishes, cups, milk containers, and other paper products.

(e) Noxious or malodorous liquids, gasses or substances which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.

Subd. 8. No person shall discharge or cause to be discharged directly or indirectly the following described substances to any public sewer unless in the opinion of the City such discharge will not harm the sewerage works, nor cause obstruction to the flow in sewers, nor otherwise endanger life, limb or public property, nor constitute a nuisance. In forming it's opinion as to the acceptability of these wastes, the City may give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and

other pertinent factors. The City may make such determinations either on a general basis or as to discharges from individual users or specific discharges, and may prohibit certain discharges from individual users because of unusual concentrations or combinations which may occur.

The substances prohibited are:

- (a) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F (65°C).
- (b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred fifty (150) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F (0° and 65°C).
- (c) Any garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in public sewers, with no particles greater than one-half ($\frac{1}{2}$) inch in any dimension.
- (d) Any water or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not.
- (e) Any water or wastes containing phenols or other taste or odor producing substances which constitute a nuisance or hazard to the structures, equipment or personnel of the sewerage works, or which prevent sewage treatment which meets the requirements of the State and Federal government and any other public agency with proper authority to regulate the discharge from the sewage treatment plant.
- (f) Radioactive wastes or isotopes of such half-life or concentrations that they are in noncompliance with regulations issued by the

appropriate authority having control over their use or which have caused or may cause damage or hazards to the sewerage works or personnel operating it.

(g) Any water or wastes having a pH in excess of 10.0.

(h) Materials which exert or cause:

(1) Unusual concentrations or suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(4) Unusual volume of flow or concentration of wastes constituting a slug.

(i) Water or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other governmental agencies having jurisdiction over discharge from the sewage treatment plant. The following are the maximum concentrations acceptable for discharge into the City sewerage system.

<u>Waste or Chemical</u>	<u>ppm Concentration</u>
Boron	1.0
Chromium (Total)	25.0
Chromium (Hexavalent)	10.0
Copper	3.0
Cyanide (Total)	10.0
Cyanide (Readily released at 150 degrees F. and pH 4.5)	2.0
Iron	50.0
Lead	0.5
Nickel	15.0
Cadmium	2.0

Subd. 9. If any water or wastes are discharged, or are proposed to be discharged directly or indirectly to the public sewers, which water or wastes do not meet the standards set out in or promulgated under this Subsection or which in the judgment of the City may have a deleterious effect upon the sewerage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the City may take any or all of the following steps:

- (a) Refuse to accept the discharges, or
- (b) Require pretreatment to an acceptable condition for the discharge to the public sewers, or
- (c) Require control over the quantities and rates of discharge, or
- (d) Require payment to cover the added cost of handling and treating the wastes.

The design and installation of plants and equipment for pretreatment or equalization of waste flows shall be subject to the review and

approval of the City and subject to the requirements of all applicable codes, ordinances, and laws.

Subd. 10. Grease, oil and sand interceptors shall be provided when they are necessary for the proper handling of liquid wastes containing grease, or any flammable wastes, sand or other harmful ingredients. All interceptors required under this Subdivision shall be of a type and capacity approved by the City and shall be located as to be readily and easily accessible for cleaning and inspection.

Subd. 11. Where preliminary treatment, flow equalizing facilities or interceptors are provided for any water or wastes, they shall be effectively operated and maintained continuously in satisfactory and effective condition by the owner at his expense, and shall be available for inspection by the City at all reasonable times.

Subd. 12. When required by the City, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure, together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure and equipment when required shall be constructed at the owner's expense in accordance with plans approved by the City and shall be maintained by the owner so as to be safe and accessible at all times.

Subd. 13. All measurements, tests, and analyses of the characteristics of water and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, and shall be determined at the control structure provided, or upon suitable samples

taken at said control structure. In the event that no special structure has been required, the control structure shall be considered to be the nearest downstream manhole in the public sewer from the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewerage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

Subd. 14. The City may conduct such tests as are necessary to enforce this Ordinance, and employees of the City and the Clear Lake - Clearwater Sewer Authority may enter upon any property for the purpose of taking samples, obtaining information or conducting surveys or investigations relating to such enforcements. Entry shall be made during operating hours unless circumstances require otherwise. In all cases where tests are conducted by the City or Sewer Authority for the purpose of checking to determine if a previously found violation of this ordinance has been corrected, the cost of such tests shall be charged to the user and added to the user's sewer charge. In those cases where the City determines that the nature or volume of a particular user's sewage requires more frequent than normal testing, the City may charge such user for the tests, after giving the user ten (10) days written notice of its intention to do so, and the cost thereof shall be added to the user's sewer charge. In any

case where industrial wastes are discharged to a public sewer, the City may require the user at his own expense to test his discharge on a regular basis and to report the test results to the City Clerk within a reasonable time. All such tests shall be as ordered by the City and shall be conducted by qualified personnel and in accordance with the standards set out in Subd. 13 of this Subsection.

Subd. 15. No garbage grinder equipped with a motor of three-fourth ($3/4$) horsepower or greater shall be installed in any building which is connected directly or indirectly to a public sewer, without prior approval of the City. The City shall not approve any garbage grinder which does not grind garbage to a degree so that no particle is greater than one-half ($1/2$) inch in any dimension and shall be empowered to order that any garbage grinder regardless of its size or when it was installed, which does not grind garbage to a degree so as to make it acceptable under Subd. 7 and 8 of this Subsection, not be used to grind garbage which is thereafter directly or indirectly discharged into a public sewer.

Subd. 16. Accidental discharges of prohibited waste into the sewerage works, directly or through another disposal system, or to any place from which such waste may enter the sewerage works, shall be reported to the Office of the City Clerk by the persons responsible for the discharge, or by the owner or occupant of the premises where the discharge occurred, immediately upon obtaining knowledge of the fact of such discharge.

Subd. 17. No statement contained in this Subsection shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual

strength or character may be accepted by the City for treatment, subject to payment therefore, by the industrial concern, in accordance with applicable ordinances and any supplemental agreement with the City.

Section 1:10. Private Sewage Disposal.

Subd. 1. Where a public sanitary or combined sewer is not available under the provision of Section 1:105, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Subsection.

Subd. 2. Before commencement of construction of a private sewage disposal system other than for a single family residence the owner shall first obtain a written permit signed by the City or its authorized agent. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the City. A permit and inspection fee, as established by resolution of the City Council, shall be paid at the time the application is filed.

Subd. 3. A permit for a private sewage disposal system other than for a single family residence shall not become effective until the installation is completed to the satisfaction of the City. Employees of the City shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the City Clerk when the work is ready for final inspection, and no underground portions shall be covered before the final inspection is completed.

- Subd. 4. The type, capacities, location, and layout of a private sewage disposal system shall comply with all requirements of the City and the State of Minnesota. No private sewage disposal system employing sub-surface soil absorption facilities shall be constructed where the area of the lot is less than 40,000 square feet, unless the owner presents evidence to the City demonstrating that special conditions exist which assures the system will meet the minimum standards of the Minnesota Individual Sewage Disposal System Code. No septic tank shall be permitted to discharge to any natural outlet.
- Subd. 5. At the time a connection is made to the public sewer any septic tanks or other private sewage disposal facilities shall be removed or filled with suitable material approved by the City.
- Subd. 6. The owner shall effectively operate and continuously maintain the private sewage disposal facilities in a sanitary, satisfactory and effective manner at all times, at his own expense.
- Subd. 7. The employees of the City may enter upon any property having a private sewage disposal system for the purpose of inspecting such system and making such other investigations and tests as are deemed necessary. Entry shall be made during the daylight hours unless abnormal or emergency circumstances require otherwise.
- Subd. 8. The provisions of this Subsection shall be in addition to any requirements established by applicable federal, state or local laws and regulations, and shall not be construed to relieve any liability or obligation imposed by such laws and regulations.

Section 1:15. Building Sewers and Connections.

Subd. 1. No person unless authorized shall uncover, make any connections with or opening into, use, alter, or disturb and public sewer or appurtenance thereof, except as approved by the City.

Subd. 2. All installation and connection of the building sewer shall be performed by persons or organizations licensed by the City and who have supplied to the City a bond in the sum of \$5,000.00 and a certificate of insurance.

Subd. 3. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, provided that the City shall require a written agreement between the property owners as to the share of the costs of construction and maintenance which each will contribute.

Subd. 4. Old building sewers may be used in connections with new buildings only when they are found, on examination and test by the City to meet all requirements of this Ordinance.

Subd. 5. The size, slope, alignment, materials of construction of a building sewer, and the method to be used in excavation, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations. In the absence of code

provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of Water Pollution Control Federation (W.P.C.F.) Manual of Practice No. 9 and applicable American Society for Testing and Materials (A.S.T.M.) standards shall apply.

Subd. 6. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer such building drain shall be provided with a lifting device approved by the City and discharged to the building sewer.

Subd. 7. No persons shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to public sanitary sewer.

Subd. 8. The construction of the building sewer and its connection into the public sewer shall conform to the requirements of the building and plumbing code, the sewer specifications included herein or other applicable rules and regulations and the procedures set forth in appropriate specifications of the Water Pollution Control Federation (W.P.C.F.) Manual of Practice No. 9, and the American Society for Testing and Materials (A.S.T.M.). All such construction shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the City before installation.

Subd. 9. Employees of the City shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for

the permit shall notify the City when the work is ready for final inspection and no underground portions shall be covered before the final inspection is completed. The connection shall be made under the supervision of the City or designated agent thereof.

Section 1:20. Main and Lateral Sewer Construction

Subd. 1. No person unless authorized, shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City.

Subd. 2. No sanitary or storm sewers shall be constructed in the City (except house or building service sewers) except by the City or by others in accordance with plans and specifications approved by the City and subject to inspection during construction by Engineers and employees of the City. No such sewers shall be considered to be a part of the public sewer system unless accepted by the City.

Subd. 3. The size, slope, alignment, material of construction, methods to be used in excavation, placing of pipe, jointing, testing, back-filling and other work connected with the construction of sewers shall conform to the requirements of the City.

Section 1:25. Protection from Damage.

Subd. 1. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the Sewer System.

Section 1:30. Authority of Inspectors.

Subd. 1. Duly authorized employees of the City or the Clear Lake - Clear-water Sewer Authority bearing proper credentials and identification

shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance.

Subd. 2. While performing the necessary work on private properties referred to in Subd. 1 of this Subsection, the authorized employees of the City or Sewer Authority shall observe all safety rules applicable to the premises established by the company.

Subd. 3. Duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the Sewer System lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the easement pertaining to the private property involved.

Section 1:35. Penalties.

Subd. 1. Any person violating any of the provisions of this Ordinance shall become liable to the City for any expense, loss, or damage occasioned by the City by reason of such violation. In addition, any person violating any of the provisions of Section 1:25 Subd. 1 of this Ordinance shall be guilty of a penal offense, and upon conviction thereof, shall be punished by a fine of not more than \$300.00 or by imprisonment for a period of time not to exceed 90 days, or both. Each day such violation is committed, or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder.

Subd. 2. Whenever a violation of the provisions of this Ordinance is likely to cause damage to the sewer system is of such a nature as to be a menace to the health or safety of any person, the City may summarily discontinue any sewer connections with its sewerage system.

Subd. 3. No connection discontinued in that manner shall be reestablished unless the cost of such discontinuance and reestablishment is paid to the City together with reimbursement for any damage to the sewerage works caused by said violation.

Subd. 4. Violation by a permittee of any provisions of this Ordinance prescribing conditions or requirements relative to permits held by such a permittee, or giving any false information on a permit application either orally or in writing, shall be grounds for revocation of such permit. Whenever grounds exist, the City may revoke any permit by resolution.

Section 1:45, Effective Date.

This ordinance shall be in full force and effect from and after
7 day of November, 1977.

Adopted by the Council of the City of Clearwater, Minnesota, at a
regular meeting held November 7, 1977, by the
following vote:

Ayes: 3

Nays: 0

Approved by the Mayor of the City of Clearwater this 7
day of November, 1977.

Curtis Heator
Mayor of the City of Clearwater

ATTEST:

Heraldine Morkhouse
City Clerk

AN ORDINANCE ESTABLISHING
CHARGES FOR USERS OF THE
CITY OF CLEARWATER
WASTEWATER COLLECTION SYSTEM

THE COUNCIL OF THE CITY OF CLEARWATER HEREBY ORDAINS:

SECTION 1.00. CLEARWATER WASTEWATER COLLECTION SYSTEM

The fees, rates and charges for using the Clearwater Wastewater Collection System shall be upon the conditions and in the amounts set forth in Section 1.00 et seq.

SECTION 1.05. DEFINITIONS

For the purpose of this Ordinance, the following words, terms and abbreviations shall have the meaning set out below, unless the context specifically indicates otherwise.

Subd. 1. Commercial User means all Users of the Wastewater Collection System classified as Industrial Users in the Standard Industrial Classification Manual, 1972, U. S. Office of Management and Budget, as amended and supplemented, under Divisions A, B, C, D, E and I, but who are excluded from such definition for the purposes of this Ordinance, because they discharge primarily segregated domestic wastes, or wastes from sanitary conveniences, except that the classification shall not include such exempt Users who are otherwise classified in this Ordinance as Domestic Users or Governmental Users.

Subd. 2. Domestic User means those establishments of which its related occupations, if any, are usually considered as domestic service and whose discharge consists solely of sanitary wastes.

Subd. 3. Flow means the quantity of sewage expressed in gallons or cubic feet per twenty-four (24) hours.

Subd. 4. Governmental User includes those establishments whose function is the administration and/or execution of governmental programs as well as the offices of executives, legislative bodies and or agencies which provide general support services of government.

Subd. 5. Industrial User means any Non-Governmental User of the Wastewater Collection System identified in the Federal Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:

- (a) Agriculture, Forestry and Fishing
- (b) Mining
- (c) Manufacturing
- (d) Transportation, Communication, Electric, Gas and Sanitary Services
- (e) Services

A User in the divisions listed may be excluded if the Clear Lake - Clearwater Sewer Authority determines it will primarily introduce domestic wastes or wastes from sanitary conveniences.

Subd. 6. Sewage means the liquid-carried waste products from whatever source derived, together with such ground water infiltration and surface water as may be present.

Subd. 7. User means any person, firm corporation or other entity, discharging sewage into the Wastewater Collection System.

Subd. 8. Wastewater Collection System means individually or collectively all parts of the sewer system under the jurisdiction of the City of Clearwater.

SECTION 1.10. GENERAL

It is the purpose of this Ordinance to recover from Users of the Wastewater Collection System on an equitable basis, funds for the operation and maintenance, replacement and improvements of the Wastewater Collection System including those costs billed to the City of Clearwater by the Clear Lake - Clearwater Sewer Authority for the operation, maintenance, replacement, improvements and Industrial Cost Recovery of the Wastewater Disposal System.

Subd. 1. The user charges provided for in this section are hereby levied and assessed upon each lodge, parcel of land, building or premises having any connection with, or discharging either directly or indirectly into the wastewater collection system.

Subd. 2. The City Council shall annually determine and fix the unit costs for use of the wastewater collection system on the basis of Flow, and may increase or decrease such unit cost as often and in such amounts as may reasonably be required to accomplish the purposes of this section.

Subd. 3. The City Clerk shall compute the amount due the City for Sewer User Charges and render a statement thereof, at periodic intervals, as directed by the City Council, to the owner or occupant of any premises using the wastewater collection system. All amounts due hereunder shall be payable at the office of the City Clerk.

SECTION 1.15. CHARGES, A LIEN

Each charge levied pursuant to this section shall be a lien against the property, and all such charges due on September 30 of each year, more than thirty (30) days past due, and having been properly mailed to the occupant or owner of the premises, shall be certified by the City Clerk to the County Auditor between the first and tenth day of October of each year and the City Clerk so certifying such charges to the County Auditor, shall specify the amount thereof, the description of the premises, the name of the owner thereof, and the amount so certified shall be expended upon the tax rolls against such premises in the same manner as other taxes, and collected by the County Treasurer and paid to the City, along with other taxes.

SECTION 1.20. CIVIL ACTION

Any charges levied pursuant to this section, and which have been properly sent to the occupant or owner and not paid, may be recovered in a civil action by the City in any Court of competent jurisdiction.

SECTION 1.25. FUNDS FROM USER CHARGES

The funds received from the collection of the charges authorized by this Ordinance shall be deposited as collected in the Clearwater Sewer Fund and shall be used for the operation, maintenance, replacement, and improvements of the Wastewater Collection System, except that the portion of any such funds which is limited to a particular

use by applicable State or Federal rules or regulations, shall be used in compliance with such restrictions.

SECTION 1.30. USER CHARGES

Subd. 1. The charges to users shall be the product of the unit cost for flow as determined by the City Council and the quantity of water used by such user as measured by the City water meter on the premises, provided, however, that in determining the charge to be paid for premises used exclusively for residential purposes, the water meter readings from the first billing of each year may be used as the basis for the computation of such user charges for each billing period for that year. The formula for this calculation is as follows:

$$\begin{array}{rcl} \text{Unit Cost Per Volume of Water x User Metered} \\ \text{Water Flow} & = & \text{User Charge} \end{array}$$

Subd. 2. In the event a user is not supplied with City water or the water so used is not measured by a City meter, then in such cases the user charge shall be fixed and determined by the City Council in such method as they may find just, equitable and practicable.

Subd. 3. If a substantial portion of the water utilized by any user is not discharged into the sewer system, the volume of such water shall be deducted in computing the sewer use charge, provided a separate meter is installed to measure such volume. The user desiring to install such separate meter shall make application and payment for the meter to the City and engage, at his own expense, a plumber to effect the necessary piping changes and install the couplings so the meter can be set.

Subd. 4. Industrial Cost Recovery charges that are included on the bill sent to the City by the Sewer Authority shall be itemized and included on the user charge statements sent by the City to the appropriate Industrial Users.

SECTION 1.35. MONITORING FACILITIES

When required by the City each Industrial User shall install suitable monitoring facilities and shall submit to the City a monthly report of daily flows and other pertinent information on a form approved by the City. This form shall be for billing purposes and shall be submitted prior to the 10th day of the subsequent month. The City shall have the right to periodically or continuously inspect the monitoring facilities and to measure the user's flow. In the event of any discrepancy between the flows determined by the City and the Industrial User, the values determined by the City shall be used for billing purposes.

SECTION 1.40. SURCHARGE

In addition to the charges provided for herein, the City may impose a surcharge on any user pursuant to the Sewer Use Code, or based on some other pollutant loading factor which requires special treatment or handling, or causes special problems with materials or maintenance of the Wastewater Collection System or the Wastewater Disposal System.

SECTION 1.45. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after

7 day of November 1977 A.D.

Adopted by the Council of the City of Clearwater, Minnesota, at a regular meeting held November 7, 1977, by the following vote:

AYES: 3

NAYS: 0

Approved by the Mayor of the City of Clearwater this 7 day of November 1977.

Curtis Heaton
Mayor of the City of Clearwater

ATTEST:

Geraldine Moorhouse
City Clerk

AN ORDINANCE SETTING THE SALARIES
TO BE PAID TO THE ELECTED OFFICIALS FOR
THE CITY OF CLEARWATER, WRIGHT CO., MN

The City Council for the City of Clearwater, Minnesota, does ordain
as follows:

SECTION ONE

The compensation to be paid the elected officials of the City of
Clearwater shall be as follows:

- a. The Mayor shall receive the sum of Thirty (\$30.00) Dollars for
each regular council meeting attended and the sum of Thirty (\$30.00)
Dollars for each special council meeting attended, up to a maximum
of twelve (12) special meetings per year.
- b. Each councilperson shall receive the sum of Twenty (\$20.00)
Dollars for each regular council meeting attended and the sum of
Twenty (\$20.00) Dollars for each special council meeting attended,
up to a maximum of twelve (12) special meetings per year.

SECTION TWO

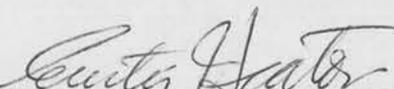
The compensation set forth in Section One shall become effective
and be paid to the City officials elected at the next City election.

SECTION THREE

All ordinances or parts of ordinances inconsistent with this ordi-
nance are hereby repealed.

Passed by the City Council of the City of Clearwater, Minnesota,
on November 7, 1977.

CITY OF CLEARWATER, MN

By 
Curtis Heaton, Mayor

ATTEST:


Geraldine Moorhouse, Clerk

ORDINANCE ESTABLISHING A PLANNING
COMMISSION FOR THE CITY OF CLEARWATER, MN

WHEREAS, the City of Clearwater desires to encourage sound and harmonious growth of the community and its environs and efficiency and economy in the provision of facilities and services, to insure maximum returns for expenditure of public funds, and to avoid errors and waste resulting from unplanned and uncoordinated development, and

WHEREAS, to these ends and for these purposes, it is necessary that there should be prepared and maintained in current form a comprehensive plan, with related studies, statements of policies, regulations and ordinances to guide the development of the City of Clearwater, and

WHEREAS, it is recognized that planning is a means to these ends, and

WHEREAS, the City is authorized and empowered to establish a planning commission by the provision of M.S. 462.354.

NOW, THEREFORE, BE IT ENACTED BY THE City Council of the City of Clearwater:

Section 1. Establishing Planning Commission; Qualifications of Members; Terms of Office. There is hereby established a planning commission, hereinafter referred to as the "commission," which shall consist of not more than six (6) members appointed by the City Council from among the residents or freeholders of the City.

Among this membership, one shall be ex-officio, to be appointed from the membership of the City Council to serve as liaison with the planning commission.

Terms of office for members other than the ex-officio shall be for three (3) years; provided, however, that in first establishment of the commission, one-third of the members shall be appointed for terms of one (1) year, one-third for terms of two (2) years, and one-third for terms of three (3) years.

The ex-officio member shall be appointed for an annual term, provided that membership on the commission shall terminate with the office

from which ex-officio membership is derived; to serve during the pleasure of the City Council or as may otherwise be appropriate.

Members other than ex-officio shall be appointed from among persons in a position to represent the general public interest. If any person appointed shall find that his private or personal interests are involved in any matter coming before the commission, he shall disqualify himself from taking part in action on the matter, or he may be disqualified by the chairman of the commission.

Section 2. Removal from Office; Vacancies. Any member of the commission may be removed from office for just cause and on written charges by a majority vote of the entire City Council, but such member shall be entitled to a public hearing before such vote is taken. In addition, any member may be removed for non-attendance at planning commission meetings without action by the City Council, according to rules adopted by the planning commission.

It shall be the duty of the chairman of the commission to notify the City Council promptly of any vacancies occurring in membership, and the City Council shall fill such vacancies within forty-five (45) days for the unexpired term of the original appointment.

Section 3. Officers, Rules, Employees, Salaries, and Expenses. The commission shall elect a chairman and vice chairman from among those of its members who are not appointed ex-officio, and may create such other offices as it may determine. It shall provide itself with a secretary, either by election from among its members or by appointment of an officer or employee of the City who is not a member of the commission. All members, including ex-officio members, shall be entitled to vote, but a secretary who is not a member of the commission shall not be entitled to vote. Terms of all elected offices shall be for one year, with eligibility for re-election.

The commission shall adopt rules for its governance and for the transaction of its business, and shall keep a record of attendance at its meetings and of resolutions, transactions, findings, and deter-

minations showing the vote of each member on each question requiring a vote, or if absent or abstaining from voting, indicating such fact. The records of the commission shall be a public record.

Subject to approval of the City Council and within limits set by appropriations or other funds made available, the commission may employ such staff, technicians, and experts as may be deemed proper, and may incur such other expenses as may be necessary and proper for the conduct of its affairs. Members of the commission shall receive a salary or fee to be determined by the City Council for their services and may receive necessary travel, per diem, and other expenses while on official business for the commission if funds are available for this purpose.

Section 4. Appropriations, Fees, and Other Income. The City Council shall make available to the commission such appropriations as it may see fit for salaries, fees, and expenses necessary in the conduct of its work. The commission shall have authority to expend all budgeted sums so appropriated and recommend the expenditures of other sums made available for its use from grants, gifts, and other sources for the purposes and activities authorized by this ordinance.

Section 5. Functions, Powers, and Duties. The functions, powers and duties of the commission shall be, in general:

- a. To acquire and maintain in current form such basic information and background data as is necessary to an understanding of past trends, present conditions, and forces at work to cause changes in these conditions.
- b. To prepare and keep current a comprehensive general plan for meeting present requirements and such future needs as may be foreseen.
- c. To establish principles and policies for guiding action affecting development of the City and its environs.
- d. To prepare and recommend to the City Council ordinances, regulations, and other proposals promoting orderly development along lines indicated as desirable by the comprehensive plan.
- e. To determine whether specific proposed developments conform to the principles and requirements for the comprehensive plan and the ordinances.
- f. To keep the City Council and the general public informed and advised as to all planning and development matters.

g. To conduct such public hearings as may be required to gather information necessary for the drafting, establishment, and maintenance of the comprehensive plan and ordinances and regulations related to it, and to establish public committees for the purpose of collecting and compiling information necessary for the plan, or for the purpose of promoting the accomplishment of the plan in whole or in part.

h. To perform other duties which may be lawfully assigned to it, or which may have bearing on the preparation or accomplishment of the plan.

In connection with its duties, and within the limit of its funds, the commission may make, cause to be made, or obtain maps, aerial photographs and surveys, and special studies on the location, condition, and adequacy including, but not limited to: studies on housing, commercial and industrial facilities; economic development; parks; playgrounds and other recreational facilities; schools; public and private utilities; and traffic, transportation, and parking.

All City employees shall, upon request and within a reasonable time, furnish to the commission or its employees or agents such available records or information as may be required in its work. The commission, or its employees or agents, may in the performance of official duties enter upon lands and make examinations or surveys in the same manner as other authorized City agents or employees, and shall have such other powers as are required for the performance of official functions in carrying out the purposes of this ordinance.

Section 6. Plat Approved by Commission. As soon as a major street plan is adopted by the commission and subdivision regulations have been adopted by the City Council, it shall become the responsibility of the commission to pass upon all proposed new or amended plats coming directly or indirectly under the jurisdiction of the City. No new plat, and no amendment or vacation of an existing plat or portion thereof shall thereafter be recorded without the approval of the Commission.

Section 7. Conflicts with Other Ordinances, Separability of Provisions. All ordinances or portions of ordinances in conflict herewith are repealed. Should any section of this ordinance be held unconstitutional or void, the remaining provisions shall nevertheless remain in full force and effect.

Section 8. Effective Date. This ordinance shall take effect immediately upon passage and publication according to law.

Passed by the City Council for the City of Clearwater, Wright County, Minnesota, on March 15, 1978.

CITY OF CLEARWATER, MINNESOTA

By /s/ Curtis Heaton
Mayor

ATTEST:

/s/ Geraldine Moorhouse
City Clerk

ORDINANCE NO. 3

AN ORDINANCE AMENDING SECTIONS 1:20 AND 1:45 OF ORDINANCE NO. 1, ESTABLISHING CHARGES FOR USERS OF THE CLEAR LAKE - CLEARWATER WASTEWATER DISPOSAL SYSTEM.

THE CLEAR LAKE - CLEARWATER SEWER AUTHORITY HEREBY ORDAINS:

That Ordinance No. 1, Section 1:20 Unit Cost Categories, is amended as follows:

Add the following sentence at the end of the paragraph titled "Category B" Industrial Cost Recovery:

Industrial Users that discharge the equivalent of 25,000 gallons of Sewage per day or less, as determined by the Sewer Authority, shall be exempt from Industrial Cost Recovery requirements providing that in the sole opinion of the Sewer Authority such discharge does not contain pollutants which (1) interfere with the treatment process, or (2) are toxic or incompatible.

That Ordinance No. 1, Section 1:45, Effective Date, is amended as follows:

This Ordinance shall be in full force and effect from and after the first (1st) day of June, 1978 A.D.

Adopted by the Clear Lake - Clearwater Joint Sewer Authority at a special meeting held the 4 of May 1978, by the following vote:

AYES: 7

NAYS: 0

Mrs. Jerry Moore
AUTHORIZED REPRESENTATIVE

ATTEST:

Nancy L. Fierck

ORDINANCE NO. _____
CITY OF CLEARWATER, WRIGHT COUNTY, MN

AN ORDINANCE LICENSING AND REGULATING
THE SALE AND CONSUMPTION OF INTOXICATING
LIQUOR AND PROVIDING A PENALTY FOR VIOLATION

The City Council of the City of Clearwater, Minnesota, ordains:

Section 1. Provisions of State Law Adopted. The provisions of the Minnesota Intoxicating Liquor Act, Minnesota Statutes, Chapter 340, with reference to the definition of terms, application for license, granting of license, conditions of license, restrictions on consumption, provisions on sales, conditions of bonds or insurance of licensees, hours of sale, and all other matters pertaining to the retail sale, distribution and consumption of intoxicating liquor are hereby adopted and made a part of this ordinance as if fully set out herein, except as modified herein.

Section 2. License Required. No person, except wholesalers or manufacturers to the extent authorized under State License, shall directly or indirectly deal in, sell, keep for sale, or deliver any intoxicating liquor without first having received a license to do so as provided in this ordinance.

Section 3. Types of Licenses.

Subdivision 1. "On Sale." Licenses for the sale of intoxicating liquor to be consumed on the premises shall be issued only to hotels or restaurants whose fixtures and structures, exclusive of land, have a fair market value of at least Two Hundred Fifty Thousand (\$250,000.00) Dollars. The City Council may provide for an independent appraisal at the license applicant's expense as an aid in determining the value of said premises. In the event this requirement as to investment in fixtures and structures is not complied with within one year from the date of the issuance of the license, the license may be revoked.

Subdivision 2. "Off Sale." One license for the sale of intoxicating liquor to be consumed off the premises shall be issued only to an exclusive liquor store. The "Off-Sale" license shall be located in

a store in a shopping center, which shopping center shall have a fair market value of at least Two Hundred Fifty Thousand (\$250,000.00) Dollars, exclusive of land. The City Council may provide for an independent appraisal at the license applicant's expense as an aid in determining the value of said premises. In the event this requirement as to investment in fixtures and structures is not complied with within one year from the date of the issuance of the license, the license may be revoked.

Subdivision 3. Combination License. One combination "On-Sale" and "Off-Sale" license may be issued to an exclusive liquor store that prior hereto has been owned and operated by the City of Clearwater.

Subdivision 4. Bottle Clubs. Bottle Club licenses shall be issued to bottle clubs only in accordance with the provisions of Minnesota Statutes, Section 340.119.

Section 4. Application for License.

Subdivision 1. Form. Every application for a license to sell liquor shall state the name of the applicant, his age, representations as to his character, with such references as the Council may require, his citizenship, the type of license applied for, the business in connection with which the proposed license will operate and its location, whether the applicant is owner and operator of the business, how long he has been in that business at that place, and such other information as the Council may require from time to time. In addition to containing such information, the application shall be in the form prescribed by the liquor control director and shall be verified and filed with the city clerk. No person shall make a false statement in an application.

Subdivision 2. Bond. Each application for a license shall be accompanied by a surety bond or, in lieu thereof, cash or United States Government bonds of equivalent market value as provided in Minnesota Statutes, Section 340.12. Such surety bond or other security shall be in the sum of Three Thousand (\$3,000.00) Dollars for an applicant for an "on-sale" license and One Thousand (\$1,000.00) Dollars for an applicant for an "off-sale" license.

Subdivision 3. Liability Insurance. Prior to the issuance of a liquor license, the applicant shall file with the city clerk a liability insurance policy in the amount of One Hundred Thousand (\$100,000.00) Dollars coverage per occurrence and Fifty Thousand (\$50,000.00) Dollars coverage for property damage and shall comply with the provisions of Minnesota Statutes, Section 340.12 relating to liability insurance policies. If a liability insurance policy is made subject to all the conditions of a bond under that statute, the policy may be accepted by the council in lieu of the bond required under Subdivision 2.

Subdivision 4. Approval of Security. The security offered under Subdivisions 2 and 3 shall be approved by the city council and in the case of applicants for "off-sale" licenses, by the state liquor control director. Surety bonds and liability insurance policies shall be approved as to form by the city attorney. Operation of a licensed business without having on file with the city at all times effective security as required in Subdivisions 2 and 3 is a cause for revocation of the license.

Section 5. License Fees.

Subdivision 1. The initial fee shall be paid in full before the application for a license is accepted. Renewal license fees shall be paid in full by December 20 preceding each license year. All fees shall be paid into the general fund of the City. All licenses shall expire the last day of December of each year. Upon rejection of any application for a license, or upon withdrawal of application before approval of the issuance by the City Council, the license fee shall be refunded to the applicant.

Subdivision 2. The fee for an on sale license granted after the commencement of the license year shall be prorated on a monthly basis.

Subdivision 3. When the license is for premises where the building is not ready for occupancy, the time fixed for computation of the license fee for the initial license period shall be ninety (90) days after approval of the license by the City Council or upon the date the building is ready for occupancy, whichever is sooner.

Subdivision 4. No transfer of a license shall be permitted from place to place or person to person without complying with the requirements of an original application.

Subdivision 5. Where a new application is filed as a result of incorporation by an existing licensee and the ownership control and interest in the license are unchanged, no additional license fee will be required.

Subdivision 6. The annual licensee fee shall be set by Resolution of the Council.

Section 6. Granting of Licenses.

Subdivision 1. Investigation and Issuance. The city council shall investigate all facts set out in the application. Opportunity shall be given to any person to be heard for or against the granting of the license. After the investigation and hearing, the council shall, in its discretion, grant or refuse the application. No "off-sale" license shall become effective until it, together with the security furnished by the applicant, has been approved by the liquor control director.

Subdivision 2. Person and Premises Licensed; Transfer. Each license shall be issued only to the applicant and for the premises described in the application. No license may be transferred to another person or place without city council approval. Any transfer of stock of a corporate licensee is deemed a transfer of the license, and a transfer of stock without prior council approval is a ground for revocation of the license.

Section 7. Persons Ineligible for License. No license shall be granted to any person made ineligible for such a license by state law.

Section 8. Places Ineligible for License.

Subdivision 1. General Prohibition. No license shall be issued for any place or any business ineligible for such a license under state law.

Subdivision 2. Delinquent Taxes and Charges. No license shall be granted for operation on any premises on which taxes, assessments, or other financial claims of the city are delinquent and unpaid.

Section 9. Conditions of License.

Subdivision 1. In General. Every license is subject to the conditions in the following subdivisions and all other provisions of this ordinance and of any other applicable ordinance, state law or regulation.

Subdivision 2. Licensee's Responsibility. Every licensee is responsible for the conduct of his place of business and the conditions of sobriety and order in it. The act of any employee on the licensed premises authorized to sell intoxicating liquor there is deemed the act of the licensee as well, and the licensee shall be liable to all penalties provided by this ordinance and the law equally with the employee.

Subdivision 3. Inspections. Every licensee shall allow any peace officer, health officer, or properly designated officer or employee of the city to enter, inspect, and search the premises of the licensee during business hours without a warrant and pursuant to the provisions of Section 9, Subdivision 5 hereof.

Subdivision 4. Display During Prohibited Hours. No "on-sale" establishment shall display liquor to the public during hours when the sale of liquor is prohibited.

Subdivision 5. Closing of Bar and Restricting Other Business Operated in Connection Therewith. The word "bar" as used in this section means the room or rooms in which a licensee under an "on-sale" liquor license customarily prepares, mixes or pours intoxicating drinks. All persons, except the licensee, his bona fide employees and law enforcing officers, shall be excluded from the bar within thirty minutes after the expiration of the time on any day when intoxicating liquor may be legally sold therein, and all doors into said bar shall then be closed and locked, and all persons, except said licensee, his bona fide employees and law enforcing officers, shall thereafter be continuously excluded therefrom until the time next thereafter when such liquor may again be legally sold therein. If the licensee is operating any other lawful business in the building

in which the bar is located, no intoxicating liquor shall be served or permitted to be consumed on the premises where such other business is conducted during the time when the bar is closed as aforesaid.

Subdivision 6. Federal Stamps. No licensee shall possess a federal wholesale liquor dealer's special tax stamp or a federal gambling stamp.

Section 10. Restrictions on Purchase and Consumption.

Subdivision 1. Liquor in Unlicensed Places. No person shall mix or prepare liquor for consumption in any public place or place of business unless it has a license to sell liquor "on-sale" or a permit from the liquor control director under Minnesota Statutes, Section 340.119, and no person shall consume liquor in any such place.

Subdivision 2. Consumption in Public Places. No person shall consume any intoxicating liquor in any public park or on any public land owned by the City of Clearwater except by special permit authorized by the city council.

Section 11. Suspension and Revocation. The council may either suspend for not to exceed sixty (60) days or revoke any liquor license upon a finding that the licensee has failed to comply with any applicable statute, regulation, or ordinance relating to intoxicating liquor. No suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing pursuant to Minnesota Statutes, Sections 15.0418 to 15.0426.

Section 12. Penalty. Any person violating any provision of this ordinance is guilty of a misdemeanor.

Section 13. Repeal. Chapter 6.2 of Clearwater Municipal Code establishing a municipal liquor dispensary adopted May 5, 1958, is hereby repealed.

Section 14. Effective Date. This ordinance becomes effective after publication on June 1, 1978.

Passed by the City Council this 17th day of May, 1978.

CITY OF CLEARWATER, MINNESOTA

ATTEST:

By Curtis Hester
Mayor

Gerald H. Monahan
Clerk

Published in St. Cloud Daily Times on May 23, 1978.

25% COTTON FIBRE

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT
OF A PUBLIC WORKS DEPARTMENT AND THE INSTALLATION,
OPERATION AND MAINTENANCE OF THE WATER SYSTEM
IN THE CITY OF CLEARWATER, WRIGHT COUNTY, MN

The City Council for the City of Clearwater, Wright County, Minnesota, does ordain as follows:

SECTION ONE

GENERAL PROVISIONS

1.01. Public Works Department. There is hereby established a Public Works Department, which shall be under the supervision of the Superintendent of Public Works. The department shall be responsible for the management, maintenance, care and operation of the water works system of the city.

1.02. Use of Water System Restricted. No person shall make or use any water service installation connection to the city water system except pursuant to application and permit as provided in this chapter. No person shall make or use any such installation contrary to the regulatory provisions of this chapter.

1.03. Applications for Service.

Subd. 1. Procedure. Application for a water service installation and for water service shall be made to the Public Works Department on forms prescribed by the Superintendent of Public Works and furnished by the city. By his signature, the applicant shall agree to conform to this chapter and to rules and regulations that may be established by the city as conditions for the use of water.

Subd. 2. Fees or deposit. Application for a service installation shall be made by the owner of the property to be served or by his agent. The applicant shall at the time of making application pay to the city the amount of the fees or deposit required for the installation of the service connection as provided in this chapter. When a water service connection has been installed, application for water service may be made either by the owner or his agent or by the tenant or occupant of the premises.

1.04. Charges for Service Connections.

Subd. 1. Permit and fee. No connection shall be made to the city water system without a permit received from the Superintendent of Public Works. The fee for each such permit shall be \$75.00 and shall include the cost of inspection, one shut-off valve and one meter installation device. The fee for larger metering devices shall be set by the City Council. The Public Works Department shall inspect the service connection with the city main, the service line to the home and the connection inside the home. The trench shall not be filled until after the inspections have been made and approval, in writing, has been obtained from the Superintendent of Public Works. This fee shall be in addition to any fees required under subdivisions 2, 3 and 4.

Subd. 2. Connection fees. When a connection requires installation of a service line from the main to the property line, the applicant for a permit shall pay to the city an amount not less than the cost of making the necessary connections, taps and installation of pipe and appurtenances to provide service to the property and the necessary street repairs. All installation and connection of water lines shall be performed by persons or organizations licensed by the City and who supply to the City a bond in the sum of \$1,000.00 and a certificate of insurance in amounts to be prescribed by the City, except where the installation and connection is being done solely by the owner of the property being serviced. Licenses shall be issued by the Superintendent of Public Works.

Subd. 3. Certifications. No permit shall be issued to connect with any water main until the applicant certifies to the truth of one of the following or the payment required under subdivision 4 is made:

1. That the lot or tract to be served has been assessed for the cost of construction of the main with which the connection is made or that proceedings for levying such assessment have been or will be commenced in due course; or

2. That the cost of construction of the main has been paid by the developer or builder platting the lot or tract; or

3. That if neither of the foregoing is true, a sum equal to the portion of the cost of constructing the main which would be assessable against the lot or parcel has been paid to the City.

Subd. 4. Additional connection fee. If no such certificate can be issued, the applicant shall pay an additional connection fee equal to the portion of the cost of construction of the main upon the same basis as any assessment previously levied against other property for the main. The determination shall be made by the City Council. If no such assessment has been levied, the assessable cost shall be determined upon the basis of the uniform charge which may have been or will be charged for similar connection with the main. The amount shall be determined on the basis of the total assessable cost of the main allocated on the basis of frontage. Where the assessable cost cannot be determined, the charge shall be fixed at \$15.00 per front foot of the property to be served.

1.05. Accounting, Billing and Collecting.

Subd. 1. Accounts in name of owner. All accounts shall be carried in the name of the owner. The owner shall be liable for water supplied to his property, whether he is occupying the property or not, and any charges unpaid shall be a lien upon the property.

Subd. 2. Bills for service. Water service charges shall be mailed to the customers quarterly and shall specify the water consumer and the water charges in accordance with the rates set out by resolution of the City.

Subd. 3. Delinquent accounts. All charges for water service shall be due on the quarterly due date specified by the city for the respective account and shall be delinquent thirty (30) days thereafter. The city shall endeavor to collect delinquent accounts promptly. In any case, where satisfactory arrangements for payment have not been made, the Public Works Department may, after the procedural requirements of subdivision 4 have been complied with, discontinue service to the delinquent customer by shutting off the water at the stop box. When water service to any premises has been discontinued, service shall not

be restored except upon the payment of all delinquent bills and a fee of \$50.00. Delinquent accounts shall be certified to the city clerk who shall prepare an assessment roll each year providing for assessment of the delinquent amounts against the respective properties served. The assessment roll shall be delivered to the council for adoption on or before October 1 of each year for certification to the county auditor for collection along with taxes. Such action is optional and may be subsequent to taking legal action to collect delinquent accounts.

Subd. 4. Procedure for shutoff of service. Water shall not be shut off under Subdivision 3 or for a violation of rules and regulations affecting utility service until notice and an opportunity for a hearing have first been given the occupant of the premises involved. The notice shall be served upon the occupant of the premises by certified mail. Notice shall also be sent by certified mail to the owner of the premises at the address shown on the deed recorded with the County Recorder for Wright County and to the party at the address shown on the most current real estate tax statement on file with the County Auditor for Wright County. The notice shall state that if payment is not made before a day stated in the notice but not less than 10 days after the date on which the notice is given, the water supply to the premises will be shut off. The notice shall also state that the occupant may before such date demand a hearing on the matter, in which case the supply will not be cut off until after the hearing is held. If the customer requests a hearing before the date specified, a hearing shall be held on the matter by the City Council at least two weeks after the date on which the request is made. If as a result of the hearing the City Council finds that the amount claimed to be owing is actually due and unpaid and that there is no legal reason why the water supply of the delinquent customer may not be shut off in accordance with this ordinance, the city may shut off the supply.

SECTION TWO

WATER SYSTEM REGULATIONS

2.01. General Water Regulations.

Subd. 1. Discontinuance of service. The city may discontinue service to any water consumer without notice for necessary repairs or,

upon notice as provided in Section 1.05, Subdivision 4, for nonpayment of charges, or for violation of rules and regulations affecting utility service.

Subd. 2. Supply from one service. No more than one house or building shall be supplied from one service connection except by special permission of the council. Whenever two or more parties are supplied from one pipe connecting with a service main, each building or part of building separately supplied shall have a separate stop box and a separate meter.

Subd. 3. Turning on water, tapping mains. No person except an authorized city employee shall turn on any water supply at the stop box or tap any distributing main or pipe of the water supply system or insert a stop cock or other appurtenance therein without a city permit.

Subd. 4. Repair of leaks. The consumer or owner shall be responsible for maintaining the service pipe from the curb box into the building served. If he fails to repair any leak in such service pipe within 24 hours after notice by the city, the city may turn the water off. The water shall not then be turned on again until the sum of \$50.00 has been paid to the city. When the waste of water is great or damage is likely to result from the leak, the city shall turn the water off immediately upon the giving of notice if repair is not commenced immediately.

Subd. 5. Use of fire hydrants. No person other than an authorized city employee shall operate a fire hydrant or interfere in any way with the city water system without first obtaining authority to do so from the City Council.

Subd. 6. Private water supply. No water pipe of the city water supply system shall be connected with any pump, well or tank that is connected with any other source of water supply. When any such connection is found, the Public Works Department shall notify the owner to sever the connection and if this is not done immediately, the city shall turn off the water supply forthwith. Before any new connection to the city system is permitted, the department shall ascertain that no cross connection will exist when the new connection is made.

Subd. 7. Restricted hours. Whenever the council determines that a shortage of water supply threatens the city, it may, by resolution, limit the times and hours during which city water may be used for sprinkling, irrigation, car washing, air conditioning or other specified uses. After publication of the resolution or two days after the mailing of the resolution to each customer, no person shall use or permit water to be used in violation of the resolution and any customer who does so shall be charged \$10.00 for each day of violation and the charge shall be added to his next water bill. If the emergency requires immediate compliance with terms of the resolution, the council may provide for the delivery of a copy of the resolution to the premises of each customer; and any customer who has received such notice and thereafter uses or permits water to be used in violation of the resolution shall be subject to the charge provided above. Continued violation shall be cause for discontinuance of water service.

Subd. 8. Permitting use by others. No person shall permit city water to be used for any purpose except upon his own premises except in an emergency and then only if written permission is first obtained from the City Council. Anyone wishing to obtain water from a hydrant for construction purposes shall make application for such services.

2.02. Meters.

Subd. 1. Meters required. Except for the extinguishment of fires, no person other than an authorized city employee shall use water from the city water supply system or permit water to be drawn therefrom unless the water passes through a meter supplied or approved by the city. No person not authorized by the Public Works Department shall connect, disconnect, take apart, or in any manner change or interfere with any such meter or its use.

Subd. 2. Deposit. Meters shall be installed by the city at its own expense.

Subd. 3. Maintenance. The city shall maintain and repair at its expense any meter that has become unservicable through ordinary wear and tear and shall replace it if necessary. Where repair or replacement is made necessary by act or neglect of the owner or occupant of the premises it serves, any city expense caused thereby shall be a charge against and collected from the water consumer, and water service may be discontinued until the cause is corrected and the amount charged is paid.

Subd. 4. Complaints, meter testing. When a consumer complains that the bill for any past service period is excessive, the city shall have the meter reread on request. If the consumer remains dissatisfied, he may on written request and the deposit of \$20.00 have the meter tested. If the test shows an error in the city's favor exceeding five percent of the water consumed, the deposit shall be refunded, an accurate meter shall be installed, and the bill shall be adjusted accordingly. Such adjustment shall not extend back more than one service period from the date of the written request.

Subd. 5. Meters property of city. Water meters shall be the property of the city and may be removed or replaced as to size and type when deemed necessary.

Subd. 6. Meter reading and inspection. Authorized meter readers shall have free access at reasonable hours of the day to all parts of every building and premises connected with the city water supply system in order to read meters and make inspections.

2.03. Plumbing Regulations.

Subd. 1. Service pipes. Every service pipe shall be laid with sufficient bend to allow not less than one foot of extra length and in such manner as to prevent rupture by settlement. The service pipe shall be placed not less than 7 1/2 feet below the surface and be so arranged as to prevent rupture by freezing. A shut-off or other stop cock of the size and strength required shall be placed close to the inside wall of the building and be well protected from freezing. Type K copper tubing with 3D fittings shall be used for all services unless

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prior approval is received from the City Council. Joints on copper tubing shall be as few as possible and not more than one joint shall be used for a service up to 70 feet in length. Each joint shall be left uncovered until inspected by the city. Connections with the mains for domestic supply shall be at least one inch. All installations, connections and materials used therein shall meet the standards which are set forth in the State Building Code and State Plumbing Code.

Subd. 2. Water meter setting. Every water meter shall be installed in accordance with the following provisions:

1. The service pipe from the water main to the meter shall be brought through the floor in a vertical position where the pipe enters the building. The stop valve shall be 12 inches above the floor.

2. The bottom of the meter shall be between 6 and 12 inches above the finished floor line. The meter shall be set not more than 12 inches horizontally from the inside line of the basement wall unless a different position is approved by the City Council. A suitable bracket shall be provided by the City to support the meter in a proper vertical position and prevent noise from vibration.

3. Each meter installation shall have a stop valve on the street side of the meter furnished by the city. In no case shall more than 12 inches of pipe be exposed between the point of entrance through the basement floor and the stop valve.

4. The water pipe connecting with the main shall not exceed two feet under the basement floor from the inside of the basement wall to the water meter connection.

5. Meter setting devices for 5/8" x 3/4" meters shall be of copper pipe or tubing from the terminus of the service pipe up to and including the stop valve on the street side.

Subd. 3. Location of stop boxes. Curb stop boxes shall be installed generally where desired by the owners of occupied properties, but they shall be placed as near as possible to the right of way line if on a street or within one foot of the alley line if the main is located in the alley. They shall be installed at an approximate depth

of 7.5 feet below the established grade and shall be left in an accurate vertical position when backfilling is completed.

2.04. Water Rates.

Subd. 1. Service Charge. Each water user shall pay a service charge each quarter year during which water service is furnished as set by the City Council.

Subd. 2. Rate Schedule. In addition, each water user shall pay for water used each month at a rate to be set by the City Council. The charges will be based upon a schedule to be set by the City Council.

SECTION THREE

PENALTY

Any person who violates any provision of this ordinance, alters the operation of the meters or in any way tampers with the flow of water through the meter, shall be guilty of a penal offense and upon conviction thereof shall be punished by a fine of not more than \$500.00 or by imprisonment for a period of time not to exceed 90 days, or both; provided, however, that if a different punishment be prescribed for violation of a specific portion of this ordinance, such provision shall govern the punishment for such violation.

SECTION FOUR

EFFECTIVE DATE

This ordinance shall take effect and be enforced from and after its passage and publication according to law.

Passed by the City Council of the City of Clearwater, Wright County, Minnesota, July 5, 1978.

CITY OF CLEARWATER, WRIGHT COUNTY, MN

BY Arthur Heister
Mayor

ATTEST:

Gerardine H. Monahan
City Clerk

ORDINANCE ADOPTING THE MINNESOTA STATE BUILDING
CODE; PROVIDING FOR ITS ADMINISTRATION AND
ENFORCEMENT AND FIXING FEES FOR BUILDING PERMITS

THE CITY COUNCIL FOR THE CITY OF CLEARWATER, MINNESOTA, ORDAINS:

Sec. 1. Building Code. The Minnesota State Building Code, a copy of which is on file in the office of the City Clerk, is hereby adopted as the building code of the City of Clearwater and incorporated in this ordinance as completely as if set out in full.

Sec. 2. Additional Provisions. The following appendices and supplementary material to the Minnesota State Building Code are also adopted as a part of the building code of the City of Clearwater:

Appendix A - Standards

Appendix D - Organization and Enforcement

Appendix E - Permits and Inspections

Flood Proofing Regulations, Sections 201.2 and 208.2.

Sec. 3. Department and Administrative Authority. The City Building Inspector is the Administrative Authority wherever those terms are used in the Minnesota State Building Code and the Appendices adopted by reference in this ordinance.

Sec. 4. Fees.

Subd. 1. Fee Schedule. The fee for a building permit is set forth in the following schedule according to the value of the construction work as defined in Appendix E of the Minnesota State Building Code:

<u>TOTAL VALUATION</u>	<u>FEE</u>
\$1.00 to \$500.00	\$5.00
\$501.00 to \$2,000.00	\$5.00 for the first \$500.00 plus \$1.00 for each additional \$100.00 or fraction thereof, to and including \$2,000.00.
\$2,001.00 to \$25,000.00	\$20.00 for the first \$2,000.00 plus \$3.00 for each additional thousand or fraction thereof, to and including \$25,000.00.
\$25,001.00 to \$50,000.00	\$89.00 for the first \$25,000.00, plus \$2.50 for each additional thousand or fraction thereof, to and including \$50,000.00.
\$50,001.00 to \$100,000.00	\$151.50 for the first \$50,000.00 plus \$1.50 for each additional thousand or fraction thereof, to and including \$100,000.00.

Subd. 2. Surcharge. In addition to the fee required by Subd. 1, the applicant shall pay a state surcharge in the amount fixed by law. The amount required by law shall be remitted quarterly to the Minnesota Department of Administration.

Sec. 5. Violations and Penalties. It is unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any provision of this ordinance or the codes adopted by reference in this ordinance. Any person, firm, or corporation violating this ordinance or any code adopted by reference in this ordinance shall be deemed guilty of a separate offense for each day or portion thereof during which any such violation is committed,

continued, or permitted, and upon conviction of any such violation, such person, firm or corporation shall be punishable by a fine of not more than Five Hundred (\$500.00) Dollars or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment, plus the costs of prosecution in any case.

Adopted this 7 day of August, 1978.

CITY OF CLEARWATER, MINNESOTA

Center Deaton
Mayor

ATTEST:

Gerald H. Moehner
City Clerk

AN ORDINANCE LICENSING AND REGULATING THE CONDUCT OF GAMBLING AND BINGO OCCASIONS, REPEALING INCONSISTENT ORDINANCES, AND PROVIDING A PENALTY FOR VIOLATION.

The Council of the City of Clearwater, Minnesota, ordains:

Section 1. Purpose. The purpose of this ordinance is to closely regulate and control the conduct of gambling and bingo.

Section 2. Provisions of State Law Adopted. The provisions of Minnesota Statutes, Chapters 325.54, 349, 609.75, 609.76 and Laws of Minnesota, 1978, Chapter 507, relating to the definition of terms licensing and restrictions of gambling and bingo are adopted.

Section 3. Gambling Device; Possession Of. The intentional possession or willful keeping of a gambling device upon any licensed premises is cause for the revocation of any license under which the licensed business is carried on upon the premises where the gambling device is found, provided that possession of the gambling devices commonly known as "paddlewheels" or "tipboards" or apparatus used in conducting raffles on the premises of a non-profit organization and operated by organizations licensed for such operation pursuant to this ordinance shall not be cause for revocation of a license.

Section 4. Restrictions. Every licensee shall be responsible for the conduct of his place of business and for conditions of sobriety and order therein. No licensee shall keep, possess, or operate, or permit the keeping, possession, or operation of, on the licensed premises, or in any room adjoining the licensed premises, any slot machine, dice, or any gambling device or apparatus, nor permit any gambling therein, nor permit the licensed premises or any room in the same, or in any adjoining building, directly or indirectly under its control to be used as a resort for prostitutes or other disorderly persons, except that gambling devices may be kept or operated and raffles conducted on licensed premises and adjoining rooms when such activities are licensed by this City Council. No person under 18 years of age shall be employed in any rooms constituting the place in which intoxicating liquors are sold at retail "on-sale", except that persons under 18 years of age may be employed as musicians or to perform the duties of a busboy or dishwashing services in places defined as a restaurant or hotel or motel serving food in rooms in which intoxicating liquors are sold at retail "on-sale".

Section 5. Definitions.

Subdivision 1. For the purposes of this section the terms defined in this section have the meanings given them.

Subdivision 2. "Gambling devices" mean those gambling devices known as "paddlewheels" or "tipboards", or apparatus used in conducting raffles.

Subdivision 3. "Paddlewheel" means a wheel marked off into sections containing one or more numbers, and which, after being turned or spun, uses a pointer or marker to indicate winning chances.

Subdivision 4. "Tipboard" means a board, placard or other device measuring at least 12 inches square, marked off in a grid or similar pattern, in which each section contains a hidden number or numbers, or other symbol, which determines the winning chances.

Subdivision 5. "Raffle" means a game in which a participant buys a ticket for a chance at a prize with the winner determined by a random drawing.

Subdivision 6. "Profit" means the gross receipts from the operation of gambling devices and the conduct of raffles, less reasonable sums expended for prizes, local licensing fees, taxes and maintenance costs for the devices.

Subdivision 7. "Active Member" means a member who has paid all his dues to the organization and has been a member of the organization for at least six months.

Subdivision 8. Nothing in this section shall be construed to authorize any use, possession or operation of:

1. Any gambling device which is activated by the insertion of a coin or token, or

b. Any gambling game or device in which the winning numbers, tickets or chances are in any way determined by the outcome of any athletic contest or sporting event; or

c. Slot machines, roulette wheels, punchboards and pinball machines which return coins or slugs, chips or tokens of any kind, which are redeemable in merchandise or cash.

Subdivision 9. "Bingo" means a game where each player has a card or board for which a consideration has been paid containing five horizontal rows of spaces, with each row except the central one containing five figures. The central row has four figures with the word "free" marked in the center space thereof. A player wins a game of bingo by completing any preannounced combination of spaces or, in the absence of a preannouncement of a combination of spaces, any combination of five spaces in a row, either vertical, horizontal or diagonal.

Subdivision 10. "Bingo occasion" means a single gathering or session at which a series of one or more successive bingo games is played.

Subdivision 11. "Checker" means a person who records the number of bingo cards purchased and played during each game and records the prizes awarded to the record-keepers, but does not collect the payment for the cards.

Section 5. License Fees.

Subdivision 1.
a. The annual fee for the operation of gambling devices as defined in this ordinance shall be \$10.00. The annual fee for the conduct of bingo occasions as defined in this ordinance shall be \$10.00.

b. The fee for the operation of gambling devices or the conduct of bingo occasions for an approved organization which will conduct no more

than three gambling occasions annually is hereby waived.

Subdivision 2. Application Procedure. Application for a license shall be made in the manner prescribed by the Council. No person shall make a false representation in an application. The Council shall act upon said application within 90 days from the date of application, but shall not issue a license until at least 30 days after the date of application.

Section 7. Persons Eligible for a License. Licenses shall be issued only to a fraternal, religious, veterans or other non-profit organization which has been in existence for at least three years and has at least 30 active members. The following may be eligible for a gambling license:

"Any corporation, fund, foundation, trust or association organized for exclusively scientific, literary, religious, charitable, educational, or artistic purposes, or for the purpose of making contributions to or for the use of the United States of America, the State of Minnesota or any of its political subdivisions for exclusively public purposes, or for any combination of the above enumerated purposes, if no part of the net income of any such corporation, fund, foundation, trust or association inures to the benefit of any private member, stockholder, or individual; or any clubs or organized and operated exclusively for pleasure, recreational, or other non-profitable purposes, no part of the net income of which inures to the benefit of any private member, stockholder, or individual."

Section 8. Profits. Profits from the conduct of bingo occasions, the operation of gambling devices or the conduct of raffles shall be used solely for lawful purposes and as authorized at a regular meeting of the organization.

"Lawful purpose" means one or more of the following:

a. Benefiting persons by enhancing their opportunity for religious or educational advancement, by relieving or protecting them from disease, suffering or distress, by contributing to their physical well-being, by assisting them in establishing themselves in life as worthy and useful citizens, or by increasing their comprehension of and devotion to the principles upon which this nation was founded.

b. Initiating, performing, or fostering worthy public works or enabling or furthering the erection or maintenance of public structures.

c. Lessening the burdens borne by government or voluntarily supporting, augmenting or supplementing services which government would normally render to the public; or

d. The improving, expanding, maintaining or repairing of real property owned or leased by an organization.

"Lawful purposes" does not include the erection or acquisition of any real property, unless the City Council specifically authorizes the expenditures after finding that the property will be used exclusively for one or more of the purposes specified in this clause.

Section 9. Conduct of Bingo Occasions and Gambling. All operation of gambling devices and the conduct of raffles and bingo occasions shall be under the supervision of a single gambling manager or bingo manager designated by the organization. The gambling or bingo manager shall be responsible for gross receipts and profits from gambling devices, raffles and bingo and for their operation. The gambling or bingo manager shall be responsible for using profits for a lawful purpose.

Subdivision 1. Bond. The gambling or bingo manager shall provide a fidelity bond in the sum of \$10,000.00 in favor of the organization conditioned on the faithful performance of his duties. This requirement may be waived upon showing proof of a blanket bond in the favor of the organization in which the designated gambling manager is included.

Subdivision 2. Qualifications of gambling or bingo manager. The gambling or bingo manager shall be an active member of the organization and shall qualify under state law.

Section 10. Compensation. No compensation shall be paid to any person in connection with the operation of a gambling device or the conduct of a raffle or bingo occasion by a licensed organization. No person who is not an active member of an organization, or its auxiliary, or the spouse or surviving spouse of an active member may participate in the organization's operation of a gambling device or conduct of a raffle or bingo occasion.

Section 11. Reporting Requirements.

Subdivision 1.
a. Each organization licensed to operate gambling devices shall keep records of its gross receipts, expenses and profits for each single gathering or occasion at which gambling devices are operated or a raffle or bingo occasion is conducted. All deductions from gross receipts for each single gathering

or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased items or service or other reason for the deduction, and the recipient. The distribution of profits shall be itemized as to payee, purpose, amount and date payment.

b. Gross receipts from the operation of gambling devices and the conduct of raffles shall be segregated from other revenues of the organization, including bingo gross receipts, and placed in a separate account. Each organization shall have separate records of its gambling operation and its bingo. The person who accounts for gross receipts, expenses and profits from the operation of gambling devices or the conduct of raffles or bingo occasions shall not be the same person who accounts for other revenues of the organization, except that such person may be the same person who accounts for bingo gross receipts, expenses and profits. **Subdivision 2.** Each organization licensed to operate gambling devices, to conduct raffles or conduct bingo occasions shall report monthly to its membership, and to the licensing local unit of government, its gross receipts, expenses and profits from gambling devices, raffles or bingo and the distribution of profits itemized as required in this subdivision.

Subdivision 3. Records required by this section shall be preserved for three years, and organizations shall make available their records relating to the operation of gambling devices and the conduct of raffles or bingo occasions for public inspection at reasonable times and places.

Section 12. Eligible Premises. Gambling devices shall be operated and raffles and bingo occasions conducted by a licensed organization only upon premises which it owns or leases, except that tickets for raffles may be sold off the premises. Leases shall be in writing and shall be for a term of at least one month. No lease shall provide that rental payments be based on a percentage of receipts. A copy of the lease shall be filed with the City Clerk.

Section 13. Prizes. Total prizes from the operation of paddlewheels and tipboards awarded in any single day in which they are operated shall not exceed \$500.00. Total prizes resulting from any single spin of a paddlewheel, or form any single tipboard, shall not exceed \$100.00. Total prizes awarded in any calendar year by any organization from the operation of paddlewheels and tipboards and the conduct of raffles shall not exceed \$15,000.00. Merchandise prizes shall be valued at fair market retail value.

Section 14. Penalties. Violation of any provision of this section is a misdemeanor. This subdivision shall not preclude civil or criminal action under other applicable law or preclude any agency of government from investigating or prosecuting violations of the provisions of this section. A person convicted of violating any provision of this ordinance shall be subject to a fine of not more than \$500.00 or imprisonment for a term not to exceed 90 days or both.

Section 15. Not Bets. The operation of a gambling device or the conduct of a raffle or bingo occasion as set out in this ordinance shall not be deemed a bet.

Section 16. Suspension and Revocation.

Subdivision 1. Any license may be suspended or revoked for any violation of this ordinance. A license shall not be suspended or revoked until the procedural requirements of Subdivision 2 have been complied with, provided that in cases where probable cause exists as to an ordinance violation, the City may temporarily suspend upon service of notice of the hearing provided for in Subdivision 2. Such temporary suspension shall not exceed two weeks.

Subdivision 2. Procedure. A license shall not be revoked under Subdivision 1 until notice and an opportunity for a hearing have first been the licensee. The notice shall be personally served and shall state the ordinance provision reasonably believed to be violated. The notice shall also state that the licensee may demand a hearing on the matter, in which case the licensee will not be suspended until after the hearing is held. If the licensee requests a hearing one shall be held on the matter by the Council at least one week after the date on which the request is made. If as a result of the hearing, the Council finds that an ordinance violation exists, then the Council may suspend or terminate the license.

Section 17. Effective Date. This ordinance becomes effective upon its passage and publication according to law.

Passed by the Council the 20th day of September, 1978.
CITY OF CLEARWATER
MINNESOTA
By (s) Curtis Heato
Mayc

ATTEST
(s) Geraldine Moorhouse
City Clerk
Publish September 29, 1978

Samling and King

ORDINANCE DECLARING A TEMPORARY MORATORIUM OF
NEW CONSTRUCTION, SUBSTANTIAL IMPROVEMENTS, AND
OTHER DEVELOPMENT IN THE AREAS OF SPECIAL FLOOD
HAZARD IN THE CITY OF CLEARWATER, MINNESOTA

WHEREAS, the City of Clearwater, Minnesota, has ben been notified by the Federal Insurance Administration that its eligibility for participation in the National Flood Insurance Program may be suspended if satisfactory flood plain management measures are not enacted by the City of Clearwater before November 1, 1979; and

WHEREAS, a temporary moratorium on new construction, substantial improvement, and other development in areas of special flood hazard will suffice to extend the City of Clearwater's eligibility in the National Flood Insurance Program through the term of the moratorium; and

WHEREAS, the City of Clearwater acknowledges that its eligibility for participation in the National Flood Insurance Program may be suspended at the expiration of this moratorium if flood plain management measures meeting the standards of Section 1910.3(d) of the program regulations (24 CFR 1909, etc.) are not enacted.

NOW, THEREFORE, BE IT ORDAINED by the City Council for the City of Clearwater, Minnesota:

Section 1. That new construction, substantial improvement, and other development in areas of special flood hazard in the City of Clearwater identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Clearwater" dated May, 1979, with accompanying flood insurance rate maps and flood boundary-floodway map shall not be permitted prior to February 1, 1980.

Section 2. That the building department shall be formally instructed by the City Council that no permits for new construction, substantial improvement, and other development shall be issued within Federal Insurance Administration designated areas of special flood hazard prior to February 1, 1980.

Section 3. That this ordinance is hereby declared to be an emergency measure and shall take effect and be enforced immediately after its passage and approval. The reason for the emergency lies in the

fact that this ordinance is necessary for the immediate preservation of the public property, safety, welfare and health.

Passed this 5 day of November, 19 79, as emergency measure.

CITY OF CLEARWATER, MINNESOTA

By Arthur Hator
Mayor

ATTEST: Gerald H. Morhouse
City Clerk

**An Ordinance relating to the Control and Prevention of Weeds within the City of Clearwater. The City Council of the City of Clearwater, Minnesota, Ordains as follows:
Clearwater Weed Control Ordinance**

Weeds.

1. Definition of Weeds. The word "weeds" as used in this section shall be construed to mean and include all noxious weeds as defined by the statutes of the State of Minnesota and all such useless and troublesome plants as are commonly known as weeds to the general public.

2. Nuisance. All weeds or growing grass upon any lot or parcel of land in the City of Clearwater to the greater height of one foot, or which have gone or are about to go to seed, are hereby declared to be a nuisance and dangerous to the health, safety and good order of the City.

3. Notice. When the owner and/or occupant permit a nuisance to exist in violation of Section 2, the Weed Inspector, or his assistants, shall serve a notice on the owner, occupant or agent of the owner of such lot or parcel of land ordering such person to have such weeds or grass cut and removed or otherwise eradicated or removed within ten days after the service of such notice; such notice shall also state that in event of non-compliance, removal will be done by the City of Clearwater at the owner's expense. When no owner, occupant or agent of the owner can be found, notice shall be sent by Registered Mail to the person who is listed on the records of County Auditor or County Treasurer as the owner; service will be complete with mailing.

4. Assessment. If such person fails to comply with the notice within ten days after service, or if no owner, occupant or agent can be found, the Weed Inspector, or his assistants, shall have such weeds cut and removed or otherwise eradicated. A record showing the cost of such work attributable to each separate lot or parcel shall be delivered to the City Clerk. On or before the first day of October of each year, the amount so charged against said lot or parcel of land, together with a description of the premises and the name of supposed owner shall be certified to the County Auditor and shall be collected in the same manner as taxes and/or special assessments against said premises. The charge shall be a perpetual lien on the premises until paid.

5. Penalty. Any person who shall fail or neglect to cut and remove or otherwise eradicate weeds or grass as directed in this section, or who shall fail, neglect or refuse to comply with the provisions of any notice provided herein or shall violate the provisions of this section or who shall resist or obstruct the Weed Inspector or his employees in the cutting, removal or eradication of weeds or grass shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than \$100.00 or imprisonment for not more than thirty days. Each day on which such violation continues shall constitute a separate offense.

6. Definition of Person. The word "Person" as used in this section shall mean natural persons, partnerships, associations, corporations and all other entities.

7. Application and Exceptions. The provisions of this section shall apply to all lands within the City of Clearwater.

8. Separability. In case any section of this ordinance is held invalid by a Court of competent jurisdiction, the invalidity shall extend only to the section affected, and other sections of the ordinance shall continue in full force and effect.

9. This Ordinance is effective from and after its passage and publication.

Adopted by the Council 8 day of September, 1980.

Curtis Heaton, Mayor
Attest: Geraldine H. Moorhouse,
Clerk
Publish: October 14, 1980.