

TITLE 4

PUBLIC HEALTH AND SAFETY

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CHAPTER 2

OPEN BURNING

SECTION:

- 4-2-1: Adoption Of Air Pollution Control Regulation
- 4-2-2: Open Burning Prohibited; Exception
- 4-2-3: Burning Of Leaves Prohibited
- 4-2-4: Prairie Burning

4-2-1: ADOPTION OF AIR POLLUTION CONTROL REGULATION:

A. Regulation 8 Adopted: Air Pollution Control Regulation 8, as amended, adopted by the Minnesota Pollution Control Agency, is hereby adopted by reference pursuant to Minnesota Statutes section 471.62, as amended.

B. Copy on File: One copy of said Regulation 8 shall be marked "Official Copy" and kept on file in the office of the Clerk-Treasurer for use and examination by the public. (1981 Code § 512.01)

4-2-2: OPEN BURNING PROHIBITED; EXCEPTION: No person shall dispose of refuse in the City by burning in an uncovered, outdoor container, or prairie burning unless as provided in Section 4-2-4 of this Chapter. (1981 Code § 512.02; 1997 Code)

4-2-3: BURNING OF LEAVES PROHIBITED. The burning of leaves and yard waste is prohibited in all areas within the corporate limits of the City. This is consistent with the Minnesota State Fire Code as amended and adopted by the City of Sartell.

4-2-4: PRAIRIE BURNING

The City of Sartell recognizes the maintenance requirements of natural prairies and will issue permits to a business, which have the personal, training and management experience to accommodate managed prescribed burns or a government agency that conducts prescribed burning and can provide proper forms of insurance. Permits will not be issued to the general public for prairie burning. Permits will be valid for a seven (7)-day period. The Fire Chief or Fire Marshal's office must review permits prior to any permits being issued. Applicants for the permit must provide the following information:

1. Site plan of proposed burn area.
 - a. Burn plan, to include the methods for burning and fire control during the prescribed burn.
 - b. Public relations plan which includes how residents within 100 feet of the area will be notified about the prescribed burn, in addition to the County Dispatch, Department of Natural Resources. Public notification should include that the burn is a controlled burn.
 - c. Smoke management plan.
2. Requested time frame for the prescribed burn.
3. A letter of permission to conduct the prescribed burn signed by the property owner.
4. The Fire Chief or Fire Marshal shall be notified and give final permission to conduct the burn the day the activity is to begin.
5. No burning of prairie areas shall take place during an air pollution alert, warning or emergency declared by the Minnesota Pollution Control Agency or during a fire danger alert declared by the Fire Chief or by the Commissioner of the Minnesota Department of Natural Resources

6. Any fire authorized by this Section shall be constantly attended by a competent person until such fire is extinguished.
7. Expenses Related to Prairie Areas. If for reason it is determined that the burn will need the assistance of the Fire Department and Equipment, the property owner shall be responsible for the payment of all costs associated in the utilization of Fire Department Personal and the rental of fire equipment as determined by ordinance.

CHAPTER 3

POISONOUS LIQUIDS AND GASES

SECTION:

- 4-3-1: Possession And/or Storage Restricted
- 4-3-2: Limitations
- 4-3-3: Precaution Necessary While Using
- 4-3-4: Storage of Containers
- 4-3-5: Excessive Storage, Permit Required
- 4-3-6: Penalty

4-3-1: POSSESSION AND/OR STORAGE RESTRICTED: It shall be illegal for any person to have in his or her possession or stored on or upon his or her premises within the corporate limits of the City, any chlorine or any other substance which is an element in gaseous form and which is poisonous to humans and animals, or both, except as herein provided. (1981 Code § 515.01; 1997 Code)

4-3-2: LIMITATIONS:

- A. Amount In Possession: Any person who shall have in his or her possession or have stored for his or her own use on the premises, any chlorine or any other substance which is an element in gaseous form and which is poisonous and which storage drums are used for his or her convenience in the manufacturing or business enterprise conducted within the corporate limits of the City, may have in his or her possession not more than fifteen (15) drums or barrels at any one time; on condition, however, that each of said drums or barrels do not contain more than two thousand (2,000) pounds, or the equivalent thereof, and on condition that the same are stored as herein provided. (1981 Code § 515.02; 1997 Code)
- B. Size of Containers: It shall be illegal for any person to withdraw any chlorine or any substance which is an element in gaseous or liquid form from any container which has a larger capacity than two thousand (2,000) pounds per container, or the equivalent thereof. (1981 Code § 515.03; 1997 Code)

4-3-3: PRECAUTION NECESSARY WHILE USING: All use, storage and disposal of such chlorine or other substances being an element in gaseous form shall be so conducted so as to prevent the escape of any part thereof into the atmosphere or into any public subsurface, sewer, drain, manhole or other underground tunnel, pipe, shaft or conduit or natural waterway. Should there be any evidence of the escape of any part of same as above described, any official of the City, including the Director of Emergency Services, shall have the power to order immediate corrective measures. Where such corrective measures are ineffective or not installed, said person may order the discontinuance of the operation or practice which in his/her opinion is responsible for the existing condition. (1981 Code § 515.04; 1997 Code)

4-3-4: STORAGE OF CONTAINERS:

- A. Location: The storage of any chlorine or other substance being an element in gaseous form shall be restricted to an area separate from any location in which said substance is being used and shall also be stored in any area separate from the storage of any combustible materials. (1981 Code § 515.05; 1997 Code)
- B. Method: Containers of chlorine or other substances being an element in gaseous form when piled one upon the other shall be separated by dunnage or other suitable means or devices sufficient to provide stability and to prevent excessive stress on container walls. The height of piles shall be consistent with stability. Drums and barrels stored on their sides shall have their heads facing the

aisles so that leakage of bungs may be readily detected. All such containers when empty shall have caps, plugs or bungs replaced immediately after use and where container is empty. (1981 Code § 515.06; 1997 Code)

4-3-5: **EXCESSIVE STORAGE, PERMIT REQUIRED:**

- A. Permit Required: Any person desiring to store a greater amount of said chlorine or substances being an element in gaseous form and which is poisonous, must make application to the City Council for a special permit. (1981 Code § 515.07; 1997 Code)
- B. Application For Permit:
 - 1. Required Information: All applications shall contain the following information:
 - a. The nature of the business of the applicant.
 - b. The amount of such liquid or gases now stored on said premises.
 - c. The maximum amount of same intended to be stored on said premises, including a diagram showing the location of such storage place together with a description of any safety devices installed to protect the public against the escape of any part of same.
 - 2. Statement From State Board Of Health: A statement from the State Board of Health showing that the quantity desired to be stored is not injurious to the health, safety and welfare of the residents of the City.
- C. Issuance/Non Issuance Of Permit: The City Council may or may not grant said special permit and if said special safety and welfare of the residents of the City and shall take effect immediately upon its passage and publication. (1981 Code § 515.07)

4-3-6: **PENALTY:** Any person who shall violate or fail to comply with any of the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to penalty as provided in Section 1-4-1 of this Code for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. (1981 Code § 515.08; 1997 Code)

CHAPTER 4

EXPLOSIVES REGULATIONS

SECTION:

- 4-4- 1: Scope
- 4-4- 2: Definitions
- 4-4- 3: Acquisition And Use, Permit Required
- 4-4- 4: Application For Permit; Inspection Of Premises
- 4-4- 5: Permit Approval Or Denial
- 4-4- 6: Permit Fee
- 4-4- 7: Term Of Permit
- 4-4- 8: Blasting
- 4-4- 9: Sale Or Transfer
- 4-4-10: Seller's Record And Report
- 4-4-11 : Storage And Security Requirements
- 4-4-12: Report Of Thefts
- 4-4-13: Permit Revocation Or Suspension
- 4-4-14: Penalty

4-4-1: **SCOPE:**

- A. **Applicability:** This Chapter shall apply to the manufacture, keeping, having, storage, sale, transportation and use of explosives and blasting agents.
- B. **Excepted Acts:** This Chapter shall not apply to the following:
 - 1. Transportation of explosives or blasting agents when under the jurisdiction of and in compliance with the regulations of the Federal Department of Transportation.
 - 2. Shipment, transportation and handling of military explosives by the Armed Forces of the United States and the State militia.
 - 3. Transportation and use of explosives or blasting agents in the normal and emergency operation of Federal agencies or State or Municipal Fire and Police Departments; provided, that they are acting in their official capacities and in the proper performance of their duties.
 - 4. Sale, use or public display of pyrotechnics commonly known as fireworks.
- C. **Excepted Commodities:** This Chapter shall not apply to the following commodities and items:
 - 1. Stocks of small arms ammunition, propellant-actuated powder cartridges, small arms ammunition primers in quantities of less than one million (1,000,000) or smokeless propellant in quantities of less than seven hundred fifty (750) pounds.
 - 2. Explosive actuated powder devices when in quantities of less than fifty (50) pound net weight of explosives.
 - 3. Fuse lighters and fuse igniters.
 - 4. Safety fuse (safety fuse does not include cordeau detonant fuse), and three thirty-seconds inch (3/32") cannon fuses or matchlock fuses (slow match).
 - 5. The sale or transfer of black powder or other commonly used non smokeless propellant in

individual transactions involving quantities of five (5) pounds or less when used for muzzle-loaded sports equipment or used in the hand-loading of sports equipment. (Ord. 90-5, 8-27-1990)

4-4-2: **DEFINITIONS:** In this Chapter, the following words are used as defined in this Section:

BLASTING AGENT: Any material or mixture consisting of a fuel and oxidizer intended for blasting not otherwise classified as an explosive and in which none of the ingredients are classified as an explosive; provided, that the finished product, as mixed and packaged for use or shipment, cannot be detonated by means of a Number 8 test blasting cap when unconfined.

DOT: The Department of Transportation of the United States.

EXPLOSIVE Any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion, i.e., with substantially instantaneous release of gas and heat, unless such compound, mixture or device is otherwise specifically classified by the DOT (formerly ICC). The term "explosive" includes all material which is classified as Class A, Class B and Class C explosives by the DOT (formerly ICC), and includes, but is not limited to, Dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuse, fuse lighters, fuse igniters, squibs, cordeau detonant fuse, instantaneous fuse, igniter cord, igniters, small arms ammunition, small arms ammunition primers, smokeless propellants, cartridges for propellant actuated powder devices and cartridges for industrial guns and some special fireworks. (Commercial explosives are those explosives which are intended to be used in commercial or industrial operations.)

**EXPLOSIVE-
ACTUATED POWDER
DEVICE:** Any tool or special mechanized device which is actuated by explosives, but not to include propellant-activated powder devices. Examples of propellant-actuated powder devices. Examples explosive-activated devices are jet tappers and jet perforators.

**EXPLOSIVES,
CLASSIFICATION
OF, DESCRIBED
BY THE DOT
(FORMERLY ICC):**

A. Class A Explosives: Possessing, detonating or otherwise maximum hazard; such as dynamite, nitroglycerin, picric acid, lead azide fulminate of mercury, black powder, blasting caps and detonating primers.

B. Class B Explosives: Possessing flammable hazard, such as propellant explosives (including some smokeless propellants), photographic flash powders and some special fireworks.

C. Class C Explosives: Includes certain types of manufactured articles which contain Class A or Class B explosives, or both, as components but in restricted quantities.

D. Forbidden Or Not Acceptable Explosives: Explosives which are forbidden or not acceptable for transportation by common carriers, by rail freight, rail express, highway or water in accordance with the regulations of the DOT (formerly ICC).

E. Unclassified Materials: Certain chemicals and certain fuel materials may have explosive characteristics which are not specifically classified by the DOT (formerly ICC) and are not readily classified for coverage in the Code. Authoritative information should be obtained for such

unclassified materials and action commensurate with their hazards, location, isolation and safeguards should be taken.

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| HIGHWAY: | Any public street, public alley or public road. |
| ICC: | The Interstate Commerce Commission of the United States. |
| INHABITED BUILDING: | A building or structure regularly used in whole or in part as a place of human habitation. The term "inhabited building" also means any church, school, store, railway passenger station, airport terminal for passengers and any other building or structure where people are accustomed to congregate or assemble, but excluding any building or structure occupied in connection with the manufacture, transportation, storage and use of explosives. |
| MAGAZINE: | Any building or structure, other than an explosives manufacturing building, approved for the storage of explosives. |
| MOTOR VEHICLE: | Any self-propelled vehicle, truck, tractor, semitrailer or truck-full trailers used for the transportation of freight over public highways. |
| NITRO-CARBO-NITRATE: | Any blasting agent which has been classified as nitro-carbonite under the Department of Transportation regulations and which is packaged and shipped in compliance with the regulations of the Department of Transportation. |
| NUMBER 8 TEST BLASTING CAP | A blasting cap containing two (2) grams of a mixture of eighty percent (80%) mercury fulminate and twenty percent (20%) potassium chlorate, or a cap of equivalent strength. |
| PERSON: | Any individual, firm, partnership, corporation, company, association, joint stock association or other entity and includes a trustee, receiver, assignee or personal representative of any of the above. |
| PROPELLANT-ACTUATED POWDER DEVICES: | Any tool or special mechanized device or gas generator system which is actuated by a smokeless propellant or which releases and directs work through a smokeless propellant charge. |
| PUBLIC CONVEYANCE: | Any railroad car, streetcar, ferry, cab, bus, airplane, or other vehicle which is carrying passengers for hire. |
| RAILWAY: | Any steam, diesel, electric or other railway which carries passengers for hire on the particular line or branch in the vicinity where explosives are stored or where explosives manufacturing buildings are situated. |
| SMALL ARMS AMMUNITION: | Any shotgun, rifle, pistol or revolver cartridge and cartridge for propellant-actuated powder devices and industrial guns. Military-type ammunition containing explosives, bursting charges, spotting or pyrotechnic projectiles is excluded from this definition. |
| SMALL ARMS AMMUNITION PRIMERS: | Small percussion-sensitive explosive charges, encased in a cup, used to ignite propellant powder. |
| SMOKELESS PROPELLANTS: | Propellants, commonly called smokeless powders in the trade, used in small arms ammunition, cannon, rockets, propellant-actuated powder |

devices, etc.

**SPECIAL INDUSTRIAL
EXPLOSIVE DEVICES:**

Explosive-actuated powder devices and propellant-actuated powder devices.

**SPECIAL INDUSTRIAL
EXPLOSIVE
MATERIALS:
TNT, PETN, RDS**

Shaped materials and sheet forms and various other extrusions, pellets and packages of high explosives, which include dynamite, and other compounds used for high energy rate forming, expanding and shaping in metal fabrication, and for dismemberment and quick reduction of scrap metal. (Ord. 90-5, 8-27-1990)

4-4-3: **ACQUISITION AND USE, PERMIT REQUIRED:** It is unlawful for any person to acquire, possess, use, sell or handle any "explosive" as defined in Section 4-4-2 of this Chapter, except as otherwise provided by Section 4-4-1 of this Chapter, within the City, without first having obtained a permit. (Ord. 90-5, 8-27-1990)

4-4-4: **APPLICATION FOR PERMIT; INSPECTION OF PREMISES:**

A. Written Application: Any person desiring a permit shall make application therefor in writing to the Clerk-Treasurer on such forms as the City may prescribe.

B. Required Information: The application for a permit shall be sworn to by the applicant and shall contain the following information:

1. Name and address of the applicant;
2. The applicant's date of birth and driver's license number;
3. Where applicant intends to permanently store the explosives and the storage security measures provided at the storage and use sites;
4. The applicant's intended use for explosives purchased pursuant to any permit that may be issued;
5. All information relative to applicant with respect to facts required under subsection 4-4-5B of this Chapter; and
6. All such additional information as may be prescribed by the City Council in determining whether the applicant is qualified to possess a permit under the requirements of this Chapter.

C. Inspection Of Premises: Upon receipt of the application, the Clerk/Treasurer shall notify the City Fire Marshal that a permit has been requested. Upon receipt of notification, the Marshal shall inspect the premises upon which the applicant desires to store, handle and use the explosives set forth in the application and if the Marshal is satisfied: 1) that no serious fire hazard will be created, and 2) that the applicant plans to store and use the explosives in the manner prescribed by this Chapter, the Marshal shall endorse the Marshal's approval upon the application and return it to the Clerk-Treasurer.

4-4-5: **PERMIT APPROVAL OR DENIAL:**

A. Council Approval: A permit shall be issued by the Clerk-Treasurer only after approval of the application by the Fire Marshal and Police Chief.

Grounds for Denial: The City may deny the issuance of a permit to anyone who:

1. Has been convicted within the past ten (10) years of a felony or gross misdemeanor involving

moral turpitude or anyone who is presently under indictment for any such crime; or

2. Has been within the past ten (10) years convicted of a crime in which the use, possession or sale of narcotics or illicit drugs was an element; or

3. Has been treated within the past ten (10) years for addiction to narcotic or illicit drugs, or has been within such time period admitted to any hospital or institution for treatment of narcotics or illicit drug addiction, or has been within such time period certified by a licensed medical doctor as being addicted to narcotic or illicit drugs; or

4. Has been within the past ten (10) years acquitted of any criminal charge by reason of insanity; or

5. Is not eighteen (18) years of age at the time when application for a permit is made (Ord. 90-5, 8-27-1990)

6. Is or has been hospitalized or committed for treatment for the habitual use of a "narcotic drug", as defined in Minnesota Statutes section 152.01, subdivision 10, or a "controlled substance", as defined in Minnesota Statutes section 152.01, subdivision 4, or who has been certified by a medical doctor as being addicted to narcotic drugs or depressant or stimulant drugs, unless in possession of a certificate of a medical doctor or psychiatrist licensed to practice in this State, or other satisfactory proof, that the person no longer has this disability. (1997 Code)

4-4-6: **PERMIT FEE:** The Clerk-Treasurer shall, upon approval of the application and receipt of the required fee, prepare and mail the permit to the applicant. (Ord. 90-5, 8-27-1990; 1997 Code)

4-4-7: **TERM OF PERMIT:** No permit shall be granted for a period exceeding twelve (12) months. (Ord. 90-5, 8-27-1990)

4-4-8: **BLASTING:** In addition to the other requirements of this Chapter, persons using explosives or blasting agents for blasting activities shall observe the following requirements:

A. **Presence Of City Engineer And/or Public Works Director Required:** No use of explosives or blasting agents for blasting activities shall take place without the City Engineer and/or Public Works Director or the City Engineer and/or Public Works Director's designee being present. Any person engaging in blasting activities must, no later than three (3) days before the intended activity, arrange with the Clerk-Treasurer to have the City Engineer and/or Public Works Director or a designee present during the blasting activity. The expense of having the Engineer and/or Public Works Director present shall be borne by the person(s) engaging in blasting activity.

B. **Notice Requirements:** Any person using explosives or blasting agents for blasting activities shall, at least three (3) days prior to engaging in such activities, notify in writing: 1) the Chief of Police, 2) the City Fire Marshal, and 3) all property owners within five hundred feet (500') of the site where blasting activities are to be conducted. (Ord. 90-5, 8-27-1990)

4-4-9: **SALE OR TRANSFER:** No person shall sell, transfer or give away any explosive or blasting agent to anyone who does not possess a valid permit issued under this Chapter. (Ord. 90-5, 8-27-1990)

4-4-10: **SELLER'S RECORD AND REPORT:**

A. **Required Information:** Every person selling or giving away any explosive covered by this Chapter shall keep at all times an accurate record in a bound book of all such explosives handled, indicating a detailed account of:

1. Date of each transference of explosives;
 2. Amount of each such transference;
 3. Name and address of each purchaser or transferee;
 4. Manufacturer of the explosives being transferred;
 5. The type of and any identification numbers of explosives being transferred;
 6. Explosives owner or user's permit number;
 7. Intended place of storage of the explosive by the purchaser or transferee;
 8. Intended use site; and
 9. Security measures provided at the storage site and at the use site.
- B. Inspection By City Officials: The record book shall at all reasonable times be open to the inspection of the City Fire Marshal and any law enforcement official of the City.
- C. Monthly Report To Fire Marshal: On the first day of every month, the seller or transferor shall make a report to the City Fire Marshal of the transactions which took place that month. (Ord. 90-5, 8-27-1990)

4-4-11: **STORAGE AND SECURITY REQUIREMENTS:** Any person storing, handling, using or in any way disposing of explosives covered by this Chapter shall maintain minimum safety and security features of all permanent and temporary storage facilities in a manner prescribed by the rules and regulations of the Minnesota State Fire Marshal governing the storage, handling, use and transportation of blasting agents and explosives. (Ord. 90-5, 8-27-1990)

4-4-12: **REPORT OF THEFTS:** Any person who has explosives in his/her possession and who incurs a loss or theft of all or a portion thereof, upon discovery of such loss or theft, shall immediately, and in no event longer than twenty four (24) hours from the time of discovery, inform the office of the local Chief of Police of the loss or theft, the amount missing and approximate time of the occurrence. (Ord. 90-5, 8-27-1990)

4-4-13: **PERMIT REVOCATION OR SUSPENSION:** A permit may be revoked or suspended at any time by order of the City for any violation of the provisions of this Chapter or upon the creation or existence of any condition which would, in the opinion of the City Fire Marshal, create or tend to create a serious fire hazard. (Ord. 90-5, 8-27-1990)

4-4-14: **PENALTY:** Any person who violates any provisions of this Chapter is guilty of a misdemeanor. (Ord. 90-5, 8-27-1990)

CHAPTER 5

FIRE PREVENTION AND PROTECTION

SECTION:

- 4-5-1: Storage Of Firewood
- 4-5-2: Barbecues And Deck Fires

4-5-1: **STORAGE OF FIREWOOD:**

A. Statement Of Policy: The City Council finds that the use of renewable resources including wood is increasing. The Council recognizes that to protect public health and safety, wood piles must be erected, located and maintained in a safe and orderly fashion.

B. Scope: This Section applies to the storage of wood on residential properties within the City except for the exemptions noted below. This Section shall apply to any wood or wood product usually used or intended to be used as firewood in the residence or any accessory structure.

C. Conditions Of Storage: Firewood shall be stored in the following fashion:

1. In neat and secure stacks.
2. The height of a wood pile over three feet (3') high shall be no more than twice its width. The maximum height allowed is six feet (6').
3. In a manner and location to minimize possible problems of rat or other pest infestation.
4. No wood shall be stored within the required minimum area of setback from a street right of way or property line.
5. No wood shall be stored in a front yard or yard that is commonly considered the front yard.
6. The maximum amount of wood that may be stored is twelve (12) cords. (1 cord being 4 feet by 4 feet by 8 feet or 128 cubic feet.)

D. Exemptions: Wood storage under the following circumstances shall be exempt from the conditions outlined in subsection C of this Section:

1. Wood stored or kept in a covered structure impervious to the elements.
2. Temporary storage of logs for up to thirty (30) days outside of the required areas of setback from property lines and street is allowed for the purpose of cutting and splitting logs to a size useable in the resident's wood burning device.
3. Temporary storage for up to thirty (30) days of lumber and other wood products used in construction projects is allowed outside of the required areas of setback from property lines and street. (Ord. 86-8, 11-24-1985)

E. Penalty: Every person convicted of a violation of any provision of this Section shall be guilty of a misdemeanor, and shall be subject to penalty as provided in Section 1-4-1 of this Code. (Ord. 86-7, 11-24-1986; 1997 Code)

4-5-2: **BARBECUES AND DECK FIRES:**

A. Multi-Family Dwellings:

1. Use Restricted: No persons shall construct, erect, install or use any incinerator or barbecue, nor kindle or maintain any open flame, charcoal or other material on any balcony or patio which is attached to or is within fifteen feet (15') of any apartment building in which there are two (2) or more separate living units on more than one level unless the separate living units each have their own private means of ingress and egress.

2. Storage Prohibited: No person shall store or use any charcoal, lighter fluid, natural gas, fuel, torch, barbecue grill or other similar heating or lighting chemical or device in any place where fire, open flame or electric heating element is prohibited in subsection A1 of this Section.

B. Penalty: Any person who shall violate any of the provisions of this Section shall be guilty of a misdemeanor each day the violation continues. (Ord. 90-3, 6-11-1990)

CHAPTER 6

NUISANCES

SECTION:

- 4-6-1: Public Nuisance Defined
- 4-6-2: Health-Related Nuisances
- 4-6-3: Safety-Related Nuisances
- 4-6-4: Noise-Related Nuisances
- 4-6-5: Duties of City Officers
- 4-6-6: Abatement
- 4-6-7: Recovery of Cost
- 4-6-8: Penalty

4-6-1: **PUBLIC NUISANCE DEFINED:** Whoever by act or failure to perform a legal duty intentionally does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor.

- A. Maintains or permits a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public; or
- B. Interferes with, obstructs or renders dangerous for passage any public highway or right of way or waters used by the public; or
- C. Is guilty of any other act or omission declared by law or this Chapter to be a public nuisance and for which no sentence is specifically provided. (1981 Code § 801.00)

4-6-2: **HEALTH-RELATED NUISANCES:** The following are hereby declared to be nuisances affecting health:

- A. Decayed or Unwholesome Accumulations: Exposed accumulation of decayed or unwholesome food or vegetable matter.
- B. Diseased Animals: All diseased animals running at large.
- C. Stagnant Water: All ponds or pools or stagnant water.
- D. Animal Carcasses: Carcasses of animals not buried or destroyed within twenty-four (24) hours after death.
- E. Refuse Accumulations: Accumulations of manure, refuse or other debris.
- F. Privy Vaults, Garbage Cans: 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 emit foul or disagreeable odors.
- G. Water Pollution: The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substances.
- H. Noxious Weeds, Vegetation: All noxious weeds and other rank growths of vegetation, public or private.
- I. Smoke, Fumes: Dense smoke, noxious fumes, gas and soot or cinders in unreasonable quantities as stated by State and Federal air quality standards & to include the following:

- 1) Outdoor Solid Fuel Heating Device: A device, structure, or apparatus, which supplies direct or indirect heat from the burning of solid fuel, including but not limited to wood, to a building.
- 2) Stacks or Chimneys: Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel fired heating.
- 3) Outdoor solid fuel heating devices are prohibited and shall not be installed or operated within the City of Sartell.
- 4) All existing solid fuel units installed within the City limits at the time of adoption of this ordinance or annexed into the City limits following the adoption of this ordinance are required to meet emission standards currently required by the Environmental Protection Agency (EPA), which are hereby adopted by reference together with any amendments or modifications made to them in the future.
 - A) The minimum stack height for any solid fuel-fired heating device shall meet or exceed the manufacturer's guidelines.
 - B) Any existing non-complying stack shall be removed, replaced, or modified within a period of 60 days from the receipt of a notice generated from the Building Official.
 - C) All stacks or chimneys must be constructed to withstand high winds or other related elements.
 - D) Outdoor solid fuel heating devices may only be used from September 1st to May 31st each year, unless the furnace is being used to provide domestic water service.
 - E) Only the following materials may be burned in the outdoor solid fuel heating devices: biomass pellets, corn, firewood, and clean, untreated lumber or other wood product.
 - F) No outdoor solid fuel-heating device shall be utilized in any manner as a waste incinerator.

J. Contagious Disease: All public exposure of persons having a contagious disease.

K. Offensive Trade or Business: Any offensive trade or business as defined by statute and not licensed by the City Board of Health as defined by law. (1981 Code § 801.02)

4-6-3: **SAFETY-RELATED NUISANCES:** The following are declared to be nuisances affecting public safety:

- A. Snow, Ice: All snow and ice not removed from public sidewalks twenty-four (24) hours after the snow or other precipitation causing the condition has ceased to fall.
- B. Intersections, Obstructing View of Traffic: All trees, hedges, billboards or other obstructions which prevent persons from having a clear view of all traffic approaching an intersection for a distance of at least thirty feet (30') each from the intersection of the street right of way.
- C. Tree Limbs, Wires: All wires of any sort and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles.
- D. Obstructions, Excavations: 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 and where properly identified by warning signs and/or lights.
- E. Radio, Television Antennas: Radio aerials or television antenna erected or maintained in a dangerous manner.
- F. Large Crowds, Obstruction of Public Way: Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.
- G. Hanging Structures: All hanging signs, awnings and other similar structures over streets and sidewalks or so situated so as to endanger public safety, or not constructed and maintained as

provided by ordinance.

- H. Rain, Snow Falling from Building: The allowing of rain water, ice or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk.
- I. Barbed Wire Fence: Any barbed wire fence less than six feet (6') above the ground and within three feet (3') of a public sidewalk or way.
- J. Dangerous, Unguarded Machinery: All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public.
- K. Wastewater: Wastewater cast upon or permitted to flow upon streets or other public property. (1981 Code § 801.04)
- L. Junk, Debris: The piling, storing or keeping of old machinery, junked vehicles, any motorized vehicle, motorcycle, snowmobile, trailer, boat, all-terrain vehicles, cut and uncut scrap lumber, pipes and other junk or debris in a residential area. The keeping or storing of old machinery, scrap lumber, junked vehicles, other junk or debris in a commercial zone.
 - 1. For the purposes of this subsection a junked vehicle means any motorized vehicle, motorcycle, snowmobile, trailer, boat, or all-terrain vehicles as defined in Minnesota statutes 84.92, subd 8, that is extensively damaged, with the damage including such things as broken and missing wheels, motor, drivetrain, or transmission; is apparently inoperable; and doesn't have valid registration displayed.
 - 2. The storing on private property of an inoperative vehicle, for the purpose of repairing or restoring such vehicle, may be authorized by the Chief of Police for periods of up to ninety (90) days. The owner of said vehicle must procure a permit from the Chief of Police and the permit must be conspicuously displayed on or about the vehicle. Any vehicle of a class or category ordinarily required to have state registration, must have current registration displayed.
 - 3. All unguarded dangerous machinery, equipment or other property in any public place or so situated or operated on private property as to attract minor children.
 - 4. All other conditions or things which are likely to cause injury to the person or property of anyone. (Ord. 88-3, 7-11-1988)
- M. Uncovered Excavations: Any well, hole or similar excavation which is left uncovered or in such other condition as to constitute a hazard to any child coming on the premises where it is located.
- N. Obstruction of Free Flow: Obstruction to the free flow of water in natural waterway or a public street drain, gutter or ditch with trash or other materials.
- O. Nails, Glass on Public Way: 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.
- P. Garbage, Refuse on Public Way: The depositing of garbage or refuse on a public right of way or on adjacent private property.
- Q. Other Conditions: All other conditions or things which are likely to cause injury to the person or property of anyone.
- R. Unnecessary Noise: All unnecessary noises and annoying vibrations. (1981 Code § 801.04)

4-6-4: **NOISE-RELATED NUISANCES:**

A. Unlawful to Make Loud or Unnecessary Noises. It will be unlawful for any person to make, or cause to be made any loud, unnecessary, or unusual noise, which either annoys, disturbs, or affects the comfort, repose, health, or peace of others.

B. Unlawful Acts. The following acts set forth in the following subdivisions are declared to be loud, disturbing, and unnecessary noises in violation of this ordinance, but this enumeration is not exclusive.

1. Horns, Signaling Devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle, except as a danger warning.

2. Radios, Tape and Disc Players, etc. The using, operating, or permitting to be played any radio, tape, or disc player, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such a manner, considering the time and place and the purpose for which sound is produced, as to disturb the peace, quiet or repose of a person of ordinary sensibilities.

(a) The play, use, or operation of any radio, tape, or disc player, musical instrument, phonograph or other machine or device for the production or reproduction of sound in such a manner as to be plainly audible at 50 feet from such machine or device will be prima facie evidence of a violation of this section.

(b) When sound violating this section is produced or reproduced by a machine or device that is in or on a vehicle, the vehicle's owner is guilty of the violation. However, if the vehicle's owner is not present at the time of the violation, the person in charge or in control of the vehicle at the time of the violation is guilty of the violation.

(c) This section will not apply to sound produced by the following:

(1) Amplifying equipment used in connection with activities which are authorized, sponsored, or permitted by the City of Sartell, so long as the activity is conducted pursuant to the conditions of the license, permit or contract authorizing such activity.

(2) Church bells, chimes, or carillons.

(3) School bells.

(4) Anti-theft devices.

(5) Machines or devices to produce sound on or in authorized emergency vehicles.

(d) Except for the machines or devices listed in subsection (c), this section will apply to all radios, tape, and disc players, musical instruments, phonographs, and machines and devices for the production or reproduction of sound, whether on public or private property.

C. Loudspeakers. Amplifiers for Advertising. The using, operating, or permitting to be played any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproduction of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

- D. Yelling, Shouting, etc. Yelling, shouting, hooting, whistling, or singing at any time or place as to annoy or disturb the quiet, comfort or repose of any persons in any office, or in any dwelling, hotel, motel, or other place of residence, or of any persons in the vicinity.
- E. Animals, Birds, etc. The keeping of any animal or bird which by causing frequent or long continued noise will disturb the comfort or repose of any persons in the vicinity.
- F. Whistles or Sirens. The blowing of a locomotive whistle or steam whistle attached to any stationary boiler or any siren whatsoever except to give notice of the time to begin or stop work as a warning of fire or danger, or by public emergency vehicles.
- G. Exhausts. The discharge into the open air of the exhaust of any vehicle except through a muffler or other device, which will effectively prevent loud or explosive noises therefrom.
- H. Vehicle and Truck Noise. The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in such manner as to create loud and unnecessary grating, grinding, or rattling which will disturb the comfort or repose of any persons in the vicinity, or such other noise emitted from an automobile, motorcycle, or vehicle in violation of Minn. R. ch. 7030, as they may be amended from time to time, are hereby incorporated into this ordinance by reference.
- I. Sound Trucks for Advertising Purposes. The use of sound trucks or any other vehicle equipped with sound amplifying device for the purpose of advertising a program, project, or meeting of any public agency, private business, religious organization, civic group, political party, or charitable organization.
- J. Loading, Unloading, Opening Boxes. The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers.
- K. Construction or Repairing of Buildings. The erection (including excavating), demolition, alteration, or repair of any building between the hours of 9 p.m. and 6 a.m. on weekdays and all day Sunday except where single individuals or families work on single family residences for their own occupancy owned by them, except that the Building Inspector may, in case of emergency, grant permission to repair at any time when it is determined that such repair work will not affect the health and safety of the persons in the vicinity;
- L. Schools, Courts, Churches, Hospitals. The creation of any excessive noise in any street or private property which unreasonably interferes with any school, institution of learning, church, court, or hospital while the same is in use.
- M. Hawkers, Peddlers. The shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood.
- N. Pile Drivers, Hammers, etc. The operation between the hours of 9 p.m. and 6 a.m. of any pile driver, power shovel, pneumatic hammer, derrick, power or electric hoist, or other appliance in the use of which is attended by loud or unusual noise.
- O. Blowers. The operation of any noise creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of aerating

gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

P. Noisy Parties and Gatherings.

- (a) Prohibition. No person will, between the hours of 10:00 p.m. and 7:00 a.m. congregate at, or participate in any party or gathering of two or more people from which noise emanates of a sufficient volume to disturb the peace, quiet, or repose of another person. No person will knowingly remain at such a noisy party or gathering.
- (b) Evidence. Noise of such volume as to be clearly audible at 50 feet from the structure or building in which the party or gathering is occurring, or in the case of apartment buildings, in the adjacent hallway or apartment, will be prima facie evidence of a violation of this section.
- (c) Duty to Disperse. When a police officer determines that a party or gathering is in violation of this section, the officer may order all persons present at the premises where the violation is occurring, other than the owner or tenants of the premises, to disperse immediately. No person will knowingly remain at such a party or gathering.
- (d) Exceptions. The following are exempt from violation of this section:
 - (i) Activities which are duly authorized, sponsored or licensed by the City of Sartell, so long as the activity is conducted pursuant to the conditions of the license, permit or contract authorizing such activity.
 - (ii) Church bells, chimes, or carillons.
 - (iii) Persons who have gone to a party for the sole purpose of abating the violation.
- (e) Penalties. Every owner or tenant of the premises where a party or gathering in violation of this section occurs, who is present at such party or gathering is guilty of a misdemeanor. Any person who refuses to disperse from a party or gathering in violation of this section after being ordered by a police officer to do so, is guilty of a misdemeanor.

Q. Exemptions Authorized by the Sartell City Council. Upon special request made by contractors, the Council may exempt contractors performing public works operations from time prohibitions set forth within this ordinance.

- R. Persons Involved: The prohibitions of this Chapter shall extend beyond the person making or causing to be made said noise and extend to any person in control of any real estate, vehicle or equipment from which the noise is emanating. Any such person so allowing the making of said noise from said real estate, vehicle or equipment controlled, owned, or possessed by him/her, the making of which noise is unlawful by virtue of this Section shall be a violation of this Chapter. (1981 Code § 801.05)

4-6-5: **DUTIES OF CITY OFFICERS:**

- A. Enforcement: The City Engineer and/or Public Works Director and Police shall enforce the provisions relating to nuisances affecting public safety. The Police Department shall enforce

provisions relating to nuisances affecting public safety. Said employees have the full discretion of determining if there is an existence of a noise nuisance.

- B. Power to Inspect: Such officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances. (1981 Code § 801.05).

4-6-6: **ABATEMENT:**

- A. Notice of Determination: 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 verbally and in writing the owner or occupant of the premises of such fact and shall order that such nuisance be terminated and abated.
- B. Service of Notice: The notice shall be served in person or by certified or registered mail. If the premises are not occupied and the owner is unknown, the notice may be served by posting it on the premises.
- C. Necessary Action: The notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding thirty (30) days, within which the nuisance is to be abated.
- D. Noncompliance: If the notice is not complied with within the time specified, the enforcing officer shall report that fact forthwith to the Council.
- E. Notice of Abatement: The Council may, after notice to the owner or occupant and an opportunity to be heard, provide for abating the nuisance by the City. The notice shall be served in the same manner as notice by the enforcing officer is served and shall be given at least ten (10) days before the date stated in the notice when the Council will consider the matter. If notice is given by posting, at least thirty (30) days shall elapse between the day of the posting and the notice of the hearing. (1981 Code 801.06)

4-6-7: **RECOVERY OF COST:**

- A. 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 Clerk/Treasurer or other official designated by the Council, shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the Clerk/Treasurer.
- B. Assessment: If the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of the streets or unsound or insect-infested trees, any unpaid charges by the City for the cost of elimination of the nuisance may be collected as a special assessment pursuant to Minnesota Statutes section 429.101. (1981 Code § 801.07)

4-6-8: **PENALTY:** Any person violating any provision of this Chapter shall be guilty of a misdemeanor and shall be subject to penalty as provided in Section 1-4-1 of this code. (1981 Code 801.05; 1997 Code)

CHAPTER 7

GARBAGE AND REFUSE

SECTION:

- 4-7-1: Definitions
- 4-7-2: General Regulations
- 4-7-3: Disposal Required
- 4-7-4: Containers
- 4-7-5: Licensed Collectors
- 4-7-6: Penalty; License Revocation

4-7-1: **DEFINITIONS:** For the purposes of this Chapter, the following words and phrases have the meanings given them in this Section:

GARBAGE: Organic waste resulting from the preparation of food and decayed and spoiled food from any source.

PERSON: For the purposes of the definition of "rubbish" only, "person" means mature individual. For the remainder of this Chapter, "person" shall mean any natural individual, firm, partnership, association or corporation. As applied to partnerships or associations, the term includes the partners or members; as applied to corporations the term includes the officers, agents or employees.

REFUSE: Includes garbage and rubbish.

RUBBISH: Inorganic solid waste such as tin cans, glass, paper, ashes, sweepings, etc. Rubbish does not mean or include stone, sod, earth, concrete, contractors' building materials, large automobile parts, large appliances, inflammable liquids, tree trunk sections over six inches (6") in diameter or articles so heavy or bulky that they cannot be handled by one person. (Ord. 92-5, 7-13-1992)

4-7-2: **GENERAL REGULATIONS:**

- A. Unauthorized Accumulation: Any unauthorized accumulation of refuse on any premises is a nuisance and is prohibited.
- B. Refuse In Public Way, Private Property: No person shall place any refuse in any street, alley or public place or upon any private property except in proper containers for collection. No person shall throw or deposit refuse in any stream or other body of water.
- C. 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 or private premises within the City.
- D. Burying Of Refuse; Composting:
 - 1. Restrictions: No person shall bury any refuse in the City except in a sanitary landfill, but leaves, grass clippings and easily biodegradable, nonpoisonous garbage may be composted on the premises where such refuse has been accumulated. Garbage may be composted only in a

rodent-proof structure and in an otherwise sanitary manner.

2. Council Approval Required: Such composting shall be done only after the Council gives its approval to such composting and after it finds that the composting will be done in accordance with these standards.

4-7-3: **DISPOSAL REQUIRED:** Every person shall, in a sanitary manner, dispose of refuse that may accumulate upon property owned or occupied by such person. Refuse shall be collected, or otherwise lawfully disposed of, on a regular basis.

4-7-4: **CONTAINERS:**

- A. General Requirements: Every householder, occupant or owner of any residence and any restaurant, industrial establishment or commercial establishment shall provide, on the premises, one or more nuisance-free containers to receive and contain all refuse which may accumulate between collections. All normal accumulations of refuse shall be deposited in such containers.
- B. Placement: It shall be the duty of the property owner or occupant to place their garbage containers where the refuse is to be collected, but in no event shall containers be placed in the street or on the sidewalk or in any manner placed where the containers will interfere with vehicular or pedestrian traffic. It shall be the responsibility of the property owner or occupant to place the containers no earlier than 6:00 pm of the afternoon preceding the collection day and to remove all containers and any materials not picked up by the licensed refuse hauler from the location next to the street or alley by 8:00 pm on the day of collection. Up to two refuse/recycling containers per residential housing unit may be stored outside. Any refuse/recycling containers exceeding a total of two must be stored inside or screened from view from the public and neighboring property owners.
- C. Use Of Containers: Refuse shall be drained of liquid, and highly flammable or explosive material shall not be placed in containers

4-7-5: **LICENSED COLLECTORS:**

- A. Use Of Licensed Collector Required: Except as permitted by subsection K of this Section, no person shall permit refuse to be picked up from his/her premises by an unlicensed collector, nor shall an unlicensed collector pick up refuse from any premises.
- B. Application For License; Investigation:

1. Written Application: Any person desiring a license shall make application to the Clerk-Treasurer on a prescribed application form. The application shall set forth:

- a. The name and the address of the applicant;
- b. A description of each piece of equipment proposed to be used in collection;
- c. The proposed charges to be made of 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; and
- f. The manner in which the refuse is to be disposed.

2. Investigation; Issuance/Denial Of License: The City Council shall investigate each application and, after due consideration, grant or deny a license.

- C. License Fee:
1. Original License Applies To Single Vehicle: The license fee shall be an amount fixed from time to time by resolution of the Council and shall entitle the licensee to one refuse hauling vehicle.
 2. Additional Vehicles: The registration fee for additional vehicles shall be an amount fixed from time to time by resolution of the Council.
- D. Term Of License: Licenses shall be issued for a period of one year and shall expire on December 31 following issuance. (Ord. 92-5, 7-13-1992)
- E. Insurance Requirements: No license shall be issued until the applicant files with the Clerk-Treasurer the following:
1. Public Liability Insurance: A current certificate of public liability insurance covering all vehicles to be used by the applicant in the licensed business with the following minimum coverages: (Ord. 92-5, 7-13-1992; 1997 Code)
 - a. Each person injured, at least one hundred thousand dollars (\$100,000.00);
 - b. Each accident, at least three hundred thousand dollars (\$300,000.00);
 - c. Property damage, at least fifty thousand dollars (\$50,000.00) per accident.
 2. Workers' Compensation Insurance: A current policy for workers' compensation insurance covering all employees of the licensee.
- F. Limitations:
1. Number Of Licenses: The number of licenses issued shall be fixed from time to time by resolution of the Council.
 2. Additional And/Or Replacement Vehicles: Each license holder is entitled to register each additional or replacement vehicle with the Clerk-Treasurer within ten (10) days of being placed in service as it chooses, provided this registration fee for each subsequent vehicle after the first is paid.
- G. Transfer Of License: No transfer of licenses between refuse hauling companies or from one owner to another shall be allowed.
- H. Rates And Charges: The licensee shall set the fee charged for any user of their refuse collection service including single-family residential, multi-unit residential, commercial and all residents of mobile home parks.
- I. Hours Of Collection: No licensee shall cause to be collected from any single-family residential dwelling any refuse before seven o'clock (7:00) A.M. of any day nor shall any refuse be collected after seven o'clock (7:00) P.M. of any day.
- J. Refuse Collection Equipment: All garbage and wet rubbish shall be hauled in covered vehicles having metal, watertight bodies to prevent scattering or dripping of contents. Dry refuse may be hauled in any type vehicle; provided however, that all necessary steps shall be taken, including tying or covering of the refuse to prevent scattering of any such refuse during transit.
- K. Exemptions: The owner or occupant of any premises used for industrial purposes shall not be

required to use a refuse hauler licensed by the City. (Ord. 92-5, 7-13-1992)

- L. Recycling: Removal and hauling of recyclables must occur at least monthly, but not more frequently than every other week.
- M. Axle: An empty weight of 5 tons per axle will be the maximum refuse/recycling truck weight allowed during Spring weight restrictions.

4-7-6: **PENALTY; LICENSE REVOCATION:**

- A. Revocation Of License: The violation of any provision or condition of this Chapter by a licensee or licensee's agent is grounds for revocation or suspension of the license.
- B. Compliance Secured: The provisions or conditions of this Chapter shall be provided for by the City in the case of nonconformance, and the costs associated with providing conformance shall be certified as a special assessment according to Minnesota Statutes Chapter 429. (Ord. 92-5, 7-13-1992)
- C. Penalty: Any person who shall violate any provision of this Chapter shall be subject to penalty as provided in Section 1-4-1 of this Code. (Ord. 92-5, 7-13-1992; 1997 Code)

CHAPTER 8

SHADE TREES

SECTION:

| | |
|---------|---|
| 4-8- 1: | Declaration Of Policy |
| 4-8- 2: | Forester |
| 4-8- 3: | Epidemic Disease Program |
| 4-8- 4: | Nuisances Declared |
| 4-8- 5: | Inspection; Investigation |
| 4-8- 6: | Spraying Elm Trees |
| 4-8- 7: | Removal Of Infected Trees And Wood |
| 4-8- 8: | Transporting Elm Or Oak Wood, Permit Required |
| 4-8- 9: | Interference Prohibited |
| 4-8-10: | Abatement Of Nuisance |
| 4-8-11: | Penalty |

4-8-1: **DECLARATION OF POLICY:** The City Council determines that the health of the elm and oak trees within the Municipal limits is threatened by fatal diseases known as Dutch elm and oak wilt diseases, and other trees may be threatened by other epidemic diseases of shade trees, It further determines that the loss of elm, oak and other trees growing upon public and private property would substantially depreciate the value of property within the City and impair the safety, good order, general welfare and convenience of the public. It is declared to be the intention of the Council to control and prevent the spread of those diseases and this Chapter is enacted for that purpose. (1981 Code § 802.01; 1997 Code)

4-8-2: **FORESTER:**

- A. Position Created; Duties Conferred: The powers and duties of the City Forester as set forth in this Chapter are hereby conferred upon the maintenance supervisor and the assistant supervisor.
- B. Duties: It is the duty of the Forester to coordinate, under the direction and control of the Council, all activities of the Municipality relating to the control and prevention of Dutch elm disease, oak wilt disease and other epidemic diseases of shade trees. The Forester shall recommend to the Council the details of a program for the control of such diseases and perform the duties incident to such a program adopted by the Council. (1981 Code § 802.02)

4-8-3: **EPIDEMIC DISEASE PROGRAM:** It is the intention of the Council to conduct a program of plant pest control pursuant to all the powers of this City, including the authority granted by Minnesota Statutes section 18.022. This program is concentrated on, but not limited to, the control and elimination of Dutch elm disease fungus, elm bark beetles and the oak wilt fungus and is undertaken at the recommendation of the Commissioner of Agriculture. (1981 Code § 802.03)

4-8-4: **NUISANCES DECLARED:**

- A. Trees Constituting Nuisance: The following are public nuisances whenever they may be found within the City:
 - 1. Dutch Elm Disease; Elm Bark Beetles:
 - a. Any living or standing elm tree or part thereof infected to any degree with the Dutch elm disease fungus *ceratocystis ulmi* (buisman) moreau or which harbors any of the elm bark beetles *scolytus multistriatus* (eichh.) or *hylungopinus rufipes* (marsh).

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

2. Oak Wilt Fungus:

a. Any living or standing oak tree or part thereof infected to any degree with the oak wilt fungus *ceratocystis fagacearum*.

b. Any dead oak tree or part thereof which, in the opinion of the Forester, constitutes a hazard, including, but not limited to, logs, branches, stumps, roots, firewood or other oak material, which has not been stripped of its bark and burned or sprayed with an effective fungicide.

3. Other Epidemic Disease: Any other shade trees with an epidemic disease.

B. Compliance Required: It is unlawful for any person to permit any "public nuisance" as defined in this Section to remain on any premises owned or controlled by such person within the City. Such nuisances may be abated in the manner prescribed in Section 4-8-10 of this Chapter. (1981 Code § 802.04)

4-8-5: **INSPECTION; INVESTIGATION:**

- A. Inspection: As often as practicable, the Forester shall inspect all public and private premises within the City which might harbor any plant pest as defined in Minnesota Statutes section 18.46, subdivision 13, to determine whether any condition described in Section 4-8-4 of this Chapter exists thereon. The Forester shall investigate all reported incidents of infection of Dutch elm fungus, elm bark beetles, oak wilt fungus or any other epidemic disease of shade trees.
- B. Entry On Private Premises: The Forester, or the Forester's duly authorized agents, may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned to the Forester under this Chapter.
- C. Diagnosis: The Forester shall, upon finding conditions indicating Dutch elm, oak wilt or other infestation, immediately send appropriate specimens or samples to the Commissioner of Agriculture for analysis or take such other steps for diagnosis as may be recommended by the Commissioner. Except as provided in Section 4-8-7 of this Chapter, no action to remove infected trees or wood shall be taken until positive diagnosis of the disease has been made. (1981 Code § 802.05)

4-8-6: **SPRAYING ELM TREES:** Whenever the Forester determines that any elm tree or elm wood within the City is infected with Dutch elm fungus, the Forester may spray or treat all nearby high-value elm trees with an effective elm bark beetle-destroying concentrate or fungicide, or both. Activities authorized by this Section shall be conducted in accordance with technical and expert opinions and plans of the Commissioner of Agriculture and under the supervision of the Commissioner and the Commissioner's agents whenever possible. (1981 Code § 802.08)

4-8-7: **REMOVAL OF INFECTED TREES AND WOOD:**

A. Action By Forester: Whenever the Forester finds, with reasonable certainty, that the infestation defined in Section 4-8-4 of this Chapter exists in any tree or wood in any public or private place in the City, the Forester shall proceed as follows: (1981 Code § 802.07)

1. Notice Of Abatement: The Forester shall notify the property owner by mail that the nuisance must be abated within a specified time, not more than twenty (20) days from the date of mailing such notice.

2. Noncompliance; Abatement By City: In cases of noncompliance by the property owner within the period specified by the notice, the Forester shall immediately abate the nuisance by using Municipal labor or by contracting for such services and shall report such action to the Council. (1981 Code § 802.07; 1997 Code)

3. Costs Of Abatement: The Forester may bill the owner of private property for costs incurred for abating such nuisance.

B. Record: The Forester shall keep a record of the costs of abatement done under this Section and shall report to the Clerk-Treasurer all work done for which assessments are to be made stating and certifying the description of the land, lots, parcels involved and the amount chargeable to each.

C. Special Assessment; Certification To Proper County Auditor: On or before September 1 of each year, the Clerk-Treasurer shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this Chapter. The Council may then spread the charges, or any portion thereof, against the property involved as a special assessment under Minnesota Statutes section 429.101, and any other pertinent statutes for certification to the proper County Auditor and collection the following year along with current taxes. (1981 Code § 802.07)

4-8-8: **TRANSPORTING ELM OR OAK WOOD, PERMIT REQUIRED:** It is unlawful for any person to transport within the City any bark-bearing elm or oak wood without first having obtained a permit from the Forester. The Forester shall grant such permits only when the purpose of this Chapter will be served thereby. (1981 Code § 802.09)

4-8-9: **INTERFERENCE PROHIBITED:** It is unlawful for any person to prevent, delay or interfere with the Forester or the Forester's agents while they are engaged in the performance of duties imposed by this Chapter. (1981 Code § 802.10)

4-8-10: **ABATEMENT OF NUISANCE:** In abating a nuisance defined in Section 4-8-4 of this Chapter, the Forester shall cause the infected tree or wood to be sprayed, removed, burned or otherwise effectively treated so as to destroy and prevent, as fully as possible, the spread of epidemic diseases including Dutch elm disease and oak wilt disease. The Forester shall also take such steps as are necessary to prevent root graft transmission of the disease. Such abatement procedures shall be carried out in accordance with current technical and expert opinions and plans as may be designated by the Commissioner of Agriculture. (1981 Code § 802.06)

4-8-11: **PENALTY:** Any person who violates the provisions of this Chapter is guilty of a misdemeanor and subject to penalty as provided in Section 1-4-1 of this Code. (1981 Code § 802.11; 1997 Code)

CHAPTER 9

RENTAL PROPERTY LICENSING AND MAINTENANCE

SECTION:

- 4-9-1: Purpose and Intent
- 4-9-2: Applicability and Exceptions
- 4-9-3: Definitions
- 4-9-4: Fees and Licensing
- 4-9-5: Unsafe Structures, Equipment and Use
- 4-9-6: Property Maintenance Standards
- 4-9-7: Display of License
- 4-9-8: Inspection; Right of Entry
- 4-9-9: Applicable Laws
- 4-9-10: Penalty, Violations and Termination of Rental License
- 4-9-11: Crime Free Multi-Housing Program
- 4-9-12: Noise Limits

4-9-1: PURPOSE AND INTENT

- A. *Purpose.* The purpose of this Ordinance is to protect, preserve, and promote the public health, safety and general welfare of the residents of the City living in a rental property for the payment of a rental charge. These general objectives include, among others, the following:
1. Maintain a quality character and stability of rental property within the City.
 2. Correct and prevent rental housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental, and social well-being, of occupants of rental property within the City.
 3. Provide minimum standards for cooking, heating and sanitary equipment necessary to the health and safety of occupants of rental property.
 4. Provide minimum standards for light and ventilation necessary to the health and safety of occupants of rental property.
 5. Provide minimum space standards to prevent overcrowding.
 6. Provide minimum standards for the maintenance of rental property to prevent blight and slums.
 7. Preserve the value of land and buildings throughout the City.
- B. *Intent.* The intent of this Ordinance is to establish and continue a rental property licensing, inspection and maintenance program that corrects substandard conditions, maintains a standard for rental units, provides a means for imposing license fees to help the City defray the costs necessary for housing inspections and enforcement of this Ordinance, and provides for the quiet enjoyment of the normal activities of life for occupants of rental properties and for the neighborhoods in which such rental properties are located.
- C. *Savings Clause.* With respect to rental disputes, and except as otherwise specifically provided by the terms of this Ordinance, it is not the intention of the City to intrude upon the fair and accepted contractual relationship between tenant and landlord. The City does not intend to intervene as an advocate of either party, or to act as an arbiter, or to be receptive to complaints from a tenant or landlord which are not specifically and clearly relevant to the provisions of this Ordinance. In the absence of such relevancy with regard to rental disputes, it is intended that the contracting parties exercise such legal rights as are available to them without the intervention of City. Neither in enacting this Ordinance is it the intention of the City to interfere or permit interference with legal rights to personal privacy.

4-9-2: APPLICABILITY AND EXCEPTIONS

This Ordinance applies to all rental units that are let, in whole or in part, and used or intended to be used for human habitation. It includes accessory structures such as garages and storage buildings. This chapter does not apply to any county, state, or federally licensed facilities/units.

4-9-3: DEFINITIONS

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| BUILDING | Any structure used or intended for supporting or sheltering any use or occupancy. |
| CRIME FREE MULTI-HOUSING PROGRAM (CFMH) | Is a three-phase certification program available to owners and property managers of multi-family rental properties located within the corporate limits of the City of Sartell. Necessary training and support of the program is designed to provide for ease of participation. The program is known to be effective in reducing criminal activity in multi-family rental properties. |
| DWELLING | Any enclosed space which is wholly or partly used or intended to be used for living, sleeping, cooking and eating purposes. Manufactured, industrialized and modular home constructions are included in this definition. |
| DWELLING UNIT | A single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. |
| EGRESS | An arrangement of exit facilities to assure a safe means of exit from a building. |
| HABITABLE ROOM | A room or enclosed floor space, used or intended to be used for living, sleeping, cooking, or eating, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets and storage spaces. |
| HOUSING INSPECTOR | The Building Official, Code Official, Fire Marshal, City Police Chief or their designee authorized to administer and enforce this Ordinance. |
| IMMEDIATE FAMILY MEMBER | An individual related to the owner as parent, grandparent, spouse, child or grandchild, whether related by birth, adoption, marriage, civil partnership, or cohabitation. |
| LET | To allow, or offer occupancy of any rental property to a tenant. |
| MANAGER | The owner or owner's agent who has charge, care, control or management of a building or rental unit(s), or part thereof, in which dwelling units, manufactured homes or rooming units are let. |
| MANUFACTURED HOME | A structure, transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (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 structure's plumbing, heating, air conditioning and electrical systems as defined in Minnesota Statutes 327.

- MULTI-FAMILY RENTAL PROPERTY** A rental property that consists of three (3) or more rental units.
- OCCUPANCY** The purpose for which a building or portion thereof is occupied.
- OCCUPANT** Any person (including the owner or manager) living, sleeping, cooking or eating in, or having actual possession of, a dwelling, dwelling unit, rental unit or rooming unit.
- OWNER** Any person who, alone, jointly, or severally with others, shall be in actual possession of, or have charge, care or control of, any rental property within the City as title holder, employee or agent of the title holder, operator, or as trustee or guardian of the estate or person of the title holder. Any such person representing the actual title holder shall be bound to comply with the provisions of this Chapter to the same extent as the title holder.
- PERSON** Any natural person, his/her heirs, executors, administrators or assigns, and also includes a firm, partnership, limited liability company, cooperative or corporation, it's or their successors or assigns, or the agent of any of the aforesaid.
- RENTAL CHARGE** Any compensation, either monetary or "in lieu of" payments, such as, but not limited to, utilities, upkeep or repair, but not including provision of in home care to the Property owner.
- RENTAL PROPERTY** Any real property, dwelling, dwelling unit, rooming unit or rental unit which is rented or leased by one person or entity to another person or entity for payment of a rental charge, including but not limited to dwellings, apartments, townhouses, condominiums, manufactured homes, rooming houses, and other similar structures, including their accessory structures, appurtenances and common areas.
- RENTAL UNIT** Any building, room or combination of rooms, manufactured home or other rental property
- ROOMING HOUSE** A building or structure providing a room or rooms intended for living and sleeping to persons in the status of tenant. This term shall include fraternity houses and sorority houses, but does not include hotels, motels or hospitals.
- ROOMING UNIT** Any room or group of rooms forming a single habitable unit used or intended to be used primarily for living and sleeping.
- SINGLE FAMILY RENTAL PROPERTY** A rental property that consists of less than three (3) rental units.
- SLEEPING ROOM** Any room or rooms used or intended to be used by a tenant for sleeping purposes.

TENANT

One who has as his/her place of abode a rental unit furnished to him/her for payment of a rental charge to another.

4-9-4: FEES AND LICENSING

A. *License Required.* No person shall occupy, allow to be occupied or let to another for occupancy any rental property in the City for which a written application for a rental license has not been properly made and filed with the Housing Inspector and a valid rental dwelling license has not been obtained from the City. A person who allows to be occupied, lets or offers to let to another, any rental unit, without a license as required by this Chapter, is guilty of a misdemeanor and subject to penalty as provided in Title 1 of the City Code. The practice of pre-leasing new rental construction shall be exempt from the provisions of this section. In addition to, or in lieu of, charging a misdemeanor, the City may impose an administrative penalty in an amount set in the City of Sartell Schedule of Civil Fines. For violations of this Section 4-9-6(A), the City shall not be required to issue a notice of violation and may proceed directly to issuance of an administrative citation.

1. A rental license is not required if the rental unit is only occupied by immediate family members of the owner. A rental license is required if the rental unit is occupied by any non-immediate family members of the owner. The Housing Inspector may require sufficient written proof from the owner stipulating the relationship and living agreements.
2. Any "Lease to Own" type arrangement is still technically a rental and must be licensed as such until such time as the purchase transaction is accomplished.
3. These rental licensing requirements do not apply to residential property that has been sold on a contract for deed so long as the vendee occupies the property and the sale document used to memorialize the sale is recorded with the county recorder's office and a copy is provided to the City upon request.

B. *Application.*

1. *Fee Prerequisite.* A license fee for each rental unit as determined by the City of Sartell Fee Schedule shall be due at the time of an initial and/or renewal application. An application will not be processed or considered until the license fee is paid. If licensees wish to fully participate in the Sartell Crime Free Multi-Housing program, they may qualify for a rental fee reduction.

- a. A Multi-Family Rental Property will pay the full rental license fee for its initial rental license and will receive a credit refund from the City if they complete all requirements for the crime free multi-family housing program discount within 90 days of issuance of a certificate of occupancy for the Property. If all requirements are not completed within said 90 day period, the Property will not receive a refund and Property will then need to meet renewal license requirements as specified hereafter to achieve rental fee reduction in future years. For rental license renewals, a Multi-Family Rental Property shall not be eligible for a rental fee reduction unless: i) the rental license renewal applications for the current licensing year was filed on time; ii) the rental license fees for the current licensing year was paid on time; and, iii) the licensee has completed all requirements of the Sartell Crime Free Multi-Housing program by October 1st of the year in which the rental license renewal application is being submitted.
- b. License fees shall not be prorated or refunded in whole or in part for single family rental licenses. Multi-family rental licenses will not be refunded, but newly issued rental licenses will be prorated to the 1st day of the month in the month in which occupancy first occurs.

2. *Form - Required Information.* A written application for a rental license shall be made and filed on a form furnished by the Housing Inspector for such purposes and shall set forth the following information:

2.1. Name, residence address and phone number of the owner of the rental property and, if applicable, of an agent authorized by the owner to accept service of process and to receive and give receipt for notices.

2.2. Owner shall indicate their assigned agent, and provide address and phone number of the agent actively managing said rental property.

2.3. Street address of the rental property.

2.4. Tax parcel number of the property in which the rental property is located.

2.5. Number and kind of units within the rental property (dwelling units or rooming units).

2.6. Name, phone number and address of the person authorized to make or order repairs and/or service to the building or rental property to provide required services necessary to protect the health, safety and welfare of the occupants or is able to contact the person so authorized.

2.7. Maximum number of people per rental unit.

2.8. Additional information as deemed necessary by the City.

3. *Required Updates.* An applicant or licensee must notify the City in writing within fourteen (14) calendar days after any change to the information contained in the Application.

4. *Manner of Application.* The application shall be made by the owner if such owner is a natural person; if the owner is a corporation, cooperative or limited liability company, by an officer thereof; if a partnership, by one of the partners; and if an unincorporated association, by the manager or managing officer thereof, in the office of the Housing Inspector. In cases where the owner of the rental property lives outside of the City of Sartell, application shall be made by an agent who shall be legally responsible for compliance with this and other City Ordinances.

C. *License Term/Renewal.* All rental licenses shall expire on December 31st each year. An owner who is operating a rental property after the license has expired is operating an unlicensed rental property. License renewal as required by this Ordinance may be made by filling out the required renewal application form furnished by the City to the owner or agent of a rental property, and mailing said form together with the required fee to the City. Such license renewal may only be made where there has not been a change of ownership, agent or type of occupancy as originally licensed. License renewal fees shall be paid and renewal applications shall be filed as provided in this Section 4-9-6 and delivered or post-marked on or before December 1st each year. If the license renewal fee required hereunder is paid and/or the renewal application is filed after the deadline, the license renewal fee may be increased as set by the City of Sartell Fee Schedule.

D. *Denials.* The City may deny the issuance or renewal of a rental license for the following reasons:

1. The applicant has an ownership interest or management role in other rental properties that are in a suspended or revoked status;
2. The applicant fails to provide any information required on the City's form, or provides false or misleading information;
3. The applicant has real estate taxes and/or special assessments levied against the rental

property and/or other fines, fees, charges or other financial claims owed to the City or the State of Minnesota that have not been paid;

4. The rental property or any rental unit fails a property inspection in the opinion of the Housing Inspector.
5. The applicant has outstanding building, fire or property maintenance standards violations, fines, penalties or delinquent utility charges owed to the City.
6. A development contract or land use requirement that restricts rental units.

An applicant who is denied a rental license will receive written notice of the denial and reasons for the denial and may request a hearing before the City Council pursuant to the provisions of this Chapter.

- E. *Inspection.* All rental property required to be licensed pursuant to the provisions of this Chapter, will be inspected by the Housing Inspector as follows:

1. *Initial License Issuance.* No license shall be issued under this Ordinance unless the rental property conforms to the Ordinances of the City and the laws of the State. An inspection of the rental unit shall be conducted and verified by the Housing Inspector that it complies with this Ordinance prior to issuance of an initial rental license. If the license application is incomplete, or the applicant does not meet the requirements of the licensing process, including the inspection requirements, within 30 days of the submittal date, the application will be canceled.
2. *License Renewals.* No license shall be renewed under this chapter unless the rental property conforms to the Ordinances of the City and the laws of the State. An inspection of the rental property may be conducted either prior to, or after issuance of a renewed rental license. Issuance of a renewal license prior to inspection is not a determination that the rental property complies with all the requirements of this Ordinance. Every rental property may be re-inspected after a renewal application is filed to determine if it still conforms to all applicable Ordinances and laws of the State.

2.1. *Inspection Policy:* The City shall adopt a policy for inspecting all existing rental property required to have license renewals under this chapter. The policy shall contain objectives for the systematic inspection of all rental property and priorities for the use of available inspection resources. The inspection policy shall take into account the property's inspection history, history of compliance with this Ordinance and other City or State laws, and any other enforcement violations or complaints of the property.

2.2. *Notification for Inspection:* Upon determination by City policy that an inspection is required, the City will notify the licensee that an inspection of the rental property is required to ensure compliance with this Ordinance. The licensee must contact the City to schedule the inspection within 30 days from the date of the notification letter. If the licensee does not schedule an inspection within the 30 days or fails to respond to the City's request for providing an inspection, the licensee may be subject to an administrative citation in accordance with Title 1 of the City Code. In addition, the rental license may be subject to revocation as permitted by this Ordinance.

- F. *Access for Inspection.* Every applicant for and/or holder of a rental license shall permit the Housing Inspector and/or his or her authorized representatives, either voluntarily or pursuant to an administrative or other warrant, to enter upon the premises for the purpose of conducting inspections to verify compliance with this Ordinance. No license shall be issued or renewed under this chapter unless the owner of the rental unit(s) agrees in their application to permit inspections to determine compliance with City Code during the effective period of the rental license. The submission of a license application, or the possession of a license issued by the City, shall constitute the express consent of the owner to grant free access and entry to the structure or premises under the owner's control for inspection pursuant to this chapter. If any owner refuses to

permit or schedule free access and entry to the structure or premises under their control for such inspection, or refuses to be present during any such inspection when requested by the Housing Inspector, the application for a new or renewal rental license shall be immediately denied or an existing license may be revoked for such refusal. If at any other time the Housing Inspector seeks entry to a licensed rental unit for inspection and the Housing Inspector is refused free access and entry, the City may pursue any remedy at law, including, but not limited to, securing an administrative search warrant for the property, revoking or suspending the rental license, or seeking such other remedies provided by law.

- G. **Transfers.** No license under this chapter shall be transferable to another person or to another rental unit. Every new owner of a rental property (whether as fee owner, contract purchaser, lessee subletting the entire rental property or otherwise entitled to possession) shall apply for a new rental license within fourteen (14) calendar days of transfer of the rental property. No license fee shall be required of the new owner for the remaining term of the existing license for such rental property, provided the previous owner has paid the license fee, and further provided the new owner does not change the type of occupancy as originally licensed. An inspection shall be made within 14 days of the application for such new rental license due to transfer. Violation(s), if any, shall be corrected by the owners and a re-inspection will be made within 30 days of the initial inspection. Additional re-inspections required after the initial re-inspection will be charged a re-inspection fee according to the City fee schedule. Any uncorrected violations may be subject to the penalty provisions of Section 4-9-10 below.
- H. **Changes in the Rental Property or Rental Unit.** If changes are made in the number or type of units within the rental property, the licensee shall file an application to amend the rental license. Such application shall be accompanied by the fee required for any additional units. Depending on the nature of the changes, the City may require a new property inspection.

4-9-5: UNSAFE STRUCTURES, EQUIPMENT AND USE

When a structure, portion of a structure, or equipment is found by the Housing Inspector to be unsafe, or found to be used in an unlawful way, such structure, equipment or use shall be abated by repair, rehabilitation, demolition, or removal in accordance with the Minnesota State Building Code and Minnesota Statutes, sections 463.15 to 463.26. The Housing Inspector may order any building to be vacated if any portion of the structure, or equipment or any use is dangerous to life, health, or safety of the occupants. The Housing Inspector shall have the authority to order disconnection of utility services to the building, or equipment.

- E. *Unsafe Structure:* An unsafe structure is one that if found to be dangerous to the life, health, property or safety of the occupants or public because of inadequate maintenance, dilapidation, physical damage, unsanitary condition or abandonment.
- F. *Unsafe Equipment:* Unsafe equipment includes fixtures, appliances, heating and/or cooling equipment, ventilation equipment, electrical equipment or systems, plumbing fixtures or systems, decorative appliances and equipment, elevators or chair lifts, or building services which constitute a fire, electrical, or health hazard or otherwise dangerous to human life.
- G. *Unsafe Use:* Unsafe use is any use which constitutes a fire, health or safety hazard to the occupants or public.

4-9-6: PROPERTY MAINTENANCE STANDARDS

Any rental unit or portion thereof, or the premises on which the same is located, which does not comply with the conditions referenced in this section to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof, shall be deemed and hereby declared to be an unsafe structure, equipment or use. Failure to comply with any of these standards and conditions shall be adequate grounds for the denial, refusal to renew, revocation or suspension of a rental license.

A. Space and Occupancy Standards.

1. *Maximum Occupancy Requirements:* The total number of occupants may not exceed three (3) occupants per the first sleeping room and two (2) occupants for each additional sleeping room thereafter.
2. *Ceiling Heights:* Habitable rooms or spaces shall have a ceiling height of not less than 6 feet 4 inches, including beams, girders, ducts or other obstructions. Hallways, corridors, bathrooms, toilet rooms, kitchens, storage and laundry rooms shall be permitted to have a ceiling height less than 6 feet 4 inches, including obstructions if approved by the Housing Inspector. If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the area thereof. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet or more shall be included.
3. *Room Area:* Every living room shall contain at least 120 square feet and every bedroom or sleeping room shall contain at least 70 square feet.
4. *Width:* No habitable room other than a kitchen shall be less than seven (7) feet in any dimension.
5. *Kitchen:* Every dwelling unit shall have a room or portion of a room in which food may be prepared and/or cooked, which shall have adequate circulation area, and which shall be equipped with the following:
 - 5.1. A kitchen sink that is in good working condition, constructed of nonabsorbent materials and properly connected to a water supply system which is approved by the appropriate authority and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is connected to a sewer system approved by the City.
 - 5.2. A stove, or similar device, for cooking food, and a refrigerator, or similar device, for the safe storage of food at temperatures less than forty-five (45) degrees Fahrenheit but more than thirty-two (32) degrees Fahrenheit under ordinary maximum summer conditions, which are properly installed with all necessary connections for safe, sanitary and efficient operation; provided that such stove, refrigerator, and/or similar devices need not be installed when a dwelling unit is not occupied and when the occupant is expected to provide same upon occupancy, and that sufficient space and adequate connections for the safe and efficient installation and operation of said stove, refrigerator and/or similar devices are provided.
 - 5.3 A kitchen facility and/or cooking appliances, other than a microwave oven are not permissible in a dormitory or rooming unit.
6. *Lighting:* All enclosed areas of the rental unit being used or occupied shall be provided with natural light by means of exterior glazed openings or shall be provided with artificial light by the buildings electrical system.
 - 6.1. Public hallways, corridors, stairways and other exit facilities shall be lighted at all times the building is used or occupied.
7. *Ventilation:* Every habitable room shall be provided with either an approved mechanical ventilation system or natural ventilation. Natural ventilation may be by means of operable exterior openings such as a window, door, skylight or other approved opening. Every bathroom must be provided with either a mechanical exhaust or an openable window.

8. *Sanitation:* All sanitary facilities shall be installed and maintained in a safe and sanitary condition and in accordance with applicable requirements of the Minnesota State Plumbing Code.

8.1. *Rental Unit:* All rental units must have access to a bathroom equipped with facilities consisting of a water closet, lavatory, and either a bathtub or shower.

8.2. *Bathroom Access:* Where bathrooms are shared by rooming units or by occupants of a rental unit, the bathroom shall be located so that no occupant has to pass through another occupant's room to use the facility.

8.3. *Bathroom Separation:* Every water closet, bathtub or shower required by this Ordinance shall be installed in a room that will afford privacy to the occupant. Bathrooms shall be separated from food-preparation areas by a tight fitting door.

8.4. *Floor Coverings:* Bathroom floors shall have a smooth, hard nonabsorbent surface such as vinyl tile, vinyl sheet goods, ceramic tile or sealed concrete. Floor surfaces shall be maintained in good condition so the floor can be maintained in a sanitary condition.

B. Mechanical/Heating.

1. Rental units shall be provided with heating appliances capable of maintaining a room temperature of 64 degrees Fahrenheit at a point three (3) feet above the floor in all habitable rooms, bathrooms and water closet compartments. Heating appliances shall be installed and maintained in a safe condition and in accordance with their listings. Un-vented fuel-burning appliances are not permitted. All heating devices or appliances shall be of an approved type.
2. Every fuel-burning appliance shall discharge the products of combustion to the exterior through an approved factory-built chimney, masonry chimney or vent that is approved by the appliance manufacturer. Chimneys or vents shall be designed for the type of appliance being vented.
3. Exhaust vents, pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant or occupant.
4. *Hazardous Mechanical Equipment:* Mechanical equipment that was installed in violation of code requirements in effect at the time of installation or mechanical equipment not installed in accordance with generally accepted construction practices in areas where no codes were in effect or mechanical equipment that has not been maintained in good and safe condition shall be considered hazardous and removed, replaced or repaired.

C. Electrical.

1. The electrical service, lines, switches, outlets, fixtures and fixture coverings, and supports in every building or structure shall be in good repair. Broken, loose, frayed, inoperative, defective or missing portions shall be repaired or replaced. All unsafe conditions shall be corrected.
2. A clear and unobstructed means of access not less than 30 inches in width and full height of the floor space shall be maintained in front of and electrical service panel or meter.
3. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner. All electrical equipment shall be of an approved type.
 - 3.1. Extension cords shall be used only with portable appliances and shall not be used as a substitute for permanent wiring. Extension cords shall be plugged directly into an approved outlet or approved multi-plug adapter and shall, except for approved multi-plug extension cords, serve only one portable appliance. The amp capacity of the extension cord shall not

be less than the rated capacity of the portable appliance supplied by the cord and shall be grounded when serving a grounded appliance. Extension cords shall be maintained in good condition without splices, deterioration or damage. Extension cords and flexible cords shall not be attached to the structure, extend through walls, ceilings, and floors or under doors or floor coverings, or be subject to environmental or physical damage.

3.2. Multi plug type adapters must be approved UL listed or other approved type. The amp capacity being drawn from the outlet through the adapter shall not exceed 80% of the supply circuit capacity. Where a single or duplex type outlet is serving multiple electrical appliances or devices an approved listed power strip with over-load protection may be required.

4. Every habitable room shall be provided with at least one switched ceiling or wall light fixture and one duplex outlet.

4.1. Every water closet compartment, bathroom, laundry room and furnace room shall contain at least one electric light fixture and one convenience outlet.

4.2. Outlets within 6 feet of a sink or bathtub shall be Ground Fault Interrupted (GFI) outlets.

5. Electrical wiring that was installed in violation of the Minnesota State Electrical Code requirements in effect at the time of installation or that has not been maintained in good condition or that is not being used in a safe manner shall be considered a hazardous or unsafe use and shall be repaired, replaced or removed.

D. Plumbing.

1. All plumbing fixtures shall be an approved type, properly installed, free of leaks and maintained in a safe, sanitary and functional condition.

1.1 All plumbing fixture drains shall be connected to a sanitary sewer or to an approved private sewage disposal system.

1.2 All water supply fixtures shall be connected to an approved system of water supply and provided with hot and cold running water necessary for its normal operation. All plumbing fixtures shall be of an approved glazed earthenware type or of a similarly nonabsorbent material.

2. *Plumbing System Leaks:* Leaking drain or supply lines shall be repaired or replaced.
3. *Plumbing System Hazards:* Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or to the structure by reason of inadequate service, inadequate venting, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects or hazard to be corrected.
4. *Cross Contamination:* The water supply shall be maintained free from contamination and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture or provided with approved backflow prevention devices as required by the Minnesota State Plumbing Code. Hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

E. Means of Egress.

1. Rental units shall have access directly to the outside or to a common hallway, public corridor, exit passageway, or exit stair enclosure which provides access to an exterior exit door. An exit shall not pass through a hazardous area such as a furnace room, boiler room, storage room, private garage or similar areas.

2. Means of egress system shall be deemed as meeting the intent of this Ordinance, provided that the means of egress system or systems is evaluated by the Housing Inspector and judged to be equivalent to the means of egress system that was required by the Minnesota State Building and/or Fire Code that was in effect at the time the building was constructed. This includes, but is not limited to, number of exits, separation of exits, egress illumination, emergency egress illumination, exit signage, rated corridors, doors, hardware and egress travel distance.
3. *Obstruction of Egress:* The means of egress shall not be obstructed in any manner and shall remain free of any material or matter where its presence would obstruct or render the means of egress hazardous. All egress routes shall be properly maintained in a safe manner.
4. *Security:* When an exit door provides security from unlawful entry, the door shall be provided with a dead-bolt lock or approved locking device which is operable from the inside without the use of a key, special knowledge, or effort. Double cylinder dead bolt locks are permissible in accordance with MN Statute 326B.106 Subd.4 (g) on existing single family homes, individual dwelling units of townhouse buildings, and first floor duplexes used exclusively as a residential dwelling.
5. *Fire Department Key Box:* Fire Department Key Box and building keys shall be maintained in accordance with the MN State Fire Code.

F. Life Safety.

1. *Smoke Alarms:* Smoke alarms shall be provided, powered and maintained in accordance with the requirements of the Minnesota State Fire Code.
 - Buildings constructed on or after 6-2-2015: Hardwired with battery back-up and interconnected in hallways outside sleeping rooms, in each sleeping room, on each level and in basements.
 - Buildings constructed on or after 8-1-1989: Hardwired smoke alarms in hallways outside all sleeping rooms, on each level and in basements.
 - Buildings constructed before 8-1-1989: Battery powered smoke alarms in hallways outside all sleeping rooms, on each level and in basements.
 - 1.1. Smoke alarms must be replaced when they exceed 10 years from the date of manufacture and remain operational at all times the building is used or occupied.
2. *Carbon Monoxide Alarms:* Carbon Monoxide alarms must be provided in accordance Minnesota Statute 299F.50 and the Minnesota State Fire Code. A minimum of one approved and fully operational carbon monoxide alarm must be installed within ten (10) feet of each room lawfully used for sleeping purposes. If sleeping rooms are located on separate floors or separate areas on the same floor, additional carbon monoxide alarms would be necessary within ten (10) feet of each sleeping room.
 - 2.1. Carbon Monoxide alarms must be properly maintained in accordance with the manufacturer's requirements and installed in accordance with the manufacturer's installation requirements and MN Statute 299F.51.
3. *Emergency Escape Openings:* Basements, habitable attics, and every sleeping room below the fourth story shall have at least one operable emergency escape and rescue opening. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room but not in adjoining areas of the basement. Emergency egress and rescue openings must comply with the Building Code in affect at the time the building was constructed. In the event that there was no Building Code or the date of construction is unknown, emergency egress and rescue openings must comply with the requirements for existing buildings in the Minnesota State Fire Code as follows:

- Escape window openings shall have a minimum net clear opening area of 4.5 square feet.
- Opening height and width dimensions shall not be less 20 inches.
- The maximum height from the floor to the window sill opening shall not exceed 48 inches.
- Emergency escape windows are allowed under decks and porches provided the window opening is not obstructed and there is a clear unobstructed path not less than 36 inches in height from the window opening to a yard or court.

3.1. *Window Wells:* The minimum horizontal area of the window well shall be 9 square feet with a minimum dimension of 36 inches. The area of the well shall allow the window to be fully opened. Window wells with a vertical depth of more than 44 inches shall be equipped with an affixed ladder or steps. Ladders or steps shall not encroach into the required dimensions of the well by more than 6 inches and shall not obstruct the window opening.

4. *Fire Extinguishers:* All rental units shall be equipped with a rechargeable fire extinguisher with a minimum rating of 2A 10BC. The extinguisher(s) shall be located in conspicuous locations along the normal path of travel where they will be readily accessible and immediately available for use in accordance with the Minnesota State Fire Code.

4.1. Fire extinguishers shall be serviced at least annually or as required by the Housing Inspector. A tag with the name of the servicing company and the service date shall be affixed to the extinguisher and shall remain affixed until the next servicing.

5. *Fire Sprinkler and Alarm Systems:* All existing fire sprinkler, standpipe and fire alarm system piping, wiring, panels, notification devices, detection devices, sprinkler heads and applicable equipment, components and system monitoring shall be operational and properly maintained in accordance with their original approval and applicable Minnesota State Fire Code requirements.

6. *Fire Resistive Construction:* Existing fire resistive construction, assemblies, components and associated hardware shall be properly maintained in accordance with their original approval and applicable Minnesota State Fire Code requirements.

G. *General Building Requirements.*

1. *Building Construction:* Building construction, such as roofs, walls, floors, structural elements and components shall be properly maintained in safe, sound and good working condition present no visual dangerous conditions to human life or property.

2. *Stairs/Decks:* Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

3. *Handrails:* Stairways with four or more risers or ramps steeper than 1/12 slope within rental units shall have a continuous, full-length, grip-able handrail located not less than 30 inches and not more than 42 inches measured vertically above stair nosing on at least one side of the stair. Existing handrails that are firmly fastened, maintained in good condition are allowed to remain as they are. Existing stairs not provided with any handrails shall have handrails installed as required for new construction.

4. *Guardrails:* Unenclosed floors, platforms, open sides of stairways, landings, decks, balconies, porches or occupied roofs which are more than 30 inches above grade or floor below shall be protected by a guardrail. Guards shall form a protective barrier not less than 42 inches high except for any the following:

- Guards within dwelling units shall not be less than 36 inches high.

- Guards on open stairs within dwelling units shall not be less than 34 inches measured vertically from the stair nosing.
 - Existing guards of buildings designated as historic structures.
 - Existing guards that are firmly fastened, maintained in good condition and constructed at a height which was in compliance with the State Building Code when originally built are allowed to remain as they are.
- 4.1 Opening limitations: Open guards shall have balusters or ornamental patterns such that a 6-inch sphere cannot pass through any opening up to a height of 34 inches except for existing guards which were in compliance with the Minnesota State Building Code when originally constructed.
5. *Windows*: Windows shall be kept in sound repair, good condition and weather tight. Emergency escape windows must also comply with 4-9-5(F)(3).
- 5.1 Operable windows shall be easily openable and capable of being held open by approved means.
- 5.2 Window glazing shall be maintained free from cracks and holes.
- 5.3 Insect screens shall be free of tears and holes and in good working condition.
6. *Doors*: All door assemblies and hardware must be maintained in good condition, shall fit reasonably well within its frame and must be capable of being opened and closed.
7. *Refuse*: The property owner or property manager shall provide an adequate number of refuse containers to contain the amount of refuse produced on the property or as required by local sanitation ordinance. Containers shall be rodent and animal proof with a tight fitting cover.
8. *Storage Items*: Flammable or combustible items and materials shall not be stored within three (3) feet of any fuel burning appliances. Storage of items shall be orderly and shall not block or obstruct exits. A minimum three (3) foot aisle shall be maintained to all exits, furnaces, water heaters, water meters, gas meters or other building service equipment.
9. *Flammable and Combustible Storage*: Fuel Storage tanks such as LP tanks, gasoline containers and fueled equipment, including but not limited to motorcycles, mopeds, lawn-care equipment and portable cooking equipment, shall not be stored or repaired in an apartment building or rental unit except in a room constructed for that purpose in accordance with the Minnesota State Fire Code
10. *Building Identification*: Every building shall have the assigned street numbers displayed on the building in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall be no less than four (4) inches in height and shall contrast with the background on which they are displayed.
11. *Exterior Finish*: The exterior of a structure shall be maintained in good repair, structurally sound, and sanitary.
- 11.1. All foundation walls shall be free from open cracks, holes and breaks and capable of supporting the imposed loads.
- 11.2. All above grade exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
- 11.3. All roofs shall be sound, tight and not have defects that admit rain and must prevent dampness or deterioration in the walls or interior of the structure.
12. *Built In Deficiencies*: It is determined that certain conditions within existing buildings, lawful at

the time of construction of the building, and not creating a hazardous condition, may not comply with the minimum requirements of the PROPERTY MAINTENANCE STANDARDS of this chapter. Such conditions are referred to as "built in deficiencies", and the code official, in administering this Ordinance, may consider built in deficiencies as being beyond reasonable correction and accept them as an alternate method of meeting the intent of this section.

4-9-7: **DISPLAY OF LICENSE**

Every licensee of a rental property shall conspicuously display at all times on the premises a copy of the current license as filed with and approved by the City. This license shall be located on the premises so as to be easily viewed and readable by the occupants of the rental property and shall be reasonably protected from wear by a plastic cover or similar protective device.

4-9-8: **INSPECTION; RIGHT OF ENTRY**

In order to compel the compliance with the licensing requirements, the Housing Inspector shall have the authority to enter any building at reasonable times upon five (5) days' written notice to the owner or agent to determine if said building is operated as a "rental property" as defined in this Ordinance or to enforce the Property Maintenance Standards, or both. In those cases where emergency conditions endangering a person or property exist, where either the Police Department or the Fire Department has responded to a rental property, the Housing Inspector will have the authority to enter any building at any time by the request of the Sartell Police Department or the Sartell Fire Department to enforce any provisions of this Ordinance. Failure to schedule or allow a request by the Housing Inspector for an inspection shall result in rejection of the application or renewal, and if access is denied the City may pursue remedies at law including an administrative search warrant.

4-9-9: **APPLICABLE LAWS**

Licensees shall be subject to all of the provisions of the ordinances of the City and the laws of the State relating to rental units; and this Ordinance shall not be construed or interpreted to supersede any other such applicable ordinance or law.

4-9-10: **PENALTY, VIOLATIONS AND TERMINATION OF RENTAL LICENSE**

- A. *Penalty and Violations:* It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any provisions of this Ordinance. Any person who fails to comply with any of the requirements of this Ordinance shall be prosecuted within the limits provided by local and state laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

1. *Penalty:* A violation of any provision of this Ordinance is a misdemeanor and also subject to an administrative citation in accordance with Title 1 of the City Code.

2. *Violation:* Whenever the Housing Inspector determines that a violation of this Ordinance has occurred, notice shall be given to the licensee or person responsible for the violation by U.S. mail or personally. Such notice shall be in writing, include a statement of the violation or violations and why the notice is being issued, include a correction order allowing a reasonable time to make the repairs or improvements and inform the licensee or person responsible of their right to appeal.

3. *Re-inspection Fee:* The Housing Inspector may re-inspect the rental property described in the notice to certify that all corrections have been made.

- a. *First Re-inspection:* One re-inspection will be allowed to certify that all corrections of any violation(s) have been made.
- b. *Second Re-inspection:* If the violation has not been corrected and the Housing Inspector must return for additional re-inspections, a re-inspection fee as set forth by the City Fee

Schedule will need to be paid prior to the Housing Inspector returning to re-inspect the property. Additional re-inspections will be subject to additional re-inspection fees.

B. *Suspension and termination of rental license:* The City may suspend or revoke a license or not renew a license for part or all of a facility at any time the Housing Inspector can determine that any owner, person, firm, corporation or partnership subject to this Ordinance has failed to comply with the provisions of this Ordinance by means such as:

1. False or misleading information given or provided in connection with the license application or renewal.
2. Failure to correct violations in the time period prescribed.
3. Violations committed or permitted by the licensed owner and/or the manager, or tenant, of any rules, codes, statutes and ordinances related to, pertaining to, or governing the license and the premises.
4. Failure to pay all real estate taxes and special assessments levied against the rental property and/or other fines, fees, charges or other financial claims owed to the City or the State of Minnesota.
5. Failure to allow an inspection of a rental property pursuant to Section 4-9-8.
6. Failure to provide updated application information during the license period.
7. Commission of a felony related to the licensed activity by the property owner or manager.
8. Violation of an owner's duties under Minnesota statutes sections 299C.66 to 299C.71
9. Failure to comply with any part of this Ordinance.

B.1. *Notification:* A decision to suspend a license shall be effective immediately upon notice to the licensee. A decision to revoke, deny or not renew a license will be preceded by written notice to the applicant, or licensee. Notice shall be in writing, include a statement of the violation or violations and why the license is being revoked, suspended, denied or not renewed.

B.2. *Request for Hearing.* If a hearing is desired by the licensee, the licensed owner must affirmatively request an evidentiary hearing in writing, to be received by the City Administrator. If such written notice is received by the City Administrator prior to expiration of the time specified for compliance, the City shall set a time for such hearing and shall inform the owner of the time and place at which the City Council will meet to consider such testimony as may be offered concerning the proposed violation. This hearing shall be evidentiary in nature and conducted before the Sartell City Council, which shall determine whether an ordinance or statutory violation did occur, warranting revocation or suspension of the rental license. The determination of the City Council shall be final and subject only to any rights of review or appeal to the State courts as provided by statute. If a request is not made prior to expiration of the time specified for compliance, the right to an evidentiary hearing is deemed waived.

B.3. *Non-Compliance.* In the event that a rental license is suspended by the Housing Inspector, it shall be unlawful for the owner or the duly authorized agent or manager to thereafter permit any new occupancy of vacant or thereafter vacated rental units until such time as a rental license is restored. In the event compliance has not been completed within the time provided, or a hearing has not been requested by the owner in writing, the Housing Inspector shall recommend to the City and the City Council may terminate the license. In the event that a rental license is revoked by the City Council, it shall be unlawful for the owner or the duly authorized agent or manager to thereafter permit any rental occupancy until such time as a rental license may be restored by the City Council. When a rental license is revoked, the property shall be vacated as of the effective date of the revocation and remain vacated until restoration of the license. In the case of suspension, restoration shall occur automatically upon re-inspection if compliance is completed prior to revocation. In the case of revocation, restoration of the license shall occur only after the owner of the premises has made application for a new license, paid a new license fee and passed a property maintenance inspection. The new license may then be issued upon completion of the revocation period.

4-9-11: **CRIME FREE MULTI-HOUSING PROGRAM**

- A. For multi-family rental housing licensees to qualify for a rental fee reduction, they must complete Phases 1, 2 and 3 of the Sartell Crime Free Multi-Housing Program prior to October 1st in order to receive the rental fee reduction for the subsequent license year. New multi-family rental housing properties will receive the rental fee reduction for their initial rental license if they complete all phases within 90 days of issuance of a certificate of occupancy for the property. If all requirements are not completed within said 90 day period, the property will be ineligible for the rental fee reduction for the subsequent licensing year, regardless of if/when such requirements are completed and property will then need to meet renewal license requirements as specified hereafter to achieve rental fee reduction in future years.
- B. The cost of attending the educational requirements under this section shall be paid by the licensee in addition to any license and inspection fees. Licensees must maintain compliance with all components of the Crime Free Multi-Housing Program and must complete all re-certifications/renewals prior to October 1st of each year in order to maintain qualification for the Crime Free Multi-Housing rental fee reduction for the following calendar year.
- C. *Certification.* To obtain and maintain certification from the Sartell Police Department as a member of the Crime Free Multi-Housing Program, a rental property owner or property manager must:

- 1. Successfully complete and implement all of the components of the Crime Free Multi-Housing Program. The components of the program are:

Phase 1. Attendance at and successful completion of the Management Training components which will be shown by demonstrating an understanding of each of the following subject matter:

- (a) The Crime Free Multi-Housing Program and ordinance.
- (b) Rental applications and housing discrimination.
- (c) Screening and background checks.
- (d) Lease and lease addendums.
- (e) Unlawful detainer and eviction.
- (f) Manager/Owner policies and roles.
- (g) Data privacy.
- (h) Narcotics and gangs.
- (i) Rental housing.

Phase 2. Compliance with environmental crime prevention requirements by owners for their rental properties that are located within the corporate limits of the City of Sartell or in the case of a property manager, for all rental properties located within the corporate limits of the City of Sartell that are managed by that property manager. Compliance will be indicated by completion of the following requirements:

- (a) Single cylinder deadbolt locks installed in each entry door for each dwelling unit.
- (b) High security strike plate with 3-inch screws installed on each wooden entry door frame for each dwelling unit.
- (c) Door viewer - 180° peephole installed in the primary entry door for each dwelling unit.
- (d) Anti-lift/slide device installed on all windows and sliding glass doors.
- (e) Security lighting adequate to illuminate exterior grounds.
- (f) Landscaping in a manner that provides for visual sight lines.
- (g) Visible address numbering installed.
- (h) Compliance with Property Maintenance Standards as provided in Section 4-9-5.

Phase 3. Include, implement and enforce, as part of all written leases, the Lease Addendum for Crime Free/Drug Free Housing provided by the Sartell Police Department and at least once every 12 months make available, in cooperation with the Sartell Police Department, training for tenants in respect to the following subject areas (with notification to tenants and the Sartell Police Department of the meeting location to be approved in advance by Sartell Police Department):

- (a) The Crime Free Multi-Housing program together with the concept of partnerships and sharing responsibilities.
- (b) Crime concerns and prevention awareness techniques.
- (c) Application of Neighborhood Watch program/principles.

2. Following successful completion of the program components described in Subdivision C1 above, rental property owners or property managers must maintain compliance with all program components, including Sections D and E below.

3. *Loss of Certification.* Owners or property managers who do not maintain compliance with the certification requirements above will lose their certification for the following license year. Violations of rental housing regulations as set forth in this Chapter, resulting in suspension and/or revocation of the rental license, will also result in loss of certification for the following license year.

- D. *Leases.* As a condition of the Crime Free Multi-Housing Program, all signed crime free addendums to leases for the rental property shall be available for review by the Sartell Police Department upon request.
- E. *Criminal Background Checks and Register.* As a condition of the Crime Free Multi-Housing Program, the licensee shall conduct criminal background checks on all prospective tenants of rental property in the City of Sartell. The licensee must maintain a current register of tenants and other persons who have a lawful right to occupancy of a rental unit. The register must include full names, dates of birth, and the most current phone number available. The register along with proof of the criminal background check(s) must be available for review by the City upon request. One failure to complete such required background check or to accurately maintain the register will result in forfeiture of 50% of reduction received on rental license fee for Crime Free Multi-Housing Program status in the subsequent license renewal year. A second failure will result in the entire fee reduction being forfeited and loss of Crime Free Multi-Housing Program rental reduction rates for the subsequent license year. Second failure will also result in immediate loss of other courtesy benefits which Sartell Police Department may provide to Crime Free Multi-Housing Program participants, such as courtesy report logs of activity and/or signage provided to Program participants.

4-9-12: **NOISE LIMITS**

- A. *Prohibition:* No person shall, between the hours of 10:00 p.m. and 7:00 a.m., congregate at, or participate in any party or gathering of two (2) or more people from which noise emanates of a sufficient volume so as to disturb the peace, quiet or repose of another person. During those hours, no person shall create noise which emanates of a sufficient volume as to be clearly audible at a distance of fifty (50) feet from the rental unit at which the party or gathering is occurring and/or from which the noise is emanating.
- B. *Duty to Disperse:* When a police officer of the City determines that noise exists in violation of this provision, the officer may order all persons present at the premises where the violation is occurring, other than the owners or tenants of the premises, to disperse immediately. No person shall knowingly remain at a noisy party or gathering.
- C. *Exceptions:* The following are exempt from violation of this provision:
 - 1. Activities which are duly authorized, sponsored or licensed by the City, so long as the activity is conducted pursuant to the conditions of the license, permit or contract authorizing such activity.
 - 2. Persons who have gone to a party for the sole purpose of abating the violation.
 - 3. Upon special request made by contractors, the City may exempt contractors performing

work from time prohibitions set forth herein.

CHAPTER 10

FIREWORKS REGULATIONS

SECTION:

- 4-10-1: Definitions
- 4-10-2: Permit Required
- 4-10-3: Sales and Storage of Fireworks
- 4-10-4: Use and Possession
- 4-10-5: Pyrotechnics
- 4-10-6: Penalties

4-10-1 **DEFINITIONS:**

A. Fireworks. For the purposes of this section, fireworks will have the same definition as contained in Minnesota Statue Section 624.20 Subd. 1 or any superseding statute.

4-10-2.1 **PERMIT REQUIRED:** No person shall sell or possess for sale fireworks without first having obtained an annual permit from the City.

- A. Permit fee. The permit cannot be granted until the sponsor pays the permit fee, if any, established by the city through resolution
- B. The designated Fire Inspector shall give final approval or denial of an application for the manufacture, storage for commercial purposes or sale of fireworks within 30 days of such application being made to the City.
- C. Upon the successful inspection of the premise, permits shall be issued for the calendar year applied for and shall be issued on June 1st.
- D. Prior to processing the application, criminal records check may be conducted. Neither the applicant nor the responsible party for the permit shall have been convicted of a felony or a fire or fireworks related misdemeanor within the last three (3) years.
- E. Prior to processing the application, the designated Fire Inspector shall determine that the proposed location is code compliant.
- F. The application shall include a letter from the person legally responsible for the property on which the fireworks related activity would occur. This may include both a tenant and property owner. Such letter shall grant permission to the applicant of said property.

4-10-3 **SALES AND STORAGE OF FIREWORKS:**

- A. No person shall sell or store consumer fireworks on the exterior portion of a building located within 50 feet of any fuel dispensing apparatus unless the total aggregate quantities of consumer fireworks are below the exempt amounts listed in Chapter 7 of NFPA 1124 *Code for the Manufacture, Transportation, Storage and Retail Sales of Fireworks and Pyrotechnic Articles*®, 2003 addition. Consumer Firework sales and displays shall be limited to mercantile occupancies as defined in NFPA 101, *Life Safety Code*®. No person shall construct a retail display nor offer for sale explosive materials, or fireworks upon highways, sidewalks, public property, or in assembly or educational occupancies. The designated Fire Inspector shall determine compliance.

- B. It shall be unlawful for any seller of any fireworks to permit smoking at any site containing fireworks, except in designated smoking areas. No Smoking signs must be conspicuously posted and approved fire extinguishers must be available for use.
- C. Exempt amounts: The requirements of NFPA 1124® shall not apply to consumer fireworks retail sales facilities or stores where the total quantity of consumer fireworks on hand does not exceed 56.8 kg [125lb (net)] of pyrotechnic composition, or in a building protected throughout with an approved automatic sprinkler system installed in accordance with NFPA 13, *Standard for the installation of Sprinkler Systems*®, 113.6 kg [250lb (net)] of pyrotechnic composition. Where the actual weight of the pyrotechnic composition of consumer fireworks is not known, 25 percent of the gross weight of the consumer fireworks, including packaging, shall be permitted to be used to determine the weight of the pyrotechnic composition. Amounts in excess of the exempt amounts shall be required to comply with NFPA 1124®.
- D. The requirements of this ordinance are in addition to any requirements imposed by any building and zoning regulations, fire codes or state law.
- E. Only persons 18 years of age or older may purchase fireworks and the age of the purchaser must be verified by photographic identification.
- F. Display, sales or transient sales of fireworks are permitted subject to a conditional use permit according to section provided in this code. Approved minimum separation distances in compliance with table 7.7.2. of NFPA 1124® shall be provided from the exterior display to adjacent buildings, combustibles or flammable liquids. No manufacturing, sales, or storage for commercial purposes shall occur on residentially zoned property or within 100' thereof.
- G. A list of consumer fireworks displayed for sale and stored on the property shall be available at all times. The list shall document the name, weight, and quantity of the fireworks and be accompanied by the material safety data sheets.
- H. Manufacturing, warehouse buildings, or sales displays in excess of the quantities listed in (C) for retail consumer fireworks shall be classified as defined in the Building Code and where applicable, subject to the requirements of NFPA 1124® and the current edition of the Minnesota State Fire Code.
- I. A handout created by the applicant describing fireworks use, safety and warnings shall be provided to each consumer purchasing fireworks by the retailer.

4-10-4 **USE AND POSSESSION:**

- A. It is unlawful to use, fire or discharge any fireworks along the route of and during any parade, in any place of public assembly, on any public property or in any commercial/industrial-zoning district.
- B. It is unlawful at any time to throw, toss, or aim any fireworks at any person, animal, vehicle or other thing or object or used in any manner that may threaten or cause possible harm to life or property.
- C. The discharge of fireworks shall be prohibited inside a building and within 15 feet of any building.
- D. The Fire Official may ban fireworks if dry or windy conditions occur.
- E. Juveniles may not possess fireworks unless under the direct supervision of a responsible adult.
- F. Fireworks shall not be discharged in such a manner that may create a nuisance nor between the

hours of 11 pm and 7 am. Fireworks use shall be also subject to any additional ordinances such as noise and/or assembly.

- G. Officers may seize illegal fireworks. The State Fire Marshal, or any Sheriff, Police Officer, Constable, or local Fire Official, shall seize, take, remove, or cause to be removed, at the expense of the owner, all stocks of fireworks or combustibles offered or exposed for sale, stored, or held in violation of this ordinance.

4-10-5 **PYROTECHNICS:**

- A. Permits: The City of Sartell is authorized by state law to conduct a fireworks display within its own limits without a permit. Amusement parks and other organizations must obtain a permit approval from the City Council, prior to conducting such a display. The City Administrator and fire department will review before issuing the permit. A licensed operator, however, must still conduct all displays. There is no exemption for fire departments that would allow the fire department to conduct the display without a licensed operator.

- B. Application timeframe: A permit must be secured from the City Council prior to conducting a fireworks display. The sponsor of the proposed display must submit a written application for permit to the City Administrator at least 30 days in advance of the date of the display.

- C. Restrictions on sponsors: Fireworks displays are only allowed to be sponsored by a city, fair association, amusement park or other public or private organization. A public organization might be, for example, a county, township or other public entity. Examples of private organizations might include churches, fraternal organizations (e.g. Eagles, Elks, Legion Clubs, etc.), community based festivals, businesses, companies, lake associations and private colleges. State law prohibits private individuals from sponsoring fireworks displays. A fireworks display company may sponsor displays for private parties.

- D. Application form: The sponsor must, as a minimum, provide the following information to the City Administrator in writing when applying for a permit approval to conduct a fireworks display:

- 1. The name of the organization sponsoring the fireworks display, including the name, address and phone number of a contact person representing that organization. Permits are not transferable.

- 2. The name and certification number of the pyrotechnic operator that will be supervising the display.

- 3. The date, time of day and exact location of the proposed display.

- 4. A diagram of the grounds where the display will be held. The diagram must show the point at which the fireworks are to be discharged; the location of all buildings, highways, streets, communication lines and other possible overhead obstructions; and the lines behind which the audience will be restrained. For proximate audience displays, the diagram must also show the fallout radius for each pyrotechnic device used during the display. **AT NO TIME WILL INDOOR DISPLAYS BE ALLOWED OR APPROVED.**

- 5. The approximate number and types of fireworks and/or pyrotechnic special effects materials to be discharged.

For proximate audience displays, the fire chief must approve any changes adding fireworks or pyrotechnic special effects different from those described in the initial application in advance. Unless otherwise acceptable to the fire chief and/or fire inspector, all requests for changes must

be submitted at least 24 hours prior to the display.

6. The number, names and ages of all assistants that will be present for the display. All assistants must be at least 18 years old. All assistants must be recorded on the display report. To be able to claim experience credit for working at a display, assistants must be recorded on the display report.

7. Proof of a bond or certificate of insurance in an amount deemed appropriate by the city for the payment of damages that could be caused either to persons or property as a result of the display and arising from acts of the sponsor or the pyrotechnic operator or their agents, employees or subcontractors. In addition the sponsor will need to agree to pay all costs incurred as a result of having representatives of the Fire Department and/or equipment in attendance at any fireworks display.

- E. Permit fee: The permit cannot be granted until the sponsor pays the permit fee, if any, established by the city through resolution. The City Council may reduce or waive permit fees for community based events and festivals.
- F. Upon receipt of an application for permit, the City Administrator must promptly refer the application to the chief of the local fire department and Fire Inspector for review. If, after conducting an appropriate investigation, the fire chief and/or fire inspector and City Administrator will present the request to the City Council for review and approval.
- G. Upon being notified by the City Administrator of an application for permit, the fire chief and/or fire inspector must conduct an investigation to determine the following:
 - 1. That the operator of the display is competent and certified by the State Fire Marshal.
 - 2. That the display is of such character and is to be so located, discharged or fired that it will not be hazardous to property or endanger any person. In addition to reviewing the diagram of the display area submitted with the permit application, the fire chief and/or fire inspector may want to:
 - a. Inspect the areas selected for the discharge site, spectator-viewing area, parking areas and designated landing (fallout) area.
 - b. For proximate audience displays request a walk-through and representative demonstration of the pyrotechnic special effects as a condition of approval for the issuance of a permit.
 - c. Request a written plan outlining: the manner and location of storage of fireworks both prior to delivery to the display site and at the display site, what type of fire protection (e.g. portable fire extinguishers, standby apparatus/personnel) will be provided at the discharge site, and what provisions will be made for crowd control.
- H.
 - 1. The Fire Chief and/or Fire Inspector may ban fireworks if dry or windy conditions occur.
 - 2. Fireworks may not discharge in such a manner that may create a nuisance nor between the hours of 11 pm and 7 am. Fireworks use shall be also subject to any additional ordinances such as noise and/or assembly.

4-10-6

PENALTIES:

- A. Materials that violate and/or pose a threat to public safety may be confiscated and destroyed. Costs associated with disposal shall be assessed back to the property owners or permit holder.

- B. Violations of this regulation, city ordinance or state statute may result in revocation of the permit.
- C. Violations of these fire rules are misdemeanor offenses punishable by fines up to \$1000 and/or 90 days in jail.

CHAPTER 11

MAINTENANCE OF TURF GRASS AND VEGETATION

SECTION:

- 4-11-1: Purpose
- 4-11-2: Definitions
- 4-11-3: Where Planted
- 4-11-4: Location of Restoration Areas and Planned Landscape Areas
- 4-11-5: Maintenance Standards
- 4-11-6: Non-Conforming Planned Landscape Areas and Restoration Areas
- 4-11-7: Exemptions
- 4-11-8: Notice, Abatement by City
- 4-11-9: Penalty

4-11-1: **PURPOSE:** It is the purpose of this Section to prohibit the uncontrolled growth of vegetation, while permitting the planting and maintenance of landscaping or garden treatments which add diversity and a richness to the quality of life. There are reasonable expectations regarding the proper maintenance of vegetation on any lot or parcel of land. It is in the public's interest to provide standards regarding the maintenance of vegetation because vegetation which is not maintained may threaten public health, safety and order, and may decrease property values. It is also in the public's interests to encourage diverse landscaping and garden treatments, particularly those which restore native vegetation which requires less moisture and place a lower demand on the public's water resources. The City enacts this Section to balance these competing interests.

4-11-2: **DEFINITIONS:** Unless the context clearly indicates otherwise, the following terms shall have the stated meanings.

NATIVE GRASSES AND FORBES: Grasses, including prairie grasses and flowering broad- leaf plants which are indigenous to the State.

NATURAL AREA: Any wetland or floodplain or any area of mature woodland, prairie and meadow vegetation native to the State.

ORNAMENTAL GRASSES AND GROUNDCOVER: Grasses and groundcovers not indigenous to the State. Ornamental grasses and groundcovers do not include turf grasses.

PLANNED LANDSCAPE AREA: An area where ornamental grasses and groundcovers or native grasses and forbs are planted and maintained pursuant to a plan.

RESTORATION AREA: An area where native grasses and forbs are being or have been intentionally reestablished.

TURF GRASS: Grasses commonly used in lawn areas, including any blue grass, fescue or rye grass blends or any other similar grasses.

WEED: Any plant which is identified by the City Weed Inspector or Assistant City Weed Inspector as a noxious weed pursuant to Minnesota Statute 18.77, Subd. 8, or any volunteer plant, except trees and other woody vegetation, which is not customarily or

intentionally planted.

RAIN GARDEN:

A planted depression that is designed to absorb rainwater runoff from impervious urban areas like roofs, driveways, walkways, and compacted lawn areas.

4-11-3: WHERE PLANTED:

1. Ornamental grasses and groundcovers shall be planted only in a planned landscape area.
2. Native grasses and forbs shall be planted only in a planned landscape area or a restoration area.
3. Raingardens proposed to be planted within City right-of way must be approved by City.

4-11-4: LOCATION OF RESTORATION AREAS AND PLANNED LANDSCAPE AREAS:

1. **Setback:** A restoration area or a planned landscape area must provide the following minimum setbacks:

- a. 10 feet front, rear, or street side setback (as measured from the traveled portion of the street).
- b. 5 feet interior side yard or rear yard setback
- c. At the direction of the City the setback may be increased if the Planned Landscape Area poses sight line issues with vehicular or pedestrian traffic.

Provided, however, that a required side yard or rear yard setback may be reduced to 0 feet if:

- a. The restoration area or planned landscape area abuts a restoration area on any adjoining lot, a public park or open space, a vacant lot, a wetland, pond, lake or stream, or natural area, or
- b. The restoration area or planned landscape area is located on slopes equal to or greater than three feet horizontal to one foot vertical.
- c. A fully opaque fence at least four feet in height is installed along the lot line adjoining the planned landscape area.

2. **Signage:** A sign stating that the area is a Planned Landscape Area must be installed. The sign must not exceed 4 square feet and shall be installed in a spot visible to the public. The sign does not need a permit.

4-11-5: PLANTING IN RIGHT-OF-WAY AREAS

1. The city is not responsible for any damage to landscaped areas planted within right- of way areas. The City may also require the removal of landscaped areas from within right-of-way areas at no expense to the City.

- 4-11-6: MAINTENANCE STANDARDS:** Every owner, lessee, occupant, or any other person having control of property shall maintain the vegetation growing thereon according to the following minimum standards:

1. Turf grasses shall be regularly cut such that no individual plant shall exceed, at any time, ten inches in height or length as measured from its base at the ground to the tip of each stalk, stem or blade. Provided, however, that turf grasses located on slopes equal to or steeper than three feet horizontal to one foot vertical (3:1) or within 20 feet of a wetland, pond, lake or stream, need not be maintained in accordance with this Section.

2. Property owners are responsible to plant and maintain the boulevard areas adjoining their property in a manner which enhances and improves the aesthetic appearance of city streets with turf grass, or rain gardens. To maintain an adequate site line and safe travel within the right-of-way, such plantings, excluding trees, shall not exceed thirty-two inches in height.

3. Weeds shall be regularly cut or controlled such that no individual plant shall exceed at any time ten inches in height or length as measured from its base at the ground to the tip of each stalk, stem, blade or leaf. Noxious weeds as defined by the State Commissioner of Agriculture shall be eradicated.

4. The City may require a Planned Landscape Area to be trimmed if the plants are causing vehicular and pedestrian sight line issues or posing similar safety concerns. Appropriate permits may be obtained through the City Fire Marshal to burn. No person shall permit ornamental grasses and groundcovers growing on the person's property to invade adjoining properties.

4-11-7: **NON-CONFORMING PLANNED LANDSCAPE AREAS AND RESTORATION AREAS:**
Any planned landscape area or restoration area which lawfully existed prior to the effective date of this Chapter may continue to exist and need not comply with the requirements of Section 4-11-4, but shall comply with Section 4-11-5. Any expansion or addition to a non-conforming landscaped area or restoration area shall comply with all provisions of this Chapter.

4-11-8: **EXEMPTIONS:** The provisions of this chapter shall not apply to the following:

1. Non-noxious weeds, grasses and herbaceous vegetation within 50 feet of designated storm water ponds or within 50 feet of natural or altered creeks, rivers and stream corridors, including riparian buffer strips that convey water, provided they are cut to less than 10 inches at least once per year if located within 200 feet of an occupied residence or development property;

2. Non-noxious weed and grass vegetation growing on agriculturally zoned land, including pastures that are fenced and contain animals.

3. Temporary erosion control grasses.

4. Grass and non-noxious weed vegetation in publically owned parks designated as natural preserves or private property so designated by the City Council or natural undisturbed areas where the land and vegetation appears not to have been graded, landscaped or otherwise disturbed by human or mechanical means in recent time.

5. Grass and non-noxious weed vegetation on natural or altered slopes steeper than 2:1.

6. A city designed rain garden that is planted to absorb rainwater runoff from impervious urban areas like roofs, driveways, walkways, and compacted lawn areas.

4-11-9: **NOTICE, ABATEMENT BY CITY:**

1. Nuisance: Any vegetation which does not meet the requirements of this Chapter is declared to be a nuisance.

2. Conditions Allowing Inspector to Enter Property: Entry by the City Weed Inspector or Assistant

City Weed Inspector for the purpose of inspecting, cutting, removing, destroying or eradicating vegetation shall be done only after written notice is served upon the owner, lessee, occupant, or other person having control of the property, and failure of the owner, lessee or occupant to cut down, remove or eradicate vegetation declared to be a nuisance, within the time, and in such a manner as the Weed Inspector or Assistant Weed Inspector shall designate in the notice. The notice shall be given in the manner prescribed by Minnesota Statute 18.83, Subd. 2, and shall allow a minimum of seven days for the property owner, lessee, occupant, or other person having control over the property to comply with the requirements of the notice.

3. Owner's Responsibility for Costs Incurred: The costs and expenses incurred by the City in connection with entering a property pursuant to Section 4-11-8 and cutting, removing, destroying and eradicating vegetation declared to be a nuisance shall be paid by the owner or occupant of the property. If unpaid within 30 days of invoice to owner or occupant, such amount shall become a lien in favor of the City and a penalty as established by the governing body shall be added to the amount due as of that date and the total cost, expenses and penalties shall be certified to the County Auditor for entry as a special assessment upon such property for collection as other real estate taxes are collected.

4-11-10: **PENALTY:** Any person who shall neglect to cut and remove noxious weeds and turf grass, as directed in this Chapter, or who shall fail, neglect or refuse to comply with provisions of any notice herein provided or who shall violate any of the provisions of this Chapter or who shall resist or obstruct the city or its employees in the cutting and removal of weeds, grass, brush and other vegetation, shall be guilty of a petty misdemeanor. Each day on which such violation continues shall constitute a separate offense.