



Clearwater (Minn.). Records

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ORDINANCE 82-3

AN ORDINANCE AUTHORIZING THE OPEN BURNING OF LEAVES

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

Section 1
BURNING OF LEAVES

Section 1.01 BURNING OF LEAVES PERMITTED. The burning of dried leaves is permitted within the corporate limits of the City of Clearwater only in accordance with conditions set forth in this ordinance.

Section 1.02 TIME. The burning of dried leaves shall be permitted to occur from dawn to 8:00 p.m. on Thursday, Friday and Saturday beginning with the second Thursday of April and ending with the last Saturday in May, and then beginning with the second Thursday of October and ending with the last Saturday in November of each year subject to cancellation as provided in 1.03.

Section 1.03 DECLARATION OF AIR POLLUTION OF FIRE DANGER ALERT.

Subd. 1. AIR POLLUTION ALERT. No burning of leaves shall take place during an air pollution alert, warning or emergency declared by the Minnesota Pollution Control Agency.

Subd. 2. FIRE DANGER ALERT. No burning of leaves shall take place during a fire danger alert declared by the fire chief for the City of Clearwater or by the Commissioner of the Minnesota Department of Natural Resources.

Subd. 3. PUBLIC NOTICE. Notice of any fire danger alert or of any air pollution alert, warning or emergency shall be broadcast periodically on any day during which open burning of leaves would otherwise be permitted.

Section 1.04 GENERAL PRECAUTIONS AGAINST FIRE.

Subd. 1. KINDLING OF FIRE ON LAND OF OTHER RESTRICTED. No person shall ignite or burn any dried leaves upon the land of another without the permission of the owner thereof or his agent.

Subd. 2. BURNING ON PUBLIC PROPERTY. No person shall ignite or burn any dried leaves on any publicly owned or controlled lot or parcel of land, public bridge, street, sidewalk or other public place which has not been set aside by public authorities for such purpose.

Subd. 3. LOCATION RESTRICTED. No person shall ignite or maintain any fire permitted by this ordinance or authorize any such fire to be ignited or maintained on any private land unless:

A) The fire is contained in an approved waste burner located safely not less than 15 feet from any structure, OR

B) The location is not less than 30 feet from any structure and adequate provision is made to prevent fire from spreading to within 30 feet of any structure.

Subd. 4. ATTENDANCE OF FIRES. Any fire authorized by this ordinance shall be constantly attended by a competent person until such fire is extinguished. This person shall have a garden hose connected to the water supply, or other fire extinguishing equipment readily available for use.

Subd. 5. DRIED LEAVES ONLY. No person shall kindle or maintain any fire permitted by this ordinance or authorize such fire to be ignited or maintained if the material to be burned consists of anything other than dried leaves.

Section 1.05 APPROVED WASTE BURNERS. An approved waste burner for the purposes of this ordinance shall be constructed of fire resistant material, have a capacity of at least three bushels, be maintained with a minimum burning capacity of at least two bushels, and have a cover which is closed when in use and openings in the top or sides of one inch maximum diameter. No combustible material shall be nearer than three feet to the burner or incinerator when in use.

Section 1.06 PENALTIES. Violations of any of the provisions of this ordinance shall be petty misdemeanors. The third violation and all subsequent violations within a one year period of time shall constitute a misdemeanor.

Section 1.07 EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication according to law.

ADOPTED BY THE CITY COUNCIL FOR THE CITY OF CLEARWATER, MINNESOTA, ON THE 6th DAY OF DECEMBER, 1982.

CITY OF CLEARWATER

By Marilynn H. Heubrodt
Acting Mayor

ATTEST:

Donald E. Sankey
City Clerk

PUBLISHED IN THE ST. CLOUD DAILY TIMES ON December 29, 1982.

ORDINANCE 83-1

AN ORDINANCE LICENSING AND REGULATING THE CONDUCT OF BINGO AND RAFFLES AND THE USE OF PADDLEWHEELS, TIPBOARDS, AND PULL-TABS OR TICKET JARS AND PROVIDING A PENALTY FOR VIOLATION

The Council of the City of Clearwater ordains:

Section 1. Purpose.

The purpose of this ordinance is to closely regulate and control the conduct of the game of bingo, the holding of raffles, and the use of gambling devices and to prohibit commercialization of these activities.

Section 2. Definitions.

Subd. 1. General. Whenever the following terms appear in this ordinance, they have the meanings given them in this section.

Subd. 2. Active member. A member of a licensed organization whose dues are paid for the current membership period, and who has been a member for at least six months.

Subd. 3. Bingo. 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 pre-announced combination of spaces or any combination of five spaces in a row, either vertical, horizontal, or diagonal.

Subd. 4. Bingo occasion. A single gathering or session at which a series of one or more successive bingo games is played.

Subd. 5. Eligible organization. Any fraternal, religious, veterans, or other nonprofit organization which has been in existence for at least three years and has at least 15 active members.

Subd. 6. Gambling devices. Those gambling devices known as paddlewheels, tipboards, pull-tabs (or ticket jars) or apparatus used in conducting raffles.

Subd. 7. Paddlewheel. A wheel marked off into sections containing one or more numbers and which, after being turned or spun, uses a pointer or marker to

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indicate winning choices.

Subd. 8. Profit. In the case of a bingo license, the gross receipts collected from bingo occasions, less reasonable sums necessarily and actually expended for bingo supplies and equipment, prizes, rent, and utilities used during the bingo occasions, bingo license fees, taxes related to bingo, and other expenses permitted by Minnesota Statutes, Section 349.11 to 349.23. In the case of licenses to operate gambling devices, 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.

Subd. 9. Pull-tabs (or ticket jars). A single folded or banded ticket or a card the face of which is initially covered, or otherwise hidden from view, to conceal a number or set of numbers or a symbol or set of symbols. A few of the numbers or symbols out of every set of pull-tabs (or ticket jars) will have been designated in advance and at random as prizewinners. A participant pays a consideration to an operator for the opportunity to obtain a folded or banded ticket or a card, view the numbers or symbols on it and possibly obtain a prizewinning pull-tab (or ticket jar) number or symbol.

Subd. 10. Raffle. A game in which a participant buys a ticket for a chance at a prize with the winner determined by a random drawing to take place at a location and date printed upon the ticket.

Subd. 11. Tipboard. A board, placard or other device measuring at least 12 inches square, marked off in a grid or columns, in which each section contains a hidden number or numbers, or other symbol which determines the winning chances.

Section 3. Licenses.

Subd. 1. License required. The unlicensed conduct of bingo, raffles and the use of gambling devices within the city is prohibited. Any eligible organization may conduct bingo occasions or use gambling devices or conduct raffles only after receiving a license so authorizing from the council. Licenses are of four kinds: (1) a license to conduct bingo occasions; (2) a license to use gambling devices, including the conduct of raffles; (3) a combination license to conduct bingo occasions and use gambling devices, including the conduct of raffles; and (4) a license used for the sole purpose of conducting a single raffle.

Subd. 2. Application. An application for any of the four licenses listed in Subd. 1 shall be made to the city clerk on a form obtained at the clerk's office. This application shall be sufficient to show that the applicant is eligible for a license and that the operations described conform to the law and this ordinance. Each application shall be verified by a duly authorized officer of the organization seeking the license, and by the designated bingo or gambling manager, or both managers in the case of a combination license. No application shall be accepted unless it is accompanied by the full annual fee for the license sought. No person shall make a false statement in an application. The council shall act on a license application within ninety (90) days from the date of the application, but shall not issue a license until at least 15 days after the application date.

Subd. 3. Duration of licenses. All licenses issued under this ordinance shall be for a period of one year from the date of issuance, with the exception of the single raffle license which must be applied for prior to each raffle and which has a duration only as long as the duration of the raffle for which the license is issued.

Subd. 4. Fees. The annual license fee for a bingo license shall be \$20.00. The annual fee for a license to use gambling devices shall be \$20.00. The annual fee for a combination license shall be \$40.00. The fee for a single raffle license

shall be \$20.00, except that the fee is waived if the value of the prize of the raffle does not exceed \$200.00. Application for the single raffle license, however, must still be presented to the council for approval.

Subd. 5. Transfer. No license issued under this Ordinance shall be transferred to any other organization. No such license shall be transferred to any location other than that specified in the application without the prior approval of the council.

Section 4. Eligible premises.

Subd. 1. General. Bingo occasions, gambling devices and raffles shall be operated and conducted by a licensed organization only upon premises designated on the application and approved by the city council.

Subd. 2. Limit on bingo occasions. Any person, corporation, or eligible organization allowing two or more eligible organizations to conduct bingo occasions on premises it owns shall not allow more than four (4) bingo occasions to be conducted on the premises in any week.

Section 5. Conduct of bingo and gambling operations.

Subd. 1. Gambling-Bingo manager. Each eligible organization licensed to conduct bingo occasions shall appoint a bingo manager to supervise such occasions. Each eligible organization licensed to use gambling devices and conduct raffles shall appoint a gambling manager to supervise operations so licensed. A person may act as both gambling manager and bingo manager for a single organization, but neither a gambling manager nor a bingo manager may act as either a gambling manager or a bingo manager for any other organization. A gambling or bingo manager shall be designated by the licensed organization, and shall be an active member of the organization who has been such for at least the past two years. The bingo or gambling manager shall give a fidelity bond in the sum of \$5,000 in favor of the licensed organization conditioned on the faithful performance of his or her duties, except that the city council may waive the bond requirement by unanimous vote upon a showing by the proposed manager and the licensee that a bond is not

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required to protect the organization. Terms of the bond shall provide that notice shall be given in writing to the city council not less than 30 days prior to its cancellation. Each licensed activity shall be conducted under the direct supervision of the bingo or gambling manager, who shall be responsible for the conduct of each activity in compliance with all applicable laws and ordinances.

Subd. 2. Assistants. One or more checkers shall be engaged for each bingo occasion. Checkers shall be active members of the licensee or spouses of active members. Checkers shall record the number of cards purchased and played in each game prior to the completion of each game and record the prizes awarded to the recorded cards. Additional persons may be engaged for other duties as needed in connection with bingo occasions or the operation of gambling devices, but no person shall so assist who is not an active member of the licensed organization or the spouse of an active member, except that in the conduct of a raffle the licensee may utilize nonprofit organizations in raffle ticket sales. No person shall receive more than \$10.00 as compensation for any duties in connection with any one bingo occasion.

Subd. 3. Bingo occasions. A licensee may conduct no more than 104 bingo occasions each year or two bingo occasions each week. A bingo occasion shall not continue for more than four consecutive hours.

Section 6. Prizes.

Subd. 1. Bingo prizes. Prizes for a single bingo game shall not exceed \$100.00 except prizes for a game of the type commonly known as a "cover-all" game. "Cover-all" prizes may exceed \$100.00 provided that the aggregate value of prizes for a bingo occasion shall not exceed \$500.00. The aggregate value of prizes for a bingo occasion shall not exceed \$2,500.00 except in the case of a bingo occasion during which a "cover-all" game is played for a maximum prize more than \$100.00 but not more than \$500.00, the value of prizes for the bingo

occasion shall not exceed. \$3,000.00. Merchandise prizes shall be valued at fair market retail value. Each bingo winner shall be determined and every prize shall be awarded and delivered the same day on which the bingo occasion is conducted.

Subd. 2. Prizes for gambling devices, raffles. Total prizes from the operation of paddlewheels, tipboards, and pull-tabs (or ticket jars) 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 from any single seal of a tipboard, each tipboard being limited to a single seal, or from a single pull-tab (or ticket jar), shall not exceed \$150.00. Total prizes awarded in any calendar year by any organization from the operation of paddlewheels, tipboards and pull-tabs (or ticket jars) and the conduct of raffles shall not exceed \$35,000.00. Merchandise prizes shall be valued at fair market retail value and shall be awarded and delivered the same day that a winner is determined.

Section 7. Accounting and reporting requirements.

Subd. 1. Gross receipts. Each bingo licensee shall keep records of its gross receipts and profits for each bingo occasion. Gross receipts shall be compared to the checker's records for the bingo occasion by a person who did not sell cards for the bingo occasion. Each organization licensed to operate gambling devices

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shall keep records of its gross receipts, quantity of free plays, if any, expenses and profits for each single gathering or occasion at which gambling devices are operated or a raffle is conducted. All deductions from gross receipts from a bingo occasion and for each single gathering or occasion at which gambling devices are operated or a raffle is conducted shall be documented with receipts or other records indicating the amount, a description of the purchased item 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 of payment.

Subd. 2. Accounts. Bingo gross receipts shall be segregated from other revenues of the licensee and placed in a separate account. Gross receipts from the operation of gambling devices and the conduct of raffles shall be segregated from other revenues of the licensee, including bingo gross receipts, and placed in a separate account. Each organization shall have separate records of its bingo operations and of its gambling operations. The person who accounts for the gross receipts, expenses and profits from bingo operations and from the operation of gambling devices or the conduct of raffles may be the same person but may not be the person who accounts for other revenues of the organization.

Subd. 3. Preservation and inspection of records. Records required by this ordinance shall be preserved for three years and shall be made available for public inspection and investigation at reasonable times and places. The police department may investigate such records at any time.

Section 8. Reports.

Subd. 1. Monthly reports. Each organization licensed under this ordinance shall report monthly to its membership and to the city clerk its gross receipts, expenses, and profits from its activities so licensed and the distribution of those profits itemized as required by Section 7, separating the figures for bingo operations from those for gambling if both are licensed.

Subd. 2. Filing documents. At least 30 days prior to conducting its first bingo occasion or the first gathering or occasion at which gambling devices are operated or a raffle is conducted and on an annual basis thereafter, a licensee shall file with the city clerk a copy of each of the following:

- a. The most recently filed Department of Treasury, Internal Revenue Service, "Return of Organization Exempt from Income Tax," Form 990, or a comparable form if the organization is required to file the form with the Department of the Treasury.
- b. The most recently filed Department of Treasury, Internal Revenue Service, "Exempt Organization Business Income Tax," form 990-T, or a comparable form if the organization is required to file the form with the Department of the Treasury.
- c. Any lease agreements required by this ordinance, executed by the organization in regard to premises leased for the conduct of bingo if the organization has a bingo license and for the operation of gambling devices and the conduct of raffles if the organization has a gambling devices license.

Section 9. Use of Profits.

Subd. 1. Restrictions on use. Profits from any activities licensed under this ordinance shall be expended only as authorized by a resolution recorded in the official minutes at a regular meeting of the licensed organization and only for one or more of the purposes specified in the following subdivisions.

Subd. 2. Aid to persons. Such profits may be spent for 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.

Subd. 3. Public Works. Such profits may be used for initiating, performing, or fostering worthy public works or enabling or furthering the erection or maintenance of public structures.

Subd. 4. Governmental services. Such profits may be used for lessening the burdens borne by government or voluntarily supporting, augmenting, or supplementing services which government would normally render to the people.

Subd. 5. Real property. Such profits may be used for the acquisition, erection, improvement, expansion, maintenance or repair of real property owned or leased by an eligible organization only upon receiving prior approval from the city council for this particular expenditure. The organization must state, in writing, that after the expenditure of funds for this purpose that the property will be used exclusively for one or more of the purposes specified in this section.

Section 10. Exceptions.

Operations governed by this ordinance may be conducted without complying with the requirements of Section 4 and Section 5, Subdivision 3 if conducted (a) in connection with a civic celebration recognized by resolution of the city council, provided that such operations shall not be conducted for more than 12 days during any one recognized civic celebration, or (b) by any organization that conducts fewer than five such operations in any calendar year.

Section 11. Exclusions.

Nothing in this ordinance authorizes any use, possession, or operation of any gambling device which is activated by the insertion of a coin or token, or 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.

Section 12. Restrictions.

Persons under the age of 18 may not participate in any of the bingo or gambling operations unless accompanied by a parent or legal guardian.

Section 13. Suspension and revocation.

No licensee shall have a vested right in any license issued under this ordinance. Any such license may be suspended for a period not exceeding 60 days or revoked by the council at any time for violation of any provision of this ordinance or applicable state law. The licensee shall be granted an opportunity for a hearing upon at least ten days' notice before revocation or suspension is ordered. The notice shall state the time and place of the hearing and the nature of the charges against the licensee.

Section 14. Penalties.

Any person violating any provision of this ordinance is guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than \$500 or imprisonment not to exceed 90 days or both, plus in either case the costs of prosecution.

Section 15. Repeal.

Ordinance dated September 20, 1978 entitled "An Ordinance Licensing and Regulating the Conduct of Gambling and Bingo Occasions, Repealing Inconsistent Ordinances, and Providing a Penalty for Violation" is repealed.

Section 16. Effective date.

This ordinance becomes effective on the date that it is published in the St. Cloud Daily Times.

PASSED BY THE CITY COUNCIL THIS 20th DAY OF June, 1983.

Wes Witkowski
Mayor

Donald E. Lankey
City Clerk

PUBLISHED IN THE ST. CLOUD DAILY TIMES July 1, 1983

ORDINANCE NUMBER 83-8

AN ORDINANCE AMENDING SECTION 5 OF ORDINANCE 83-1

The Council of the City of Clearwater ordains:

That portion of Section 5 pertaining to the requirement for a fidelity bond for the bingo or gambling manager is amended on line 10 by deleting "\$5,000" and inserting "\$10,000" in its place.

PASSED BY THE CITY COUNCIL THIS 7th DAY OF November, 1983.

W. W. Witkowski
Mayor

Donald Chamber
City Clerk

ORDINANCE 83-2

AN ORDINANCE OF THE CITY OF CLEARWATER REGULATING THE
KEEPING OF DOGS, CATS AND OTHER ANIMALS WITHIN THE LIMITS OF THE CITY

Chapter 7.2 - Dogs, Cats and Other 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, cat or other animal specified herein.

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 City pound.

Subd. 7. "Pound" means the duly licensed facility designated by the City 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 manufactured home.

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 City of Clearwater.

Section 2.1. Restriction on 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. All dogs must be leashed, tied, penned or fenced at all times.

Subd. 3. It shall be unlawful for any owner to maintain at any place within the City 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 other 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 fifteen (15) 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 fifteen (15) days. If at the end of fifteen (15) 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 City 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 City of Clearwater, known to be vicious, which animal known to its owner has, on at least one prior occasion, without provocation attached, 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 handicapped master.

Section 2.7. Kennels

No person shall maintain a kennel within the limits of the City 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 City 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 non-spayed female dog. The fees listed herein shall double if not paid within the time limits set forth in Section 3.3.

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 twelve (12) 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; Method of Licensing

It shall be the duty of the owner of a dog required to be licensed to pay to the City Clerk the prescribed license fee on or before the 31st day of May, in each year, or within five (5) days of acquiring ownership or possession of an unlicensed dog, or within ten (10) days of establishing residence in the City. The City Clerk shall publish periodically, each year, in the official newspaper of the City, a notice of the requirement for obtaining such license and paying such license fee. Two publications each year shall occur during the thirty (30) days 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. The City may periodically send a peace officer, or an authorized person employed by the City, door-to-door to license dogs as prescribed in this ordinance. Such action does not relieve the owner of any duty specified herein. Such authorized person will carry a letter from the City Clerk authorizing them to collect fees and license dogs. An owner's failure to license any unlicensed dog at that time shall be cause for, immediate impounding as prescribed in Section 4.1. If a dog is unable to be licensed at that time because the owner is not home, or the dog has not been properly immunized as prescribed in Section 3.2, the City Clerk shall send the owner a certified letter giving the owner five (5) days to comply with the provisions of Sections 3.1 through 3.5 of this ordinance. If the owner does not comply with this time limit, impounding under Section 4.1 shall be ordered.

Section 3.4. Receipts and Tags

Upon payment of the required license fee, the City Clerk, or other authorized

person, shall execute a receipt, in duplicate, showing the name and place of residence of the person to whom issued, and the number of the dog tag delivered to such person. The City Clerk shall procure a sufficient number of suitable tags, which are consecutively numbered. One tag per dog licensed, will be issued to the person paying the fee. The owner shall affix the tag, be a permanent fastening, to the collar of the dog so licensed, in such a 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 City Clerk upon presentation of a receipt showing the payment of the license fee for the then current year. A fee of One Dallar (\$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, with the exception that 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 City 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, or any authorized person employed by the City, to take up and impound any dog found in the City without the currently effective tag provided for in Section 3.4 hereof; or any dog found running at large at any time within the City in violation of Section 2.1, Subd. 2 hereof; and in enforcing this ordinance such officers, or employees, 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 a license has been duly issued for said dog, presentation of a receipt showing payment to the City Clerk of the impounding fee of Twenty Dollars (\$20.00) for the first offense or Fifty Dollars (\$50.00) for any subsequent offense, and payment to the pound for all boarding and other fees incurred during the period of impoundment. 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. Owners of dogs who live outside of the City and who are not subject to the licensing requirements of this ordinance, and whose dog or dogs have been impounded for running at large within the City, may redeem their dog(s) within the same time limits as above by completing all of the redemption requirements except that of licensing.

Section 4.3. Disposition of Unredeemed, Sick or Injured Dogs

Any dog not redeemed as provided for in Section 4.2, within the time specified therein, may be disposed of in any humane manner selected by the Poundmaster. Any sick or injured dog which has been impounded may be disposed of in any humane manner if the Poundmaster has been unable to locate the owner after reasonable effort, and if, in his discretion, the humane action would be the destruction of the animal.

Section 5.0. Violations

Upon notification to the City Clerk of any violation of any provision of this ordinance, with the exception of Section 2.1, Subd. 2 and Section 2.2, the City Clerk shall send a certified letter to the owner giving the owner five (5) days to comply with the requirements of this ordinance. Upon notification to the City Clerk or other authorized person of violations of Section 2.1, Subd. 2 and Section 2.2, the City Clerk or other authorized person may act to have the dog

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or animal impounded and/or quarantined immediately. Any owner who does not comply with the requirements of this ordinance, or who resists attempts to enforce this ordinance, shall be guilty of a petty misdemeanor and shall be sentenced to pay a fine of up to One Hundred Dollars (\$100.00).

ADOPTED BY THE CITY COUNCIL FOR THE CITY OF CLEARWATER, MINNESOTA, ON THE 21st DAY OF MARCH, 1983.

CITY OF CLEARWATER

By Wes Wittkowski
Mayor

ATTEST:

Donald C. Kenney
City Clerk



PUBLISHED IN THE ST. CLOUD DAILY TIMES ON April 18, 1983.

ORDINANCE 83-3

AMENDMENTS TO
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 THE FOLLOWING
AMENDMENTS TO THIS ORDINANCE:

Sec. 1. Building Code. Insert "and all amendments, supplements and/or revisions
thereto," after "The Minnesota State Building Code,".

Sec. 4. Fees.

Subd. 1. Fee Schedule. Delete this entire subdivision and replace with:
"The fees for a building permit are set forth in Sec. 304 and Table 3-A of the
Uniform Building Code."

ADOPTED BY THE CITY COUNCIL FOR THE CITY OF CLEARWATER, MINNESOTA, ON THE 4th
DAY OF APRIL, 1983.

CITY OF CLEARWATER

By Wiswatowski
Mayor

ATTEST:

Donald E. Hawkey
City Clerk

ORDINANCE NUMBER 83-4

AN ORDINANCE AMENDING THE CODE OF ORDINANCES DATED MAY 17, 1958, CHAPTER 1.2 ENTITLED: "COUNCIL MEETINGS, SEAL, PROCEDURES AND COMMITTEES"

The City Council of Clearwater ordains:

Section 1:

Section 1 of the code of ordinances Chapter 1.2 entitled "Council Meetings, Seal, Procedure and Committees is amended to read:

The city council shall hold its regular meetings on the first and third Mondays of each month at 7:00 p.m. at the city hall. If a regular meeting falls on a holiday, the council will vote at the preceding council meeting on when to hold its next regular meeting. Special meetings may be called as necessary pursuant to statute.

Section 2: Effective Date.

This ordinance becomes effective upon its passage and publication according to law.

PASSED BY THE CITY COUNCIL ON THIS 19th DAY OF SEPTEMBER, 1983.

Wes Wittkowski
Mayor

Donald E. Carkey
City Clerk

AN ORDINANCE LICENSING AND REGULATING THE SALE AND CONSUMPTION OF
NON-INTOXICATING MALT LIQUORS AND PROVIDING A PENALTY FOR VIOLATION
THEREOF

The Council of the City of Clearwater ordains:

Section 1. Definition of Terms.

Subd. 1. Beer. As used in this ordinance, "beer" or "non-intoxicating malt liquor" means any malt beverage with an alcoholic content of more than one-half of one percent by volume and not more than three and two-tenths percent by weight.

Subd. 2. Beer store. "Beer store" means an establishment for the sale of beer, cigars, cigarettes, all forms of tobacco, beverages and soft drinks at retail.

Section. 2. License Required.

Subd. 1. Licenses. No person, except wholesalers and manufacturers to the extent authorized by law, shall deal in or dispose of by gift, sale or otherwise, or keep or offer for sale, any beer within the city without first having received a license as hereinafter provided. Licenses shall be of three kinds: (1) Regular "on-sale"; (2) Temporary "on-sale"; (3) "Off-sale."

Subd. 2. Regular on-sale. Regular "on-sale" licenses shall be granted only to bona fide clubs, beer stores, exclusive "on-sale" liquor stores, drug stores, restaurants and motels where food is prepared and served for consumption on the premises. "On-sale" licenses shall permit the sale of beer for consumption on the premises only.

Subd. 3. Temporary on-sale. Temporary "on-sale" licenses shall be granted only to bona fide clubs and charitable, religious, and non-profit organizations for the sale of beer for consumption on the premises only. (see attachment ^{addition})

Subd. 4. Off-sale. "Off-sale" licenses shall permit the sale of beer at retail, in the original package for consumption off the premises only.

Section 3. License Applications.

Subd. 1. Form. Every application for a license to sell beer shall be made to the city clerk on a form supplied by the city and containing such information as the clerk or the city council may require. It shall be unlawful to make any false

statement in an application.

Subd. 2. Proof of financial responsibility. Prior to the issuance of a beer license, the applicant shall demonstrate proof of financial responsibility as defined in Minnesota Statutes, Section 340.11, Subdivision 11, with reference to liability under the statutes, Section 340.95. Such proof shall be filed with the commissioner of insurance except that if a license involves sales of beer of a prospective vendor who is not required by law to file such proof with the commissioner of insurance, such proof shall be filed with the city clerk. Any liability insurance policy filed as proof of financial responsibility under this subdivision shall conform to Minnesota Statutes, Section 340.12. Each application for a license shall also 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 \$3,000 for an applicant for an "on-sale" license and \$1,000 for an applicant for an "off-sale" license.

Subd. 3. Approval of security. Liability insurance policies and bonds required by this ordinance, but not by state law, shall be approved as to form by the city attorney. Operation of a business licensed by this ordinance without having on file with the state insurance commissioner or the city at all times effective security as required in Subd. 2 is a cause for revocation or suspension of the license.

Section 4. License Fees.

Subd. 1. Payment required. Each application for a license shall be accompanied by payment in full of the required fee for the license. All fees shall be paid into the general fund of the city. Upon rejection of any application for a license, the treasurer shall refund the amount paid.

Subd. 2. Expiration; pro rata fees. Every license except a temporary license shall expire on the last day of December in each year. Each license except a temporary license shall be issued for a period of one year, except that if a portion of the license year has elapsed when the license is granted, the license shall be issued for the remainder of the year for a pro rata fee. In computing such fee, any unexpired fraction of a month shall be counted as one month. A temporary license shall be issued for a specific period in which a special event to which the sale is incident is being held and such period shall be stated on the license.

Subd. 3. Fees. The annual fee for a regular "on-sale" license is \$100.

The annual fee for an "off-sale" license is \$25.

The fee for a temporary "on-sale" license is \$5 per day.

Section 5. Granting of License.

Subd. 1. Investigation and hearing. 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 such investigation and hearing, the council shall grant or refuse the application in its discretion.

Subd. 2. Transfers. Each license shall be issued to the applicant only and shall not be transferable to another holder. Each license shall be issued only for the premises described in the application. No license may be transferred to another place without the approval of the council.

Section 6. Persons Ineligible for License.

No license shall be granted to or held by any person made ineligible for such license under state law or who has, within five years prior to the application for such license, been convicted of a felony, of violating any law of this state or local ordinance relating to the manufacture, sale, distribution, or possession for sale or distribution of intoxicating liquors, and cannot show competent evidence under Minnesota Statutes Section 364.03 of sufficient rehabilitation and present fitness to perform the duties of a beer licensee.

Section 7. Places Ineligible for License.

Subd. 1. Conviction or revocation. No license shall be granted for sale on any premises where a licensee has been convicted of the violation of this ordinance, or of the state beer or liquor law, or where any license hereunder has been revoked for cause until one year has elapsed after such conviction or revocation.

Subd. 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 8. Conditions of License.

Subd. 1. General conditions. Every license shall be granted subject to the conditions in the following subdivisions and all other provisions of this ordinance and of any other applicable ordinance of the city or state law.

Subd. 2. Insurance. Compliance with financial responsibility requirements of state law and of this ordinance is a continuing condition of any license granted pursuant to this ordinance.

Subd. 3. Sales to minors or intoxicated persons. No beer shall be sold or served to any intoxicated person or to any person under 19 years of age.

Subd. 4. Consumption by minors. No person under the age of 19 years shall be permitted to consume beer on the licensed premises unless accompanied by his parent or legal guardian.

Subd. 5. Employment of minors. No person under the age of 19 years shall be employed on the premises of a beer store.

Subd. 6. Interest of manufacturers or wholesalers. No manufacturer or wholesaler of beer shall have any ownership of or interest in an establishment licensed to sell at retail contrary to the provisions of Minnesota Statutes, Section 340.031. No retail licensee and manufacturer or wholesaler of beer shall be parties to any exclusive purchase contract. No retail licensee shall receive any benefits contrary to law from a manufacturer or wholesaler of beer and no such manufacturer or

wholesaler shall confer any benefits contrary to law upon a retail licensee.

Subd. 7. Liquor dealer's stamp. No licensee shall sell beer while holding or exhibiting in the licensed premises a federal retail liquor dealer's special tax stamp unless he is licensed under the laws of Minnesota to sell intoxicating liquors.

Subd. 8. Sales of intoxicating liquor. No licensee who is not also licensed to sell intoxicating liquor, and who does not hold a consumption and display permit, shall sell or permit the consumption or display of intoxicating liquors on the licensed premises or serve any liquids for the purpose of mixing with intoxicating liquor. The presence of intoxicating liquors on the premises of such a licensee shall be prima facie evidence of possession of intoxicating liquors for the purpose of sale; and the serving of any liquid for the mixing with intoxicating liquors shall be prima facie evidence that intoxicating liquor is being permitted to be consumed or displayed contrary to this ordinance.

Subd. 9. Searches and seizures. Any peace officer may enter, inspect and search the premises of a licensee during business hours without a search and seizure warrant, and may seize all intoxicating liquors found on the licensed premises in violation of Subd. 8.

Subd. 10. Licensee responsibility. Every licensee shall be responsible for the conduct of his place of business and shall maintain conditions of sobriety and order.

Subd. 11. Banquet rooms. A regular "on-sale" license shall entitle the holder to serve beer in a separate room of the licensed premises for banquets or dinners at which are present not fewer than 10 persons.

Section 9. Closing Hours.

No sale of beer shall be made on any Sunday between the hours of 1:00 a.m. and 12:00 noon, nor between the hours of 1:00 a.m. and 8 p.m. on the day of any statewide election. No sale shall be made between the hours of 1:00 a.m. and 8:00 a.m. on any other day. No on-sale shall be made after 8:00 p.m. December 24.

Section 10. Clubs.

No club shall sell beer except to members and to guests in the company of members.

Section 11. Restrictions on Purchase and Consumption.

Subd. 1. Age misrepresentation. No minor shall misrepresent his age for the purpose of obtaining beer.

Subd. 2. Inducing purchase. No person shall induce a person under the age of 19 years to purchase or procure beer.

Subd. 3. Procurment. No person other than the parent or legal guardian shall procure beer for any person under the age of 19 years.

Subd. 4. Possession. No person under the age of 19 years shall have beer in his possession with the intent to consume it at a place other than the household of his parent or guardian.

Subd. 5. Consumption. No person under the age of 19 years shall consume beer unless in the company of his parent or guardian.

Subd. 6. Liquor consumption and display. No person shall consume or display any intoxicating liquor on the premises of a licensee who is not also licensed to sell intoxicating liquors or who does not hold a consumption and display permit.

Section 12. Suspension and revocation.

The council may either suspend for a period not to exceed 60 days or revoke any beer license upon a finding that the licensee or his agent has failed to comply with any applicable statute, regulation, or ordinance relating to beer. Except in the case of any person who holds a federal retail liquor dealer's special tax stamp without a license to sell intoxicating liquors at a place licensed to sell beer under this ordinance and except in cases of failure of financial responsibility, no suspension or revocation by the council shall take effect until the licensee has been afforded notice and an opportunity for a public hearing. The notice shall give at least 10 days' notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The council may

suspend any license pending a hearing on revocation or suspension.

The holding of a federal liquor dealer's special tax stamp without a license to sell intoxicating liquors or the lapse of required dram shop insurance or bond or withdrawal of a required deposit of cash or securities shall effect an immediate suspension of any license issued pursuant to this ordinance without further action of the city council. Receipt of a federal retail liquor dealer's special tax stamp without an intoxicating liquor license or notice of cancellation or lapse of a current liquor liability policy or bond or withdrawal of deposited cash or securities shall also constitute notice to the licensee of the impending suspension of the license. The holder of a license who has received notice of suspension under this paragraph may request a hearing thereon and, if such a request is made in writing to the clerk, a hearing shall be granted within 10 days or such longer period as may be requested. Any suspension under this paragraph shall continue until the city council determines that the financial responsibility requirements and other requirements of this ordinance have again been met.

Section 13. Penalty.

Any person violating any provision of this ordinance is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$700 or imprisonment in the county jail for not more than 90 days, or both, plus the cost of prosecution in any case.

Section 14. Repeal.

Ordinance Chapter 6.1 in the code of ordinances dated May 5, 1958 and entitled "An ordinance regulating sales of non-intoxicating malt liquor; licensing same, setting fees therefor and providing penalties" is hereby repealed.

Section 15. Summary Approved.

The council hereby determines that the text of the summary of this ordinance prepared by the clerk marked "Official Summary of Ordinance No. 83-5" and a copy of which is attached hereto, clearly informs the public of the intent and effect

City of Clearwater
Ordinance No. 83-5
Non-Intoxicating Malt Liquor

of the ordinance. The council further determines that publication of the title and such summary will clearly inform the public of the intent and effect of the ordinance.

Section 16. Posting and Filing.

The clerk shall see that a copy of this ordinance is filed in the clerk's office which the council hereby designates as the location at which a copy is available for inspection by any person during regular office hours.

Section 17. Publication.

The clerk shall publish the title of this ordinance and the official summary in the official newspaper with notice that a printed copy of the ordinance is available for inspection by any person during regular office hours at the office of the city clerk.

Section 18. Effective Date.

This ordinance takes effect upon its passage and the publication of its title and the official summary.

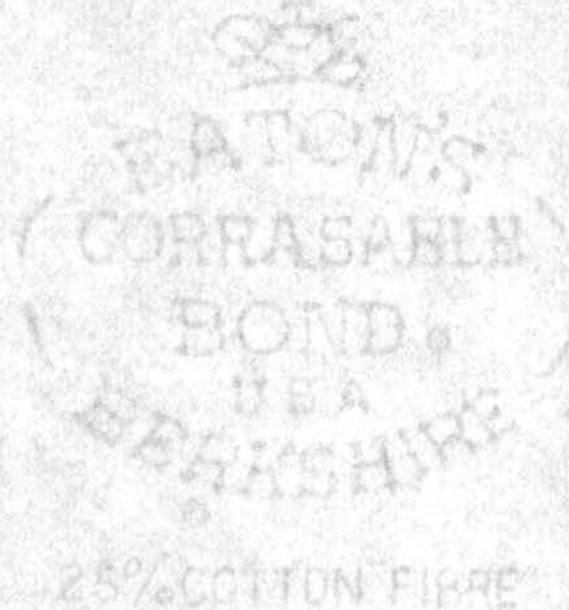
PASSED BY THE COUNCIL THIS 19th DAY OF SEPTEMBER, 1983.

Wes Wittkowski
Mayor

Donald C. Lantry
City Clerk

Addition to Section 2, Subdivision 3, Temporary on-sale:

Application must be made on a form obtained from the city and submitted to the city clerk at least 30 days prior to the event.



ORDINANCE NUMBER 83-5

AN ORDINANCE LICENSING AND REGULATING THE SALE AND CONSUMPTION OF NON-INTOXICATING MALT LIQUORS AND PROVIDING A PENALTY FOR VIOLATION THEREOF

The following official summary of Ordinance Number 83-5 has been approved by the city council of Clearwater as clearly informing the public of intent and effect of the ordinance:

It is the intent and effect of the ordinance to incorporate substantially in full statutory provisions relating to the sale and consumption of non-intoxicating malt liquors, to license such sale and regulate such sale and consumption within the city, to provide for suspension and revocation of such licenses for violation of statutes and ordinances, and to make any such violation a misdemeanor.

A printed copy of the ordinance is available for inspection by any person at the office of the city clerk during normal office hours.

Donald E. Sankey
Donald E. Sankey

Clerk

AN ORDINANCE AMENDING AN ORDINANCE LICENSING AND REGULATING THE SALE AND CONSUMPTION OF INTOXICATING LIQUOR AND PROVIDING A PENALTY FOR VIOLATION ADOPTED MAY 17, 1978

The City Council of Clearwater ordains:

Section 1:

Section 3. _____ of An Ordinance Licensing and Regulating the Sale and Consumption of Intoxicating Liquor ... is amended to read:

Subd. 1. On-sale licenses. "On-sale" licenses shall be issued only to hotels, clubs, restaurants, and exclusive liquor stores and shall permit "on-sale" of liquor only.

Subd. 2. On-sale wine licenses. "on-sale" wine licenses shall be issued only to restaurants meeting the qualifications of Minnesota Statutes, Section 340.11, Subdivision 20 and shall permit only the sale of wine not exceeding 14 percent alcohol by volume, for consumption on the licensed premises only, in conjunction with the sale of food.

Subd. 3. Off-sale licenses. "Off-sale" licenses shall be issued only to drug stores and exclusive liquor stores and shall permit "off-sales" of liquor only.

Subd. 5. Special club licenses. Special club licenses shall be issued only to incorporated clubs or to congressionally chartered veterans' organizations, either of which have been in existence for 3 years or more.

Section 2:

Section 4, Subdivisions 3 and 4 of An Ordinance Licensing and Regulating the Sale and Consumption of Intoxicating Liquor ... are amended to read:

Subd. 3. Financial responsibility. Prior to the issuance of a liquor license, the applicant shall demonstrate proof of financial responsibility as defined in Minnesota Statutes, Section 340.11, Subdivision 11 with reference to liability under the statutes, Section 340.95. Such proof shall be filed with the commissioner of public safety. Applicants for liquor licenses to

whom the requirement for proof of financial responsibility applies include applicants for wine licenses with sales of less than \$10,000 of wine per year. Any liability insurance policy filed as proof of financial responsibility under this subdivision shall conform to Minnesota Statutes, Section 340.12.

Subd. 4. Approval for security. The security offered under Subdivisions 2 and 3 shall be approved by the city council and in the case of applicants for "on-sale" wine licenses and "off-sale" licenses, by the state commissioner of public safety. Liability insurance policies required by this ordinance but not by state law and surety bonds required under Subdivision 2 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 3:

Section 5 of An Ordinance Licensing and Regulating the Sale and Consumption of Intoxicating Liquor ... is amended to read:

Subd. 1. Fees. The annual fee for a liquor license shall be \$2,900 for an "on-sale" license, \$300 for an "on-sale" wine license, \$100 for an "off-sale" license, and \$150 for a special club license.

Subd. 2. Payment. Each application for a license shall be accompanied by a receipt from the treasurer for payment in full of the license fee and the fixed investigation fee required under Section 6, Subdivision 1, if any. All fees shall be paid into the general fund. If an application for a license is rejected, the treasurer shall refund the amount paid as the license fee.

Subd. 3. Term; pro rata fee. Each license shall be issued for a period of one year except that if the application is made during the license year, a license may be issued for the remainder of the year for a pro rata fee, with any unexpired fraction of a month being counted as one month. Every license

shall expire on the last day of December.

Section 4:

Section 6 on An Ordinance Licensing and Regulating the Sale and Consumption of Intoxicating Liquor ... is amended to read:

Subd. 1. Preliminary investigation. On an initial application for an on-sale license and on application for transfer of an existing on-sale license, the applicant shall pay with his application an investigation fee of \$500 and the city shall conduct a preliminary background and financial investigation of the applicant. The application in such case shall be made on a form prescribed by the state bureau of criminal apprehension and with such additional information as the council may require. If the council deems it in the public interest to have an investigation made on a particular application for renewal of an on-sale license, it shall so determine. In any case, if the council determines that a comprehensive background and financial investigation of the applicant is necessary, it may conduct the investigation itself or contract with the bureau of criminal apprehension for the investigation. No license shall be issued, transferred, or renewed if the results show to the satisfaction of the council that issuance would not be in the public interest. If an investigation outside the state is required, the applicant shall be charged the cost not to exceed \$10,000 which shall be paid by the applicant after deducting any initial investigation fee already paid. The fee shall be payable by the applicant whether or not the license is granted.

Subd. 2. Hearing and issuance. The city council shall investigate all facts set out in the application and not investigated in the preliminary background and financial investigation conducted pursuant to Subdivision 1. 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 "on-sale" wine license or

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Amendment - Intoxicating Liquor

"off-sale" license shall become effective until it, together with the security furnished by the applicant, has been approved by the commissioner of public safety.

Subd. 3. Person and premises licensed; transfer. (Wording of this subdivision stays the same as Subdivision 2 of the ordinance.)

Section 5:

Section 9 of An Ordinance Licensing and Regulating the Sale and Consumption of Intoxicating Liquor ... is amended by adding :

Subd. 7. Insurance. Compliance with financial responsibility requirements of state law and of this ordinance is a continuing condition of any license granted pursuant to this ordinance.

Section 6:

Section 11 of An ordinance Licensing and Regulating the Sale and Consumption of Intoxicating Liquor ... is amended to read:

The council may either suspend for a period not to exceed 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. Except in cases of failure of financial responsibility no suspension or revocation shall take place until the licensee has been afforded an opportunity for a hearing pursuant to Minnesota Statutes, Sections 15.0418 to 15.0426.

Lapse of required dram shop insurance or bond or withdrawal of a required deposit of cash or securities shall effect an immediate suspension of any license issued pursuant to this ordinance without further action of the city council. Notice of cancellation or lapse of a current liquor liability policy or bond or withdrawal of deposited cash or securities shall also constitute notice to the licensee of the impending suspension of the license. The holder

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of a license who has received notice of lapse of required insurance or bond or withdrawal of a required deposit or of suspension or revocation of a license may request a hearing thereon and if such a request is made in writing to the clerk, a hearing shall be granted within 10 days or such longer period as may be requested. Any suspension under this paragraph shall continue until the city council determines that the financial responsibility requirements of this ordinance have again been met.

Section 7:

Section 12 of An Ordinance Licensing and Regulating the Sale and Consumption of Intoxicating Liquor ... is amended to read:

Any person violating any provision of this ordinance is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$700 or imprisonment in the county jail for not more than 90 days, or both, plus the cost of prosecution in any case.

Section 8: Effective Date.

This ordinance becomes effective upon its passage and publication according to law.

PASSED BY THE CITY COUNCIL THIS 19th DAY OF SEPTEMBER, 1983.

Wes Witkowski
Mayor

Donald Garbey
City Clerk

ORDINANCE NUMBER 83-7

AN ORDINANCE REGULATING OPEN BURNING AND ADOPTING MINNESOTA POLLUTION CONTROL AGENCY AIR POLLUTION CONTROL REGULATION NUMBER 8 BY REFERENCE

The City Council of Clearwater ordains:

Section 1. APC Regulation 8 Adopted by Reference.

Air Pollution Control Regulation 8, adopted by the Minnesota Pollution Control Agency, and thereafter amended, is adopted by reference pursuant to Minnesota Statutes, Section 471.62. The city clerk shall mark one copy of the regulation "Official Copy" and keep it on file in the clerk's office for use and examination by the public. The clerk shall furnish a copy of the state regulation and the ordinance, at cost, to any person upon request.

Section 2. Open Burning Permits.

Upon determining that all necessary precautions have been taken to protect life and property, the fire chief, or in his absence, the assistant fire chief, may issue an open burning permit for any purpose for which open burning under permit is authorized by the state regulation. The permit shall be subject to the restrictions imposed by the regulation, this ordinance, and such other restrictions as may be imposed by the fire chief, or in his absence, the assistant fire chief, to protect the public health, safety, and welfare in the particular case. Any permit application shall be denied in cases provided by the regulation. The permit is subject to revocation as the regulations provide, or for any violation of this ordinance. An open burning permit issued under this ordinance or APC Regulation 8 does not excuse the permittee from the consequences, damages, or injuries that may result therefrom.

Section 3. Leaf Burning.

Between September 15 and December 1 of each year, the open burning of dried leaves is permitted within the city subject to the restrictions of law and this ordinance. No open burning shall take place during an air pollution alert, warning, or emergency declared by the Minnesota Pollution Control Agency. No such burning shall take place during a high wind or when a traffic hazard might be created

thereby in any nearby street or highway; nor shall any leaf burning take place without a responsible attendant present. Dried leaves shall be burned only on Thursday, Friday or Saturday between the hours of dawn and 8 p.m. Dried leaves shall not be burned in a location closer than 30 feet from any structure. Adequate provision must be made to prevent fire from spreading closer than 30 feet from any structure. Leaves may not be ignited or burned on the land of another without the permission of the owner thereof or his agent. Leaves may not be burned or ignited on any publicly owned or controlled lot or parcel of land, bridge, street, sidewalk or other public place which has not been set aside by public authorities for such purpose. Fire extinguishing equipment such as a garden hose connected to the water supply must be readily available for use until the fire is extinguished.

Section 4. Open Burning Nuisances.

Except as open burning is otherwise authorized by this ordinance, open burning without a permit is hereby declared to be a public nuisance. The fire chief, or in his absence, the assistant fire chief, may summarily abate such nuisance without notice to any party.

Section 5. Penalty.

Any person, firm, or corporation violating any provision of this ordinance is guilty of a petty misdemeanor and upon conviction thereof shall be subject to a fine of not more than \$200. The third violation, and all subsequent violations, within a one year period of time shall constitute a misdemeanor which is subject to a fine of not more than \$700 or imprisonment for not more than 90 days, or both, plus the costs of prosecution in either case.

Section 6. Repeal.

Ordinance Number 82-3 entitled "An Ordinance Authorizing the Open Burning of Leaves" is hereby repealed.

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Open Burning

Section 7. Effective Date.

This ordinance becomes effective upon its passage and publication.

PASSED BY THE CITY COUNCIL THIS 19th DAY OF SEPTEMBER, 1983.

Donald E. Parker
City Clerk

Wes Wittkowski
Mayor

PUBLISHED IN THE ST. CLOUD DAILY TIMES September 26, 1983

ORDINANCE NUMBER 83-9

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF
THE CLEARWATER ZONING ORDINANCE

The Council of the City of Clearwater ordains:

Section 1. Section 3, Subdivision 301(58) of the Clearwater Zoning Ordinance is amended by adding the following paragraph:

Manufactured Home - "Manufactured Home" means a structure, manufactured after June 14, 1972, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer files a certification required by the Secretary of the U.S. Department of Housing and Urban Development and complies with the standards established under Minnesota Statutes 327. All references to mobile homes in subsequent sections of this ordinance shall also be applicable to manufactured homes.

Section 2. Section 3, Subdivision 301 is amended by adding the following:

- (109) Recreational Camping Vehicle - "Recreational Camping Vehicle" includes the following: (a) Any vehiclar, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses; (b) Any structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation; (c) Any portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle; and (d) Any folding structure, mounted on wheels and designed for travel, recreation, and vacation use.
- (110) Recreational Camping Area - Any area, whether privately or publicly owned,

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used on a daily, nightly, weekly, or longer basis for the accommodation of five (5) or more tents or recreational camping vehicles free of charge or for compensation. "Recreational Camping Area" excludes children's camps, industrial camps, migrant labor camps, as defined in Minnesota Statutes and State Commissioner of Health rules, United States Forest Service camps, State Forest Service camps, State Wildlife Management Areas or State owned public access areas which are restricted in use to picnicing and boat landing.

Section 3. Section 6, Subdivision 603.4 performance standards is amended by adding the following:

8. Structure Requirements. All single family detached residences shall be at least 24 feet wide and 30 feet long and shall be placed on a permanent foundation according to the State Building Code.

Section 4. Section 6, Subdivision 604.5 performance standards is amended by adding the following:

8. Structure Requirements. All single family detached residences shall be at least 24 feet wide and 30 feet long and shall be placed on a permanent foundation according to the State Building Code.

Section 5. Section 6, Subdivision 605.6 site development is amended by adding the following:

9. Structure Requirements. All single family detached residences shall be at least 24 feet wide and 30 feet long and shall be placed on a permanent foundation according to the State Building Code.

Section 6. Section 7 performance standards is amended by adding the following subdivision:

715.7. Modification.

The provisions of Subdivisions 715.4, 715.5, and 715.6 of this section may be modified by the City Council through the application of conditions in its conditional use permit when the mobile home or manufactured home park being proposed is to be used as a recreational camping area exclusively for use in

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Amendment - Zoning Ordinance

parking recreational camping vehicles.

Section 7. Effective Date.

This ordinance becomes effective upon its passage and publication according to law.

PASSED BY THE CITY COUNCIL THIS 7th DAY OF November, 1983.

Wes Wittkowski
Mayor

Donald Chewkey
City Clerk

PUBLISHED IN THE ST. CLOUD DAILY TIMES November 16, 1983

AN ORDINANCE FOR THE CONTROL AND PREVENTION OF TREE
DISEASE AND THE REGULATION OF FIREWOOD PILES

The City Council of Clearwater ordains:

Section 1. Declaration of Policy.

The City Council has determined that the health of the elm and oak trees within the municipal limits is threatened by fatal diseases known as Dutch Elm and Oak Wilt. It has further determined that the loss of such trees growing upon public and private property would substantially depreciate the value of property within the city and would impair the safety, good order, general welfare and convenience of the public. It is further determined that the improper storage of firewood can contribute to the spread of these diseases and also attract rodents and other undesirable pests. It is declared to be the intention of the council to control and prevent the spread of these diseases and to protect public health and safety and this ordinance is enacted for that purpose.

Section 2. Tree Inspector.

Subd. 1. Position created. The power and duties of the city tree inspector as set forth in this ordinance are hereby conferred upon the City Maintenance Supervisor.

Subd. 2. Duties. The city tree inspector shall inspect all premises and places within the city and all property owned by the city, whether within the city limits or not, as often as practicable to determine whether any condition described in Section 3 of this ordinance exists thereon. He shall investigate all reported incidents of infestation by Dutch Elm or Oak Wilt disease. He shall mark, remove or cause to be removed, and destroy or cause to be destroyed any diseased elm or oak tree within the city limits or on property owned by the city outside of the city limits. If the diseased elm or oak is upon private property, the procedures set forth in Section 5 will be followed. It shall also be the duty of the city tree inspector to check firewood piles located on private property and enforce ordinance regulations regarding proper storage of firewood.

Subd. 3. Entry on private premises. The city tree inspector or his duly authorized

agent

may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned him under this ordinance.

Section 3. Nuisances Declared.

The following are public nuisances whenever they may be found within the City of Clearwater:

- A. Any living or standing elm or oak tree or part thereof infected to any degree with Dutch Elm or Oak Wilt disease.
- 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 during the period of April 1 through September 14 of any year.
- C. Any firewood pile that does not conform to the requirements therefor as set forth in this ordinance.

Section 4. Storage of Firewood.

Subd. 1. Scope. This section applies to the storage of wood on private property except for the exemptions noted below. This section applies to any wood or wood product usually used or intended to be used as firewood.

Subd. 2. Conditions of storage. Firewood shall be stored in the following fashion:

- A. In neat and secure stacks;
- B. The height of a wood pile over 3 feet high shall be no more than twice its width. The maximum height allowed is 6 feet;
- C. In a manner and location to minimize possible problems of rat or other pest infestation;
- D. No wood shall be stored within the required minimum area of setback from a street right-of-way or property line;
- E. No wood shall be stored in a front yard or yard that is commonly considered the front yard;
- F. Elm wood shall be ~~gedarked~~ and stored in a separate pile from other types of firewood.

Subd. 3. Exemptions. Wood storage under the following circumstances shall be exempt from the conditions outlined above except that debarking of elm wood is not exempt:

- A. Wood stored or kept in a covered structure impervious to the elements;
- B. Temporary storage of logs for up to 30 days outside of the required areas of setback from property lines and street as long as it does not obstruct traffic or vision of traffic, is allowed for the purpose of cutting and splitting logs to a size usable in the wood burning device.

Subd. 4. Existing wood piles. Any wood pile in existence as of the effective date of this ordinance which does not comply with the provisions of this ordinance must be removed or placed in compliance with this ordinance's provisions within 20 days after written notice to comply has been received from the city clerk. Such notice shall be served by certified mail.

Subd. 5. Abandoned or unused wood piles. Abandoned or unused wood piles are to be removed within 30 days after active use has been terminated. This subdivision does not apply to seasonal non-use.

Section 5. Procedure for Abating Nuisances.

Subd. 1. Public property. Whenever the city tree inspector finds with reasonable certainty that the nuisances defined in Section 3 exist upon any public property, he shall proceed as follows:

A. City owned property. The city tree inspector shall immediately cause to be removed and destroyed any diseased tree or wood upon city owned property whether inside the city limits or not.

B. Non-city owned public property. The city tree inspector shall request the city clerk to notify the agency controlling the property upon which the nuisance is located. Such notice shall request that the nuisance be removed within 20 days of receipt of the notice.

Subd. 2. Private property. Whenever the city tree inspector finds with reasonable

certainty that the nuisance defined in Section 3 exists upon private property, he shall proceed as follows:

A. The city tree inspector shall request that the city clerk notify the property owner of the existence of the nuisance. Such notice shall be written and shall state the nature of the nuisance, give the property owner 20 days from the receipt of the notice to abate the nuisance. The notice shall be served by certified mail. If after 20 days from receipt of the notice the property owner has not abated the nuisance, the city tree inspector shall proceed to abate the nuisance in the manner described below.

B. If the nuisance is constituted by a diseased tree or wood, the city tree inspector shall cause the diseased tree or wood to be removed and destroyed.

C. If the nuisance is constituted by a non-conforming firewood pile, the city tree inspector shall request that the city clerk invoke Section 7 of this ordinance.

Subd. 3. Record of costs. The city tree inspector shall keep a record of the costs of abatements done under this section and shall report this to the city clerk. Such records shall specify the description of the land, lots, or parcels involved and the amount charged to each. The city clerk shall send a bill to the property owner for costs incurred in abating the nuisance.

Subd. 4. Assessment. On or before September 30 of each year, the city 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 certify these charges, or any portion thereof, as a special assessment against the property under Minnesota Statutes Section 429.101 and other pertinent statutes to the county auditor for collection the following year along with current property taxes. Such special assessment shall become a lien against the property until fully paid.

Section 6. Appeal.

If a property owner does not believe that a tree that he has been notified to

remove is diseased, he may request that laboratory tests be performed to determine if the disease is present or not. Such request must be in writing to the city clerk and must be received by the city clerk within the 20 day notification period specified in Section 5, Subdivision 2. Immediately upon receipt of such a request, the city clerk shall notify the city tree inspector to prepare a sample for mailing to the appropriate testing laboratory, provided that such laboratory is available. Any costs incurred for laboratory testing, other than postage, shall be paid by the property owner upon receipt of a bill from the city clerk.

Section 7. Interference Prohibited.

It is unlawful for any person, firm, or corporation to prevent, delay, or interfere with the city tree inspector or his duly authorized agents while they are engaged in the performance of duties imposed by this ordinance.

Section 8. Penalty.

Any person, firm, or corporation who violates any provision of this ordinance shall be guilty of a petty misdemeanor and shall be punished by a fine of not more than \$200. Any three such violations within any calendar year is guilty of a misdemeanor which shall be punishable by a fine of not more than \$700 or imprisonment for not more than 90 days, or both, plus the costs of prosecution in either case.

Section 9. Repeal.

An Ordinance Relating to the Control and Prevention of Dutch Elm Disease Within the City of Clearwater and dated May 5, 1975, is hereby repealed.

Section 10. Effective Date.

This ordinance becomes effective upon its passage and publication according to law.

PASSED BY THE CITY COUNCIL THIS 7th DAY OF November, 1983.

Dorced Clarke
City Clerk

Wes Witkowski
Mayor

AN ORDINANCE REGULATING THE STORAGE, COLLECTION, TRANSPORTATION,
AND DISPOSAL OF REFUSE

The city council of Clearwater ordains:

Section 1. Definitions.

Subd. 1. Words and phrases. For the purpose of this ordinance, the following words and phrases have the meaning given them in this section.

Subd. 2. Garbage means organic waste resulting from the preparation of food and decayed and spoiled food from any source.

Subd. 3. Recyclables include paper, plastic, tin cans, aluminum, motor oil, glass, and other metal goods, each separated or otherwise prepared so as to be acceptable to the recycling center where they are to be deposited.

Subd. 4. Recycling Center means premises within the city approved by the council for receipt, storage, and processing of recyclables, and premises outside the city approved as a recycling center by the council.

Subd. 5. Refuse includes garbage and rubbish, but shall not include sewage.

Subd. 6. Rubbish means non-garbage solid waste such as tin cans, glass, paper, sweepings, clippings, ash, junk, trash, etc.

Section 2. General Regulations.

Subd. 1. Nuisance declared. Any unauthorized accumulation of refuse on any premises is a nuisance and prohibited.

Subd. 2. Refuse in streets, etc. No person shall place any refuse in any street, alley, or public place or upon private property except in proper containers for collection or other lawful disposal. No person shall throw or deposit refuse in any stream or other body of water.

Subd. 3. Scattering of refuse. No person shall deposit anywhere within the city any refuse in such manner that it may be carried or deposited by the elements upon any public place or any other premises within the city.

Subd. 4. Burying of refuse. No person shall bury any refuse in the city.

This subdivision does not prevent anyone from composting leaves or grass clippings.

Section 2.

Subd. 5. Burning of refuse. No person shall burn any refuse in the city.

Section 3. Disposal Required.

Every person shall, in a sanitary manner, store and dispose of refuse that may accumulate upon property owned or occupied by him in accordance with the terms of this ordinance. Garbage shall be collected or otherwise lawfully disposed of at least once every week.

Section 4. Containers.

Subd. 1. General requirement. Every householder, occupant, or owner of any residence and any restaurant, industrial establishment, or commercial establishment shall provide on the premises one or more containers to receive and contain all refuse which may accumulate between collections and other disposal. All normal accumulations of refuse shall be deposited in such containers, except that leaves, trimmings from shrubs, grass clippings, shavings, excelsior, and other rubbish of similar volume and weight may be stored in closed containers not meeting the requirements of subdivision 2.

Subd. 2. Container requirements. Each container shall be water-tight, shall be impervious to insects and rodents, shall be fireproof, and shall not exceed 32 gallons in capacity, except that any commercial or business establishment having refuse volume exceeding 2 cubic yards per week shall provide bulk or box-type refuse storage containers of a type approved by the collector. Containers shall be maintained in good and sanitary condition. Any container not conforming to the requirements of this ordinance or having ragged or sharp edges or any other defect likely to hamper or injure the person collecting the contents shall be promptly replaced after notice by the collector.

Subd. 3. Placement. After 8 p.m. the day before collection and before 7 a.m. of the day of collection, the container is to be placed in a location on the property prescribed by the collector. It is to be removed by 7 p.m. of the day of collection.

Subd. 4. Use of containers. Refuse shall be placed in plastic bags inside of the container. The plastic bag will be tied when it is full.

Section 5. Licensed Collectors.

Subd. 1. License required. No person shall collect refuse within the city without a license from the City Council. No person shall permit refuse to be picked up from his premises by an unlicensed collector.

Subd. 2. Application. Any person desiring a license shall make application to the City Clerk on a form prescribed by the Clerk. The application shall set forth a) the name and address of the applicant; b) a description of each piece of equipment proposed to be used in the collection; c) the proposed charges to be made to those who use the service; d) a description of the kind of service proposed to be rendered; e) the place to which the refuse is to be hauled; f) the manner in which the refuse is to be disposed of.

Subd. 3. Insurance. No license shall be issued until the applicant files with the Clerk a current certificate of public liability insurance covering all vehicles to be used by the applicant in the licensed business. The limits of coverage of such insurance shall be: a) each person injured, at least \$50,000; b) each accident, at least \$300,000; c) property damage, at least \$50,000. Each policy shall expressly provide that the city be given 10 days notice of any termination or cancellation of the coverage. Each license shall terminate upon termination or cancellation of the required insurance.

Subd. 5. License fees. Licenses shall be issued for a period of one year. The license fee is \$5 for the first vehicle and \$5 for each additional vehicle to be used in the licensed business.

Subd. 6. Vehicles. Each refuse collection vehicle shall be marked on the outside so as to identify the licensee. Every vehicle used for hauling garbage shall be covered, leak-proof, durable, and of easily cleanable construction. Every vehicle used for hauling refuse shall be sufficiently air tight and so used as to prevent

unreasonable quantities of dust, paper, or other collected materials to escape. Every vehicle shall be kept clean to prevent nuisances, pollution or insect breeding, and shall be maintained in good repair.

Section 6. Refuse Collection Schedule. Refuse shall be collected from each residence or business at least once every week. No refuse collection shall take place before 7 a.m. or after 8 p.m. of any day.

Section 7. Penalty.

Any person violating the provisions of this ordinance shall be subject to a fine of not more than \$200. Every day that the offense occurs is a separate violation.

Section 8. Repeal.

Sections 1 and 2 and that portion of Section 6 referring to refuse of Chapter 10.1 of the Ordinances of the Village of Clearwater dated September 8, 1970, and entitled "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" are hereby repealed.

Section 9. Effective Date.

This ordinance becomes effective upon its passage and publication according to law.

PASSED BY THE CITY COUNCIL THIS 7th DAY OF November, 1983.

Wes Witkowski
Mayor

Donald Claukey
City Clerk

ORDINANCE NUMBER 83-12

AN ORDINANCE ESTABLISHING A HOUSING MAINTENANCE CODE, REGISTRATION OF RENTAL UNITS, AND CONTROL OF HAZARDOUS BUILDINGS AND EXCAVATIONS

The City Council of Clearwater ordains:

Section 1. Adoption of Codes By Reference.

Subd. 1. Codes adopted. Chapters 1-10 of the most current edition of the Uniform Housing Code, published by the International Conference of Building Officials, and the most current edition of the Minnesota Uniform Fire Code are adopted by reference and are made part of this ordinance as if fully set out at length.

Subd. 2. Copies on file. One copy of the Uniform Housing Code, the Minnesota Uniform Fire Code, together with a copy of this ordinance, each marked "Official Copy", shall be kept on file in the office of the City Clerk and are available for public inspection.

Section 2. Minimum Standards and Inspection.

Subd. 1. Minimum standards. All residential housing units shall meet the minimum standards for health, safety, and fire prevention as specified in the Uniform Housing Code and the Minnesota Uniform Fire Code.

Subd. 2. Inspection. The Building Inspector and the Fire Marshall shall inspect all rental housing units prior to initial occupancy and once every 5 years thereafter, or as often as deemed necessary, or upon receipt of a written complaint, to determine if the building meets the minimum standards as specified in subdivision 1. All non-rental residential units shall be inspected whenever a written complaint has been received or whenever there is adequate reason to suspect that the health and safety of the occupants is in danger; except that all non-rental residential housing units shall be inspected at point of sale or transfer to determine if the building meets minimum standards specified in subdivision 1. Pursuant to such duty, the Building Inspector and the Fire Marshall shall have the authority to obtain search warrants is such are necessary to accomplish the inspections; provided, that the applicable Constitutional requirements relating to the procurement of such warrants in effect at the time of the inspections are met.

Section 3. Registration of Rental Units.

Subd. 1. Registration required. Upon adoption of this ordinance, no person, firm or corporation shall operate a rental property within the City of Clearwater without first having properly made and filed a registration statement with the City Clerk. Any person filing such a registration statement thereby consents to be bound by all of the provisions of this ordinance. In the case of any rental property occupied on or before the adoption of this ordinance, a registration statement shall be filed within 30 days of the adoption of this ordinance. In the case of rental property completed, readied for occupancy or property to be newly rented, after the adoption of this ordinance, a registration statement shall be filed prior to the occupancy of the dwelling. The registration statement shall be made and filed on forms furnished by the City Clerk for such purpose and shall set forth the following information:

- a. Name and address of the owner, and if a corporation, names of officers and address of the registered office thereof.
- b. The name and address of the rental property and the number of units to which the registration applies.
- c. The name and address of the caretaker or persons responsible for the maintenance and care of the rental property.
- d. The name and address of the owner's agent, if any, for the receipt of notices of violations of the provisions of this ordinance or of other ordinances which are applicable.
- e. Such other information as the Council may require.

Subd. 2. Annual registration. The registration of all rental dwellings registered for the previous year shall be renewed not later than the 31st of December each year. Registration is good for the period of January 1 through December 31 each year.

Subd. 3. Transfers. Every new owner of a rental property, in whatever form entitled

to possession, shall register before taking possession. No registration fee shall be required of the new owner in the year of purchase provided that the previous owner has paid the registration fee.

Subd. 4. Registration fee. All registration statements, except as otherwise provided, shall be accompanied by the following registration fee:

- a. Single family dwelling - \$10.00 per year.
- b. Multiple unit dwelling - \$10.00 per year for the first unit; \$2.00 per year for each additional unit.
- c. If occupancy of the rental property commences after June 30 of a calander year, the registration fee required shall be reduced by 50 percent.

Section 4. Sale of Non-Rental Residential Property.

Subd. 1. Inspection required. The owner of a non-rental residential dwelling shall, prior to the execution of any document providing for the conveyance of such a dwelling, request, through the City Clerk, an inspection by the Building Inspector and the Fire Marshall to determine if the building meets the minimum standards as set forth in Section 2, subdivision 1. At the time of the request for inspection, the owner shall pay an inspection fee of \$40.00.

Subd. 2. Prohibition. It is unlawful for an owner to convey a non-rental residential dwelling without obtaining the inspection required by subdivision 1. This section does not apply to conveyances to a public body, conveyances by a public or court officer in the performance of his duties, or conveyances by a person acting under the direction of a court order, except for conveyances ordered by a probate court.

Section 5. Compliance.

Subd. 1. Compliance required. When the Building Inspector or Fire Marshall determines that there exists in a building, or any portion thereof, conditions which constitute a violation of this ordinance, he shall issue a compliance order setting forth the nature of the violation(s) and ordering the owner to correct the conditions. The compliance order shall:

- a. be in writing;

- b. be served by certified mail, or, if the address of the owner cannot be determined, posted in a conspicuous place in or about the building involved;
- c. describe in specific terms the location and nature of condition(s) in need of correction and the nature of the corrective action needed; and
- d. state that the condition is to be corrected within a reasonable time as set forth in the notice.

If upon the expiration of the time for compliance set forth in the notice, the required corrective action has not been taken, the Building Inspector or Fire Marshall shall enforce the order as in the case of violations of the Building Code.

Subd. 2. Built-in deficiencies. It is hereby determined that certain conditions within existing dwellings, lawful at the time of the construction of the building, may not comply with the minimum requirements of this ordinance. Such conditions are herein referred to as "built-in deficiencies" and the Building Inspector, in administering this ordinance, shall take into consideration such built-in deficiencies that are beyond reasonable correction.

Subd. 3. Transfer of ownership. Anyone securing an interest in the dwelling or dwelling unit for which a compliance order has been issued shall be bound by the same without further service of notice upon him and shall be liable to all penalties and procedures by this ordinance.

Section 6. Control of Hazardous Buildings and Excavations.

Subd. 1. Prohibition. No person, firm, or corporation shall cause or permit any building, structure, or dwelling to become or to remain in a hazardous state as defined in Minnesota Statute, Section 463.15, subdivision 3. Nor shall any person allow any excavation for building purposes to remain open.

Subd. 2. Procedure. If any such condition described in subdivision 1 is determined to exist, the City Council may order its abatement as outlined in Minnesota Statute, Sections 463.15-4634.261 with all costs to be charged to the owner, and, if

necessary, assessed against the property.

Section 7. Building Permit Required.

All improvements required by this ordinance, including removal of hazardous buildings, shall be performed under a building permit issued by the City Clerk with approval of the Building Inspector. No person, firm, or corporation may erect, construct, enlarge, alter, repair, move, improve, equip, use, occupy or maintain any building or structure within the city contrary to provisions of this ordinance.

Section 8. Appeals.

Subd. 1. Procedure. Any person, firm, or corporation aggrieved by a compliance order issued pursuant to this ordinance may appeal the order to the City Council by written request to the City Clerk. Except in cases where the compliance order requires immediate compliance for health or safety, the appeal shall stay the effect of the order until determination of the appeal.

Subd. 2. Action on appeal. The City Council may affirm the compliance order or it may modify the order in any particular way and attach such conditions to the order as it deems necessary and reasonable to assure housing that provides for adequate health and safety of occupants. The Council may consider any mitigating facts presented to it.

Section 9. Penalty.

Failure to comply with a lawfully issued compliance order or any other provision of this ordinance, or any interference with any duly authorized official who is attempting to lawfully perform his duties pursuant to this ordinance is a violation of this ordinance; and any person, firm, or corporation so guilty shall be punished by a fine of not more than \$700 or 90 days imprisonment, or both, plus the costs of prosecution in any case.

Section 10. Repeal.

Section 5 and that part of Section 6 dealing with abandoned and unsafe buildings, structures and dwellings of Chapter 10.1 of the Clearwater code of ordinances and

City of Clearwater
Ordinance No. 83-12
Housing Code

dated September 8, 1970, is hereby repealed.

Section 11. Effective Date.

This ordinance becomes effective upon its passage and publication according to law.

PASSED BY THE CITY COUNCIL THIS 7th DAY OF November, 1983.

Wes Witkowski
Mayor

Donald Chaney
City Clerk

PUBLISHED IN THE ST. CLOUD DAILY TIMES November 16, 1983

AN ORDINANCE RELATING TO THE LICENSING OF PEDDLERS
AND TRANSIENT MERCHANTS AND PROVIDING PENALTIES
FOR VIOLATIONS THEREOF

The City Council of Clearwater ordains:

Section 1. Definitions.

Subd. 1. When used in this ordinance, the following terms have the meanings given them in this section.

Subd. 2. "Person" means singular or plural and includes any firm, corporation, association, club, co-partnership, society, or any other organization.

Subd. 3. "Peddler" means any person, whether a resident of the City of Clearwater or not, who goes from house to house, from place to place, or from street to street, conveying or transporting goods, wares or merchandise or offering or exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, motor vehicle, or other vehicle or conveyance, or from a vacant lot or open sales lot. "Peddler" also means "hawker" or "huckster".

Subd. 4. "Transient merchant" means any person, whether as owner, agent, consignee, or employee, whether a resident of the City of Clearwater or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within the city, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, trailer, tent, public room in motels, lodging houses, apartments, shops, or any street, alley or other place within the city, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction, provided that such definition does not include any person who, while occupying such temporary location does not sell from stock, but exhibits samples for the purpose of securing orders for future delivery only. The person so engaged is relieved from complying with the provisions of this ordinance by associating temporarily with any local dealer, trader, merchant, or auctioneer,

or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant, or auctioneer.

Section 2. Permit Required.

Subd. 1. Permit required. It is unlawful for any peddler or transient merchant to engage in any such business within the City of Clearwater without first obtaining a permit therefor in compliance with the provisions of this ordinance.

Subd. 2. Exemptions. This ordinance shall not apply to persons duly licensed or specifically exempted from licensing under the Constitution and laws of the State of Minnesota or the ordinances of this city, at such times as such persons are conducting only the activity described by said laws and ordinances; it shall not apply to persons making an initial uninvited call upon householders of this city as a preliminary to the subsequent establishment of a regular route service for the sale and delivery to customers of food provided that subsequent calls to any householder be at the invitation of the householder; and it shall not apply to charitable organizations, and representatives thereof, duly registered under the laws of Minnesota as set forth in Minnesota Statutes Section 309.50 - 309.61 or those specifically exempted from registration under the provisions thereof, including but not limited to schools, scouts, organized youth athletic leagues and their representatives. Nor shall it include or apply to farmers or truck gardeners who offer for sale or sell, or who peddle from house to house or in the markets, vegetables, butter, eggs or other farm or garden products produced and raised by said farmer or truck gardener from lands occupied and cultivated by him within this state. Provided, that every such farmer or truck gardener claiming exemption from the license requirements of this ordinance shall, upon request of the City Clerk, present satisfactory proof, by means of sworn statements or otherwise, that such farmer or truck gardener is entitled to such license exemptions.

Section 3. Application.

Application for such license shall be made to the City Clerk on a form supplied by the city. The application shall state:

- (1) the name and addresses of the applicant and of all persons associated with him in his business;
- (2) A brief description of the nature of the business and the goods to be sold and, in the case of products of farm or orchard, whether produced or grown by the applicant;
- (3) If employed, the name and address of the employer, together with credentials establishing the exact relationship;
- (4) The specific length of time and the dates for which the right to do business is desired;
- (5) If a vehicle is to be used, a description of the vehicle together with license number and other means of identification;
- (6) Drivers license number and licensing state;
- (7) If sales are to be made from an open lot, vacant land, or an open sales lot, then the applicant shall indicate where these sales will be conducted and file with the application, written permission from the landowner showing knowledge and consent on the landowner's part to such sales activity and to the applicant's use. All setback, parking and other requirements for that zoning use district where the lands are located shall apply to the license. The applicant shall also obtain a copy of the zoning use district regulations applicable to the location where he intends to engage in temporary sales;
- (8) The names of at least two reliable property owners of the Counties of Benton, Sherburne, Stearns, or Wright, State of Minnesota, who will certify as to the applicant's good character and business responsibility or, in lieu of the names of references, any other available evidence as to the good character and business responsibility of the applicant as will enable an investigator

to properly evaluate such character and business responsibility. Two (2) full business days shall elapse between date application is received and the issuance of the license to allow for investigation;

- (9) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.

Section 4. License Fees.

License fees shall be in the amount set by the Council from time to time and shall be paid at the time of filing of application.

Section 5. Duration of License.

Each license shall be valid only for the period specified therein, and no license may extend beyond the 31st day of December of the year in which it is granted.

Section 6. License Not Transferable.

All licenses shall be nontransferable. No refunds shall be made on unused portions of licenses except by resolution of the Council. Each peddler or transient merchant shall secure a separate license.

Section 7. License to be Carried.

All licenses shall be carried by the licensee or conspicuously posted in his place of business and the license shall be exhibited to any officer or citizen upon his request.

Section 8. Practices Prohibited.

Subd. 1. Loud noises. No peddler or transient merchant, nor any person in his behalf, shall shout, make any cryout, blow a horn, ring a bell or use any sound device, including any loud speaking radio or sound amplifying system upon any of the streets, alleys, parks or other public places or upon any private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares, or other merchandise which such licensee proposes to sell.

Peddlers

Subd. 2. Signs. The use of open lots or vacant properties for sales licensed by this ordinance does not authorize signs which are not in compliance with the Clearwater Zoning Ordinance. All licensees are required to comply with sign size for the zoning district in which they are conducting business.

Subd. 3. Use of streets. No peddler or transient merchant shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location, nor shall he be permitted to operate in any congested area where his operations might impede or inconvenience the public.

Subd. 4. Nuisance. No peddler or transient merchant shall conduct his business in such a way as to annoy any other person or to become a nuisance or to obstruct travel upon any street, highway or public place in the city.

Section 9. Revocation.

Any license may be revoked by the Council for a violation of any provision of this ordinance or state law if the licensee has been given a reasonable notice and an opportunity to be heard.

Section 10. Penalty.

Any person who violates any provision of this ordinance or who makes any false statement in order to obtain a license is guilty of a petty misdemeanor and shall be subject to a fine of not more than \$200. Three such violations in any one year shall constitute a misdemeanor and shall be punishable by a fine of not more than \$700 or by imprisonment for a period not to exceed 90 days, or both, plus, in either case, the costs of prosecution.

Section 11. Repeal.

Chapter 3.1 of the Code of Ordinances dated May 5, 1958, and entitled "An Ordinance Prohibiting Peddling, Canvassing and Soliciting From House to House As a Nuisance and Providing Penalty Therefor" is hereby repealed.

Section 12. Effective Date.

This ordinance becomes effective upon its passage and publication according to law.

City of Clearwater
Ordinance No. 83-13
Peddlers

PASSED BY THE CITY COUNCIL THIS 21st DAY OF November, 1983.

Wes Witkowski
Mayor

Donald E. Lankey
City Clerk

PUBLISHED IN THE ST. CLOUD DAILY TIMES

November 30, 1983

AN ORDINANCE DEFINING AND PROHIBITING NUISANCES AND PROVIDING A
PENALTY FOR VIOLATION

The city council of Clearwater ordains:

Section 1: Public Nuisance Defined.

Whoever by his act or failure to perform a legal duty, intentionally does any of the following, is guilty of maintaining a public nuisance:

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

Section 2: Public Nuisances Affecting Health.

The following are hereby declared to be nuisances affecting health:

- (1) Exposed accumulation of decayed or unwholesome food or vegetable matter;
- (2) All diseased animals running at large;
- (3) All ponds or pools of stagnant water;
- (4) Carcasses of animals not buried or destroyed within 24 hours after death;
- (5) Accumulations of manure, refuse, or other debris;
- (6) Privy vaults and garbage cans which are not rodent-free or fly-tight or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors;
- (7) The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances;
- (8) All noxious weeds and other rank growths of vegetation upon public or private property;
- (9) Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities;
- (10) All public exposure of persons having a contagious disease;

- (11) Any offensive trade or business as defined by statute not operating under local license.

Section 3. Public Nuisances Affecting Morals.

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

- (1) All gambling devices, slot machines, and punch boards except as otherwise authorized by ordinance;
- (2) Betting, bookmaking, and all apparatus used in such occupations;
- (3) All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses;
- (4) All places where intoxicating liquor is manufactured or disposed of in violation of law or where, in violation of law, persons are permitted to resort for the purpose of drinking intoxicating liquor, or where intoxicating liquor is kept for sale or other disposition in violation of law, and all liquor and other property used for maintaining such a place;
- (5) Any vehicle used for promiscuous sexual intercourse, or any other immoral or illegal purpose.

Section 4. Public Nuisances Affecting Peace and Safety.

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

- (1) All snow and ice not removed from public sidewalks 12 hours after the snow or other precipitation causing the condition has ceased to fall;
- (2) All trees, hedges, billboards, or other obstructions which prevent persons from having a clear view of all traffic approaching an intersection;
- (3) All wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;
- (4) Any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person or precludes their enjoyment of property or affects their property's value;

- (5) Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks, or public grounds except under such conditions as are permitted by this code or other applicable law;
- (6) Radio aerials or television antennae erected or maintained in a dangerous manner;
- (7) Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds to gather, obstructing traffic and the free use of the street or sidewalk;
- (8) All hanging signs, awnings, and other similar structures over streets and sidewalks, or so situated so as to endanger public safety, or not constructed and maintained as provided by ordinance;
- (9) The allowing of rain water, ice, or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk;
- (10) Any barbed wire fence less than six feet above the ground and within three feet of a public sidewalk or way;
- (11) All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;
- (12) Waste water cast upon or permitted to flow upon streets or other public property;
- (13) Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies, or other material, in a manner conducive to the harboring of rats, mice, snakes, or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health, or safety hazards from such accumulation.
- (14) Any well, hole, or similar excavation which is left uncovered or in such other condition as to constitute a hazard to any child or other person coming on the premises where it is located;
- (15) Obstruction to the free flow of water in a natural waterway or a public

- street drain, gutter, or ditch with trash or other materials;
- (16) The placing or throwing on any street, sidewalk, or other public property of any glass, tacks, nails, bottles, or other substance which may injure any person or animal or damage any pneumatic tire when passing over such substance;
- (17) The depositing of garbage or refuse on a public right-of-way or public property except if placed inside containers which are so located specifically for that purpose, or on adjacent private property;
- (18) Any unattended vehicle which constitutes an obstruction to traffic or hinders snow removal or street improvement;
- (19) Any abandoned or junk vehicle as defined in Minnesota **Statutes**;
- (20) All other conditions or things which are likely to cause injury to the person or property of anyone.

Section 5. Duties of City Officers.

The city clerk, health officer and/or police department shall enforce the provisions of this ordinance relating to nuisances affecting health. The city clerk and/or police department shall enforce the provisions of this ordinance relating to nuisances affecting public safety. The police department shall enforce the provisions of this ordinance relating to nuisances affecting morals and shall assist the other designated officers in the enforcement of the other provisions of this ordinance. Such officers have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

Section 6. Abatement.

Whenever the officer charged with enforcement determines that a public nuisance is being maintained or exists on premises in the city, the officer shall notify in writing the owner or occupant of the premises of such fact and order that such nuisance be terminated and abated. The notice shall be served in person or by certified mail. If the premises are not occupied and the owner is unknown, the

notice may be served by posting it on the premises. The notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding 30 days, within which the nuisance is to be abated. The notice shall also specify that the owner or occupant upon whom the notice is served may request, in writing to the city clerk, a hearing before the city council. Such hearing must be requested before the deadline for abatement stated in the notice. If the notice is served by posting, 30 days must elapse between the day of posting and the deadline for abatement. If the notice is not complied with within the time specified, and a hearing has not been requested, the enforcing officer shall take immediate steps to abate the nuisance. If a hearing has been requested, such action may not take place until after the hearing and the city council has rendered its decision.

Whenever a situation exists that immediately endangers the lives or health of the public, and under which the above notification procedures would be impractical, the enforcing officer has the power to take immediate steps to abate the nuisance.

Section 7. Recovery of Cost.

Subd. 1. Personal liability. The owner of premises on which a nuisance has been abated by the city shall be personally liable for the cost to the city of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the city clerk shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the city clerk.

Subd. 2. Assessment. On or before October 1 following abatement of a nuisance by the city, the city clerk shall list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed against each separate lot or parcel to which the charges are attributable. The council may then spread the charges against such property for certification to the county auditor and collection along with current taxes the following year or in annual installments, not exceeding ten, as the council may determine in each case.

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Ordinance No. 83-16
Nuisances

Section 8. Penalty.

Any person who violates any provision of this ordinance is guilty of a petty misdemeanor and shall be punished by a fine not to exceed \$200. Every day that the offense occurs shall be deemed a separate violation of this ordinance.

Section 9. Repeal.

Chapter 2.3 Code of Ordinances dated May 5, 1958 and entitled "Board of Health, Nuisances and Abatement of Same and Penalties" is hereby repealed.

Section 10. Effective Date.

This ordinance becomes effective upon its passage and publication according to law.

PASSED BY THE CITY COUNCIL THIS 21st DAY OF November 1983.

Wes Witkowski
Mayor

Donald E. Hurley
City Clerk

ORDINANCE NUMBER 83-17

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE 83-15

The Clearwater City Council ordains:

Section 2 of Ordinance 83-15, dated November 21, 1983, is hereby amended by adding the following subdivision:

Subd. 3. After a snowfall of two (2) inches or more, or after a wet slushy snowfall of any amount, all motor vehicles and parts thereof are to be removed from all streets within the city limits, including the right-of-ways or boulevards, for the purpose of snowplowing and/or snow removal, and are to remain cleared of vehicles until such time as all streets are plowed. All vehicles not removed from the streets or right-of-ways or boulevards as required by this subdivision are declared to be public nuisances and shall be removed as provided in this ordinance.

PASSED BY THE CITY COUNCIL THIS 5th DAY OF DECEMBER, 1983.

Wes Witkowski
Mayor

Donald Chamber
Clerk

AN ORDINANCE REGULATING ABANDONED AND JUNK VEHICLES, VEHICLES CREATING A PUBLIC NUISANCE, PROVIDING FOR ABATEMENT AND FOR PENALTIES FOR VIOLATION THEREOF

The city council of Clearwater ordains:

Section 1. Definitions.

Subd. 1. Words and phrases. For the purpose of this ordinance, the following words and phrases have the meaning given to them in this section.

Subd. 2. Abandoned motor vehicle means a motor vehicle as defined in Minnesota Statutes, Section 169.01, that has remained for a period of more than 48 hours on public property illegally or lacking vital component parts, or that has remained for a period of more than 48 hours on private property with or without consent of the person in control of such property, in an inoperable condition, including lack of current vehicle license, such that it has no substantial potential use consistent with its usual functions, unless it is kept in an enclosed garage or storage building. It shall also mean a motor vehicle voluntarily surrendered by its owner to the City or to a towing contractor hired by the city for its removal. A classic car or pioneer car, as defined in Minnesota Statutes, Section 168.10, shall not be considered an abandoned motor vehicle within the meaning of this ordinance.

Subd. 3. Junk vehicle means a motor vehicle which is not in operable condition; which is partially dismantled; which is used for sale of parts or as a source of repair or replacement parts for other vehicles; or which is kept for scrapping, dismantling, or salvage of any kind, unless such vehicle is kept in an enclosed garage or storage building. A vehicle which does not have current vehicle license shall be considered not in operable condition. A junk vehicle shall be considered to be an abandoned vehicle for the purpose of this ordinance.

Subd. 4. Private property means all property not defined as public property in subdivision 5.

Subd. 5. Public property means property in control of any government or its agencies including that portion of the right of way between the traveled portion of a street

and the adjacent property line.

Subd. 6. Street means any public street, avenue, road, alley, or highway located in the city limits and established for the use of vehicles.

Subd. 7. Towing contractor means a person or firm hired by the city to remove abandoned or junk vehicles.

Subd. 8. Unclaimed vehicle means any impounded vehicle not claimed by, or for any reason not released to, the owner thereof within 15 days after notice is mailed to him or such notice is published as provided herein.

Subd. 9. Vital component parts means those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle, including, but not limited to, the motor, drive train, and wheels.

Section 2. Vehicles Constituting a Public Nuisance.

Subd. 1. Abandoned and junk vehicles are declared to be an attractive nuisance creating a hazard to health and safety of the public because they invite plundering, create fire hazards, and attract vermin. The accumulation and outside storage of such vehicles is determined to be in the nature of rubbish, litter and unsightly debris, and a detriment to the environment and may be abated as provided herein or as provided under any other ordinance of the City of Clearwater or the statutes of the State of Minnesota.

Subd. 2. Any vehicle, whether occupied or not, that is found stopped, standing or parked in violation of any ordinance or Minnesota statute; or that is reported stolen; or that is found impeding firefighting, snow removal or plowing, or the orderly flow of traffic is declared to be a public nuisance and may be abated as provided herein or as provided under any other ordinance of the City of Clearwater or the statutes of the State of Minnesota.

Section 3. Impoundment and Tagging of Vehicles.

Subd. 1. Impounding. Vehicles constituting an attractive nuisance or a public nuisance may be taken into custody and impounded. Any police officer or other

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Abandoned-Nuisance Vehicles

duly authorized person may immediately order any vehicle constituting an attractive nuisance or a public nuisance to be removed and impounded in the manner herein provided, and it shall be surrendered to the duly identified owner thereof by the towing contractor only upon payment of the fees herein provided, which are declared to be the vehicle pound fees covering the same. If the owner or operator requests that such vehicle be towed to any garage other than the towing contractor, and provided the owner shall advance to the towing contractor a sum equal to the minimum towing charge as established by the towing contract, neither the towing contractor nor the police department shall order such vehicle to be impounded in any public pound unless the police department considers possession of such motor vehicle necessary in the prosecution of a violation of law.

Subd. 2. Tagging. Any vehicle ordered impounded by the police department under this ordinance shall immediately be tagged for identification by the police department, which tag shall show the disposition of the car ordered by said police department, and the reason for which impounded. The tag shall be delivered to the towing contractor with the tow sheet.

Section 4. Report of Police Officer.

Any police officer or other authorized person directing the impounding of any motor vehicle shall prepare a written report of the description of such motor vehicle which report shall, among other things, include the following: year and make of the motor vehicle, license number, model and serial number if such information can reasonably be obtained, number of tires, tools and other separate articles of personal property; general description of the vehicle with regard to the condition of damaged parts and such other information as may be necessary to describe adequately the vehicle and property delivered to the towing contractor. A copy of such report, signed by the officer, shall be delivered to the towing contractor at the time of impounding. The towing contractor shall make a receipt for such report, and shall check such report, and his signature thereon shall be

considered a receipt for the vehicle and property described in said report. The original and one copy of said report, and the towing contractor's receipt, shall be filed in the police department. The police department shall deliver a copy of the report and receipt to the city clerk.

Section 5. Sale, Notice to Owner, and Reclaiming of Vehicles.

Subd. 1. Immediate sale of certain vehicles. When a vehicle constituting an abandoned motor vehicle is more than 7 model years of age, is lacking vital component parts, and does not display a license plate currently valid in Minnesota or any other state or foreign country, it shall immediately be eligible for sale and shall not be subject to the notification, reclamation, or title provisions of subdivisions 2 and 3 and Section 6.

Subd. 2. Notices to owner and reclaiming of vehicles.

a. When a vehicle constituting an attractive nuisance or a public nuisance does not fall within the provisions of subdivision 1, the city clerk shall give notice of the taking within 48 hours. The notice shall:

(1) Set forth the date and place of taking, the year, make, model and serial number of the vehicle and the place where the vehicle is being held.

(2) Inform the owner and any lienholders of the towing charges then accrued against the vehicle and shall provide a schedule of storage charges to be made by the towing contractor.

(3) Inform the owner and any lienholders of their right to reclaim the vehicle under subdivision 3.

(4) State that the failure of the owner or lienholders to exercise their right to reclaim the vehicle within 15 days from the date of the notice shall be deemed a waiver by them of all right, title, and interest in the vehicle and a consent to the sale of the vehicle at a public sale or auction pursuant to Section 6, and that the vehicle will be sold

after the expiration of the 15 day period.

b. The notice shall be sent by certified mail to the registered owner, if any, of the vehicle and to all readily identifiable lienholders of record. The notice shall also be published once in the official newspaper of the city. Published notices may be grouped together for convenience and economy.

Subd. 3. Right to reclaim.

a. The owner or any lienholder of a motor vehicle shall have the right to reclaim such vehicle from the towing contractor upon payment of all towing and storage charges resulting from taking the vehicle into custody within 15 days after the date of the notice required by subdivision 2.

b. Nothing in this ordinance shall be construed to impair any lien of a garagekeeper under the laws of this state, or the right of a lienholder to foreclose. For the purpose of this subdivision, "garagekeeper" is an operator of a motor vehicle storage facility, or an operator of an establishment for the servicing, repair or maintenance of motor vehicles.

Section 6. Sale of Unclaimed Vehicles.

Subd. 1. Any attractive nuisance or public nuisance vehicle taken into custody and not reclaimed under Section 5, subdivision 3 shall be sold to the highest bidder at public auction or sale, following reasonable published notice thereof. The purchaser shall be given a receipt which shall be sufficient title to dispose of the vehicle. The receipt shall also entitle the purchaser to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership.

Subd. 2. All vehicles taken into custody and not reclaimed shall be sold within a reasonable time, which shall not exceed the period of time in which the sum of all towing and storage charges, plus notice and publication costs, would equal the value of the vehicle. The towing contractor shall advise the city clerk of the estimated market value of each vehicle when taken into custody and the estimated

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Ordinance No. 83-15
~~Abandoned-Nuisance~~ Vehicles

date by which charges against the vehicle will equal its value.

Subd. 3. From the proceeds of the sale of any vehicle, the towing contractor shall receive the cost of towing, preserving and storing the vehicle. The city shall reimburse itself for all notice and publication costs incurred pursuant to this ordinance. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lienholder for 90 days and then shall be deposited in the General Fund of the City treasury.

Section 7. Designation of City Towing Contractor: Requirements.

Subd. 1. Bids for towing contractors. The city clerk shall prepare specifications and advertise for bids by persons, firms, or corporations desiring to act as towing contractor for vehicles impounded under this ordinance, and the city council shall, by motion, accept the bid of one or more bidders as official towing contractors of the city.

Subd. 2. Contracts. Contracts shall be entered into in writing for a period not exceeding two years which shall set forth the fees to be paid and the services to be rendered by such contractors.

Section 8. Prohibited Activity.

A towing contractor shall not solicit, directly or indirectly, the impounding or towing of vehicles under this ordinance.

Section 9. Penalty.

Any person who abandons a motor vehicle on any public or private property, or any person who permits a vehicle to constitute an attractive nuisance or a public nuisance, or any person who violates the provisions of this ordinance shall be guilty of a petty misdemeanor and shall be punished by a fine not to exceed \$200. Every day that the offense occurs shall be deemed a separate violation of this ordinance.

Section 10. Repeal.

Sections 3 and 4 and that portion of Section 6 referring to junk vehicles of

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Chapter 10.1 of the Ordinances of the Village of Clearwater dated September 8, 1970, and entitled "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" are hereby repealed.

Section 11. Effective Date.

This ordinance becomes effective upon its passage and publication according to law.

PASSED BY THE CITY COUNCIL THIS 21st DAY OF November, 1983.

Wes Witkowski
Mayor

Donald E. Sankey
City Clerk



ORDINANCE 7.02

AMENDMENT 2

AN ORDINANCE AMENDING SECTION 704 OF THE CLEARWATER
ZONING ORDINANCE

The Council of the City of Clearwater ordains:

Section 1. The last paragraph of Section 704, Screening, of Ordinance 7.02, Clearwater Zoning Ordinance is amended to read:

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Screening or fencing constructed within a residential zone at the option of the property owner shall be limited to 5 feet in height, and shall not extend within 15 feet of the improved portion of any street, and shall in no way be constructed so as to obscure traffic visibility on any street or at any intersection. All boundary line fences shall be entirely located upon the property of the person, firm or corporation constructing, or causing the construction, of such fence unless the owner of the property adjoining agrees, in writing, that such fence may be erected on the division line of the respective properties.

Section 2. Effective Date.

This amendment shall become effective upon its publication according to law.

PASSED BY THE CITY COUNCIL THIS 18th DAY OF JUNE, 1984.

Wes Witkowski
Mayor



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OFFICE OF COUNTY RECORDER
WRIGHT COUNTY, MINNESOTA
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MARCIA LANTT, CO. RECORDER

BY B. Hebelcik DEPUTY

City of Clearwater, Box 171,
Clearwater, Mn 55320

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