CITY CODE

(Updated: January 1, 2019)
DETROIT LAKES CITY CODE

Adopted: March 1, 1985

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100 - General Provisions

101. City Code

101.01 City Code.

Subd. 1. How Cited. This code of ordinances shall be known as The Detroit Lakes City Code and may be so cited.

Subd. 2. Additions. New ordinances proposing amendments or additions to the code shall be assigned appropriate code numbers and shall be incorporated into the code as of their effective date. Reference or citation to the code shall be deemed to include such amendments and additions. When an ordinance is integrated into the code, there may be omitted from the ordinance the title, enacting clause, section numbers, definitions of items identical to those contained in this ordinance, the clause indicating date of adoption, and validating signatures and dates. In integrating ordinances into the code, the city administrator, in cooperation with the city attorney, may correct obvious grammatical, punctuation, and spelling errors; change reference numbers to conform with sections, articles, and chapters; substitute figures for written words and vice versa; substitute dates for the words "the effective date of this ordinance"; and perform like actions to insure a uniform code of ordinances without, however, altering the meaning of the ordinances enacted.

Subd. 3. Numbering. Each section number of this code consists of two component parts separated by a decimal. The first digit of the number refers to the chapter number and the digits after the period refer to the position of the section within the chapter. If the chapter is divided into parts, the figure immediately to the left of the decimal corresponds to the part number.

Subd. 4. Title Headings; Cross References. Chapter, part, section, subdivision, and other titles shall not be considered part of the subject matter of this code but are intended for convenience only and not necessarily as comprehensive titles.

Subd. 5. Copies. Copies of this code shall be kept in the office of the city administrator for public inspection or sale for a reasonable charge, as determined by the council.

101.02 Definitions. Unless the context clearly indicates otherwise, the following words have the meaning given them in this section.


Subd. 3. City Administrator. "City Administrator" means the city administrator.
Subd. 4. **Person.** "Person" means any natural individual, firm, partnership, association, or corporation. As applied to partnerships or associations, the term includes the partners or members; as applied to corporations the term includes the officers, agents, or employees.

Subd. 5. **Code.** "Code" means the Detroit Lakes City Code.

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

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

101.05 **Hearings.**

Subd. 1. **General.** Unless otherwise provided in this code, or by law, every public hearing required by law, ordinance, or resolution to be held on any legislative or administrative matter shall be conducted in accordance with this section.

Subd. 2. **Notice.** Every hearing shall be preceded by ten days’ mailed notice to all persons entitled thereto by law, ordinance, or regulation unless only published notice is required. Mailed notice shall be deemed given upon mailing of the notice, by first class mail, to the individual or entity being notified, at the last known address of such individual or entity. The notice shall state the time, place, and purpose of the hearing. Failure to give the notice or defects in it shall not invalidate the proceedings if a good faith effort has been made to comply with this subdivision.

Subd. 3. **Conduct of Hearing.** At the hearing, each party in interest shall have an opportunity to be heard and to present such evidence as is relevant to the proceedings. The council may adopt rules governing the conduct of hearings, records to be made, and such other matters as it deems necessary.

Subd. 4. **Record.** Upon the disposition of any matter after hearing, the council shall have prepared a written summary of its findings and decisions and enter the summary in the official council minutes.

101.06 **Penalties.**
Subd. 1. **Petty Misdemeanors.** Unless otherwise provided, any violation of this Code is declared to be a petty misdemeanor and shall be subject to maximum penalty provided for petty misdemeanor violations of Minnesota State Statutes. Provided, however, that any violation of this Code within twelve months of two previous convictions for the same or substantially similar violation shall be a misdemeanor. A violation of this Code constituting a misdemeanor shall be subject to those penalties provided for misdemeanor violations of Minnesota State law, plus such costs of prosecution as may be determined by the Court.

Subd. 2. **Misdemeanors.** A violation of this Code constituting a misdemeanor shall be subject to those penalties provided for misdemeanor violations of Minnesota State law, plus such costs of prosecution as may be determined by the Court.

Subd. 3. **Separate Violations.** Unless otherwise provided, each act of violation and every day on which a violation occurs or continues constitutes a separate offense.

Subd. 4. **Application to City Personnel.** The failure of any officer or employee of the city to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for violation unless a penalty is specifically provided for such failure.

Subd. 5. **Separability.** If any ordinance or part thereof in the Detroit Lakes City Code or hereafter enacted is held invalid or suspended, such invalidity or suspension shall not apply to any other part of the ordinance or any other ordinance unless it is specifically provided otherwise. *(Ordinance No. 136, Amended 5/5/1996)*
200 - Administration

201. Administrative Code

201.01 Purpose and Effect. In conformity with the provisions of Section 2.02 of the Amended Charter of the City of Detroit Lakes, the council adopts this chapter as an administrative code providing for the organization, management, and administration of the city government.
202. Form of Government

202.01 Boards and Commissions.

Subd. 1. Creation and Terms. The following boards/commissions are hereby established and made a part of the city government to advise the Council in matters relating to the operation and management for which the board/commission was created: Library Board, Park Board, Planning Commission, Police Civil Service Commission, and Airport Commission. All present members of boards/commissions shall continue to serve until their current term or re-appointment expires. The Council shall appoint members to the boards/commissions for three-year terms. A member of a board/commission shall not be eligible for re-appointment after having served three consecutive three year terms until after a lapse of one term, except that the Council, at its discretion, may appoint one of its members to a board or commission and such alderman shall be eligible for re-appointment as long as they remain on the Council. Each board/commission shall meet and elect its own chairman and serve without compensation. All boards/commissions shall meet regularly and submit a report of their activities to the City Administrator. (Ordinance No. 73, Adopted 1/7/1992; Ordinance No. 296, Adopted 9/13/2006)

Subd. 2. Membership. The number of members appointed to each board/commission shall be as follows: Library board - seven members, one of which shall be appointed to serve as representative to the Lake Agassiz Regional Library Board; park board - five members; planning commission - nine members; sports arena commission - six members, one of which shall be a representative of the Becker County Agricultural Society and Fair Association; police civil service commission - three members; and airport commission - five members, two members to be appointed by the Becker County Commissioners. The appointments shall alternate so that the council would appoint three members and the county commissioners would appoint two members, etc.

202.02 City Administrator. The council, at the first meeting following the adoption of the charter, shall appoint a City Administrator and delegate to that person whatever powers, ministerial or administrative, it deems necessary or proper for the administration of city affairs. The City Administrator shall be appointed for an indefinite period and may be removed by the Council at any time in accordance with procedures set forth in Section 5.01 of the charter.

202.03 Other Officials. The council, at the first meeting following the adoption of the charter, shall, by resolution, appoint a City Attorney, City Engineer, Health Officer, and a Building Inspector. The appointments shall be for an indefinite period and may be terminated by the council at any time. Appointed officials shall work with and report to the City Administrator in the carrying out of their duties. All appointive officers shall perform duties imposed by law for their respective offices and all other duties consistent with their respective offices as may be directed by council resolution or ordinance. The council is empowered to appoint or employ whatever personnel are necessary to enforce the provisions set forth in the charter.
203. City Council

203.01 Meetings.

Subd. 1. Regular Meetings. The annual meeting of the City Council shall be held at 5:00 PM on the first Tuesday following the first Monday in January of each year. All other regular council meetings shall be held at 5:00 PM on the second Tuesday of each month. In the event the regularly scheduled council meeting falls on a holiday, primary, or general election day, the council shall, in the month preceding the conflicting date, select another day to meet. Any such change shall be duly publicized. (Ordinance No. 125, Adopted 9/5/1995)(Ordinance No. 203, Adopted 9/5/2000)(Ordinance No. 290, Adopted 5/2/2006)

Subd. 2. Special Meetings. A special meeting of the council may be called at any time by the mayor or, in case of the mayor's absence or disability, by the vice-mayor by any three alderman on forty-eight hours written notice to each council member. No business shall be transacted other than that set forth in the meeting notice.

203.02 Committees. The Mayor, at his discretion, may appoint such committees as may be deemed necessary to conduct the orderly business of the council. The committees may include, but are not limited to, the following: Finance, Public Utilities, Building, Streets-Parks-Sanitation, Liquor Control/Gambling, Special Investigation-Public Health-Civil Defense, Fire Department, Ordinance-Charter, Community Development.

203.03 Procedure. The council shall, by resolution, determine its own rules and order of business.

203.04 Council Salaries. The compensation of the Mayor shall be $900.00 per month, and the compensation of each Alderman shall be $600.00 per month, said salaries to include attendance at any and all meetings of the council or its committees. This salary schedule to take effect beginning with the month of January, 2017. (Ordinance No. 264, Adopted 10/5/2004)(Ordinance No. 402, Adopted 9/13/2016)
204. Administration

204.01 Departments. The following departments are hereby established and made a part of the city government: Police Department, Fire Department, Public Works Department and Liquor Department. Each department shall be controlled by a department head. The department head shall be in control of and have supervision over all of the activities and personnel in their department. Department heads, with the exception of the Police Chief, shall report and be responsible to the City Administrator. The Police Chief shall be under the direct supervision of the Mayor but shall give reports to and work with the City Administrator in carrying out the duties of the office. Department heads shall have the duties and responsibilities as set forth in Chapter 5 of the charter and any other duties required by the council. All department heads shall be appointed for an indefinite term and may be dismissed from their office in accordance with the procedures set forth in Section 5.01 of the charter. (Ordinance No. 310, Adopted 5/8/2007)

204.02 City Administrator.

Subd. 1. Authority. The council hereby delegates to the city administrator general administrative control over all departments and employees having managerial and operational authority and responsibility.

Subd. 2. Personnel. The council hereby delegates to the city administrator the responsibility to assist department heads to hire, promote discipline, and discharge all city employees, except department heads, to the extent that such performance is not inconsistent with either a collective bargaining agreement or civil service regulation in effect. In making these decisions, the city administrator shall consider recommendations of the heads of the departments affected.

Subd. 3. Compensation. The city administrator shall make recommendations to the council as to the employment of department heads, and as to the wages, salaries, and employee benefits of all city employees.

Subd. 4. Committees. The city administrator, in addition to taking an active part in the activities of all boards, shall assist board chairpersons in personal liaison work with the council.

Subd. 5. City Administrator. The city administrator shall act as clerk-treasurer where statutory reference is made to these positions in the absence of a duly appointed city clerk.

Subd. 6. Council Authority. Any authority or responsibility herein delegated is subject to the continuing authority of the council to reserve, modify, or revise any action by the city administrator, or to revoke the delegation.
204.03 Fire Department.

Subd. 1. Established. In addition to the departments established in 204.01, there is hereby established a volunteer fire department which shall be under the general control of the council, of which the mayor shall have supervision. The present constitution and bylaws of the fire department shall be continued. Future changes shall be subject to confirmation and approval of the council. The members of the department shall continue to elect their own chief, assistant chief, and such other officers as they deem necessary to properly run their department. The fire chief shall report to and work with the city administrator in the administration of the department.

Subd. 2. Chief. The chief shall be in charge of the fire department and have custody of all property used and maintained for the purpose of said department. He shall see that the same are kept in proper order and that all rules and regulations and all provisions of the laws of the state and ordinances of the city relative to a fire department and to the prevention and extinguishment of fires are duly observed. He shall supervise the preservation of all property endangered by fire and shall have control and direction of all persons engaged in preserving such property. In case of the absence or disability of the chief for any cause, the assistant chief shall exercise all the powers, perform all the duties, and be subject to all the responsibilities of the chief.

Subd. 3. Outside Service. The units of the fire department and the dispatch of fire equipment and personnel to any community or area outside the city limits of the city shall be at the discretion of the chief of the department.

Subd. 4. Reports. The fire chief shall, on the first day of each month, file the city administrator a report as to all fires occurring during the previous month, stating the probable cause thereof and estimated fire loss.

204.04 Police Department. A Police Department, under control of the Mayor, shall consist of the Chief, three Sergeants, and such other personnel as determined by the City Council. They shall be appointed pursuant to the Civil Service Commission’s rules and regulations in effect at the time of their appointment. The Chief of Police shall have general superintendence of the Police Department and custody of all properties used and maintained for the purpose of said Department, and it shall be his duty on or before the first day of each month to file with the City Administrator a report as to all arrests made by his department during the previous month. In addition, it shall be his duty on or before the tenth day of March in each year to file a detailed inventory with the City Administrator on all properties used and maintained in the operation of said Department. The Chief of Police, in addition to his administrative duties, shall also perform the duties of a patrolman unless otherwise provided by the City Council. (Ordinance No. 308A, Adopted 2/13/2007)

204.05 Public Works Department. The Public Works Department shall be under the general control of the Council. The head of this department shall be know as the Public Works Director, who shall report to the City Administrator in the carrying out
of the duties. The Public Works Director shall be appointed for an indefinite term and may be removed by the Council at any time. All streets, sidewalks, alleys, parks, storm sewers and sanitary sewer maintenance shall be under the direct supervision of the Public Works Director together with any other additional duties as may be assigned by the Council, and in addition to these it shall be the Public Works Director’s duty as weed inspector to see that the laws relating to eradication and control of weeds are observed. The Public Works Director shall have supervision over all labor and custody over all properties used and maintained for the operation of such departments, and shall recommend to the City Administrator the hiring of all personnel necessary to properly fulfill the duties of the department. The Public Works Director shall, prior to December 31 of each year, file a report with the City Administrator, as to the condition of the streets, sidewalks, alleys, parks, and storm sewers., together with recommendations as to any necessary repairs or improvements. (Ordinance No. 310, Adopted 5/8/2007)

204.06 Liquor Department. The operation of the municipal liquor store shall be under the general control of the council. The department head shall be responsible for the operation and management of the liquor store, consistent with good responsible marketing techniques. He shall report to the city administrator in the carrying out of his duties. The department shall, before the first day of each month, file with the city administrator a report as to the operation of the liquor store. Such report shall be in a form as prescribed by the city administrator or council.

204.07 Library Board.

Subd. 1. Organization. The present organization and administrative management shall be continued as provided by the Charter and Minnesota Statutes. Terms of the present members shall continue until re-appointed. All members thereof shall be residents and qualified electors of the city except that the council, at its discretion, may appoint three members thereof who are not residents of the city.

Subd. 2. Levy. Mr. Andrew Carnegie having donated the sum of $10,000 to the city for the purpose of constructing and erecting a public library building in said city, which donation was conditioned upon said city securing a site for such public library building and appropriating at least the sum of $1,000 annually for the maintenance of such library and levying an annual tax therefor, which proposition said city accepted, the council shall levy and appropriate a sum adequate to maintain and support such public library not to exceed the maximum levy allowable by the statutes.

204.08 Park Board. The mayor, with the approval of the council, shall appoint five residents and qualified electors of the city to act as members of the park board, except that the council, at its discretion, may appoint one member thereof who is not a resident of the city. They shall be appointed for terms of three years, and after three consecutive three-year terms will not be eligible for re-appointment until after a lapse of one term. Members of the present park board shall continue to serve until their current term expires. They shall elect their own chairman and shall serve without compensation. The park board shall submit to the city administrator all recommendations for the
supervision of all city parks, bathing beaches, tourist camps, and other summer and winter recreational facilities except in matters relating to the Detroit Lakes Sports Arena.

**204.09 Planning Commission.**

Subd. 1. **Appointment.** The mayor shall, with approval of the council, appoint nine residents and qualified electors of the city to serve as members of the planning commission, except that the council, at its discretion, may appoint three members thereof who are not residents of the city. They shall be appointed for three years and after three consecutive three-year terms, will not be eligible for re-appointment until after a lapse of one term. They shall elect their own chairman and secretary and serve without compensation.

Subd. 2. **Duties.** It shall be the function and duty of the planning commission to prepare and adopt a comprehensive city plan for the physical development of the city, including proposed public buildings, street arrangements and improvements, public utility services, parks, playgrounds, and other similar developments, the use of property, the density of population, and other matters relating to the physical development of the city.

Subd. 3. **Reports.** The planning commission shall work with the city planner in setting forth its goals and shall report to the city administrator all actions and recommendations of the planning commission for consideration and approval of the council.

**204.10 City Planner.**

Subd. 1. **Established.** In addition to the planning commission, as set forth in Section 204.10 hereof, there is hereby established the position of city planner. The city planner shall report to the city administrator in the carrying out of his duties.

Subd. 2. **Duties.** The city planner is in charge of the planning department, with specific responsibility for overall city planning, economic development, grants and aids.

**204.11 Airport Commission.**

Subd. 1. **Appointment.** Members of the airport commission shall be appointed and serve in accordance with the provisions as set forth in 202.01. They shall elect their own chairman and secretary and serve without compensation.

Subd. 2. **Duties.** It shall be the duty of the airport commission to maintain and operate the Detroit Lakes Airport along the guidelines set forth in the Joint Powers Agreement with Becker County, such agreement having been entered into on October 1, 1969.
Subd. 3. Reports. The chairman of the airport commission (Detroit Lakes/Becker County Airport Commission) shall periodically report to the city administrator on the activities of the airport commission.

Subd. 4. Staff. The city administrator shall be designated as the city staff member responsible for the financial record keeping of the Detroit Lakes Airport.

204.12 Police Civil Service Commission.

Subd. 1. Appointment. The mayor, with approval of the council, shall appoint three residents and qualified electors of the city to serve as members of the police civil service commission. They shall be appointed for three years and after three consecutive three-year terms, will not be eligible for re-appointment until after a lapse of one term. Members of the present police civil service commission shall continue to serve until their current term expires. They shall elect their own chairman and secretary and serve without compensation.

Subd. 2. Duties. The police civil service commission shall operate and perform the duties as set forth in the Police Civil Service Commission Rules and Regulations adopted by the city and appropriate state statutes.

204.13 Administrative Appeal. If any person shall be aggrieved by any decision of the city administrator, any board or commission, not having within its structure an appellate procedure, or any city employee, such aggrieved person is entitled to a full hearing before the council upon serving a written request therefor upon the mayor and city administrator at least five days prior to any regular council meeting. Such request shall contain a general statement setting forth the decision to be challenged by the appellant. At such hearing, the appellant may request any evidence he deems pertinent to the appeal, but the city shall not be required to keep a verbatim record of the proceedings. The mayor, or other officer presiding at the hearing may, in the interest of justice or to comply with time requirements and on his own motion or the motion of the appellant, the city administrator, or a member of the council, adjourn the meeting to a more convenient time or place, but such time or place shall be fixed and determined before adjournment so as to avoid the necessity for formal notice of reconvening.

204.14 Rules of Procedure. The council may adopt, by resolution, certain written rules of procedure to be followed in all administrative appeals and other hearings to be held before the council or other bodies authorized to hold hearings and determine questions therein presented. Such rules of procedure shall be effective thirty days after adoption and shall be for the purpose of establishing and maintaining order and decorum in the proceedings.
205. Taxation and Finance

205.01 Investment. The city administrator is hereby empowered and directed to invest all surplus funds of the city in securities, allowed by Minnesota Statutes, so as to earn the maximum interest available at the time of investment.

205.02 Audit. The fiscal year of the city shall be the same as the calendar year. The council shall provide for an annual audit of city records. A summary of the annual audited financial records shall be published once on the official newspaper of the city within six months of the close of the fiscal year.

205.03 Funds. All funds set forth in Section 6.08 of the charter are hereby established and shall be maintained for the purposes as stated. The council shall, by resolution, from time to time, establish and maintain such other funds or division of funds as required by law, ordinance, resolution, or the Charter.

205.04 Fines and Penalties. All fines, forfeitures and penalties recovered for the violation of any ordinance of the city shall be paid into the city treasury by the court or officer thereof receiving such moneys. Payment shall be made in the manner and at the time provided by law.
206. Utilities Commission

206.01 Commission Established. A public utilities commission consisting of five members is hereby established. The present members of the commission shall continue until re-appointed. After serving three consecutive three-year terms, a member may not be re-appointed until a lapse of one term. (Ordinance No. 357, Adopted 1/10/2012)

206.02 Salary. The salary of the members of the public utilities commission shall remain as currently set, but may, by resolution of the council, be changed from time to time; however, the salary of any commissioner shall not be diminished during the term for which he was appointed.

206.03 Jurisdiction. As set forth in Section 10.01 of the Amended Home Rule Charter, the control and operation of the Wastewater Treatment Plant, sanitary sewer lift stations, water production and distribution system, electric production and distribution system and a telecommunications system are hereby assigned to the Public Utilities Department. (Ordinance No. 141, Adopted 8/6/1996)(Ordinance No. 357, Adopted 1/10/2012)

206.04 Appropriations. The public utilities commission shall, from time to time, upon request of the council, appropriate money from the public utility fund to the general fund of the city to be used in the operation of the city in general. The amount of appropriated money shall be agreed upon by mutual consent of the public utilities commission and council, but at no time shall be in amounts that would jeopardize the operation of the public utilities department.
207. Miscellaneous Administrative Provisions

207.01 Newspaper. The Council shall annually designate a legal newspaper of general circulation in the City as its official newspaper. Minutes of the Council meetings shall be mailed or emailed to any resident upon request and shall be posted on the City’s website. **(Ordinance No. 279, Adopted 9/6/2005)**

207.02 Resolutions. The enacting clause of all resolutions shall be as follows: "Be it Resolved By the Council of the City of Detroit Lakes, Minnesota." All resolutions shall be numbered and recorded apart from the minutes in a separate journal kept for that purpose. No resolution shall be published unless the charter provisions or Minnesota Statutes require it to be published or the council directs its publication.

207.03 Ordinances. All ordinances shall be numbered and recorded apart from the minutes and kept in such a manner so as to insure their safekeeping.

207.04 Vacation of Streets. Pursuant to Section 11.06 of the Charter, the following procedure shall be used for the vacation of streets, alleys, roadways, and public grounds: the council may, by resolution, vacate, without a petition of the owners of land abutting such street, alley, roadway or public ground all or any part thereof, which is proposed to be vacated. Prior to any such vacation, the council shall hold a public hearing on the matter at which hearing all interested parties may appear and present evidence and testimony relative to the proposed vacation. Such vacation may be made only after ten days mailed notice to abutting property owners and two weeks published notice in the official newspaper of the city, with the last publication to be made at least ten days prior to such hearing. After such hearing has been held, the council may, if it finds that it would be in the best interest of the public to do so, declare, by resolution, such street, alley, roadway, or public ground, or any part thereof, vacated. The council may make such vacations subject to any conditions or limitations that the council may determine to be necessary or desirable. A notice of completion of such proceedings shall be filed with the proper county officers in accordance with Minnesota Statutes 117.19.

207.05 Board of Equalization. The mayor, who shall be chairman, and three council members appointed by him, shall constitute the board of equalization. They shall meet and perform their duties as provided by law. Each member of the board shall be paid a daily fee which shall be set by council resolution.

207.06 Depositories. The council shall annually designate depositories for city funds, as provided by Minnesota Statutes.

207.07 Purchasing. The city administrator shall be the chief purchasing agent of the city. All purchases on behalf of the city, except purchases made by the public utilities department, shall be made by the city administrator subject to approval of the council.

207.08 Bidding Procedure. In all cases where bidding is required by statute, the city administrator shall advertise for bids by causing a notice to be published in the
official newspaper, and such other publications as the council may decide. The advertisement shall specify the work to be done, or commodities to be furnished, and shall state the time when the bids will be publicly opened for consideration by the council, which shall not be less than ten days after publication. At the time and place mentioned in the advertisement for bids, the bids shall be opened publicly by two or more designated officers of the city and tabulated in advance of the meeting at which they are to be considered by the Council. No bids will be considered unless sealed and filed with the city administrator in advance of the meeting accompanied by a cash deposit, cashier's check, bid bond, or certified check payable to the city for an amount not less than 5 percent of the amount of the bid, which shall be forfeited to the city as liquidated damages if the bidder on letting of the contract to him shall fail to enter into the contract so let.

207.09 **Execution of Documents.** All contracts, deeds, and other legal documents of a like nature shall be executed by the mayor and city administrator/or city clerk under authority granted by the council.

207.10 **Facsimile Signatures.** The Mayor and City Administrator are hereby authorized to request a depository of city funds to honor an order for payment when such instrument bears a facsimile of their signatures.

207.11 **Payment of Claims.** No claims against the City, except fixed charges, wages, and salaries previously authorized by the council or the Charter shall be paid until audited and allowed by council resolution.

207.12 **Payday.** The Council shall, by resolution, designate a regular payday for the Mayor, Council members, Public Utilities Commission, and regular and part-time employees of the city.

207.13 **Applicant Background Investigations.** The Police Department is authorized to conduct a criminal history background investigation on applicants for certain positions with the City. This section applies only to applicants who are finalists for paid or volunteer positions with the City, where the City Administrator has determined that conviction of a crime may relate directly to the position sought. In no event, will a background investigation be performed without the written consent of the applicant. However, failure to provide a written consent may disqualify the applicant for the position sought. **(Ordinance No. 231, Adopted 9/10/2002)**
208. Unclaimed Property

208.01 **Unclaimed Property Defined.** "Unclaimed property" means any money or personal property, except motor vehicles, lawfully coming into the possession of the city and remaining unclaimed by the owner.

208.02 **Procedure.**

Subd. 1. **General.** The chief of police shall make a reasonable and diligent effort to find the owner of any unclaimed property and restore the same to him.

Subd. 2. **Motor Vehicles.** Abandoned motor vehicles shall be disposed of as provided by Minnesota Statutes Chapter 168B.

208.03 **Found Property.** A receipt shall be issued to any person who finds lost or abandoned property or money and delivers it to the custody of the city. Such person may indicate in writing that he wishes to assert a claim to such property or money as a finder. If the finder so indicates, and the property or money remains unclaimed by the owner for sixty days, the property or money shall be delivered to the finders.

208.04 **Perishable or Dangerous Property.** Any unclaimed property which is perishable, or which would lose the greater part of its value by being retained for ninety days, or which determined by the chief of police to be dangerous shall be disposed of at the discretion of the chief of police in the manner deemed appropriate by him.

208.05 **Money.** Any money which is not claimed by the owner within ninety days or by a finder pursuant to 208.03, or which was seized from illegal gambling, shall be deposited in the city's general fund.

208.06 **Property Seized As Evidence.** Any property seized as evidence shall, when no longer needed as evidence, be returned to the owner, unless otherwise subject to lawful detention. Such property which is otherwise subject to lawful detention shall be destroyed or otherwise disposed of as directed by the court.

208.07 **Disposal.**

Subd. 1. **City Use.** Any unclaimed property for which no other manner of disposal is provided by 208.01 - 208.06 and which is not claimed by the owner within ninety days may be appropriated to city use upon approval of such appropriation by the council.

Subd. 2. **Sale.** Any property described in Subdivision 1 which is not appropriated to city use shall be sold by the chief of police to the highest bidder at public auction. Notice shall be published for two successive weeks of the time, place, and manner of sale. The notice shall also describe the property to be sold.
Subd. 3. **Proceeds.** The proceeds from a sale of unclaimed property shall be deposited in the city general fund. A record shall be made of the sale price of each item sold, and the sale price shall be paid to the former owner, if claim is made within six months of the sale and satisfactory proof of ownership is presented.

Subd. 4. **Unsold Property.** Any unclaimed property remaining unsold after public auction shall be disposed of as directed by the council.
209. Escrow Deposits

209.01 Intent. Certain licensed and permitted activities carried on in the city require the assistance of the city engineer, city attorney, city planner, or other city personnel. As these activities primarily benefit private persons rather than the city as a whole, it is appropriate that the cost of these services be borne by those benefiting thereby. Sections 209.01 - 209.06 are intended to provide a method whereby this end will be furthered.

209.02 Escrow Deposit Required. Applications for subdivision approval, rezonings, conditional use permits, planned unit developments, zoning variances, sewer connection permits, liquor licenses, building permits, and other municipal considerations may require a cash deposit which shall be placed in an applicant's escrow account in an amount sufficient to pay all engineering, legal, and planning fees incurred by the city, and such other costs as may be made the applicant's responsibility, in connection with the application and the supervision, inspection and investigation of the permitted activity. The deposit shall be held in the account and shall be credited to the applicant making the deposit. All engineering, legal, and planning fees, and such other costs as may be made the applicant's responsibility, incurred in connection with an application shall be charged to the applicant's escrow account and credited to the city.

209.03 Fee Schedule. The council shall establish fees for services rendered by the city attorney, city engineer, city planner, and other city personnel. The fee schedule shall be provided to all persons making applications listed in 209.02 upon request.

209.04 Individual Fees. Based on the fee schedule adopted pursuant to 209.03, the city administrator shall determine the amount of the escrow deposit required after consultation with the city attorney, city engineer, city planner, and other city personnel whose services may be required. All time, services, and materials to be billed to an escrow account shall be itemized.

209.05 Enforcement.

Subd. 1. Application. The application listed in 209.02 shall not be accepted or processed by the city unless accompanied by an escrow deposit as provided in this chapter.

Subd. 2. Deficits. If at any time it appears that a deficit will occur in any escrow account, the city administrator may then require an additional deposit in the escrow account sufficient to cover the additional expenses. Failure to make such additional deposits, or to pay to the city money owed for legal, engineering or other services for which the applicant is by ordinance made responsible in connection with an application in 209.02, shall be grounds for denial or revocation of the permit or license, or cessation of work on a particular project. Such permit or license shall be revoked only after a hearing preceded by ten days written notice.
209.06 **Refund.** Any money remaining in an applicant's escrow account after payment of all required engineering, legal, and other fees shall be returned to the applicant.
210. Fees

210.01 Fees. Fees for licenses, permits, and services are listed below and shall be as follows:

Section 214 – Administrative Penalty (Resolution 2018-0612H, Adopted 6/12/2018)

$200 per day per Violation/Penalty


Excavation Registration Fee $220.00 (annual)

Excavation Permit Fee $190.00 (per job)

Obstruction Permit Fee $190.00 (per job)

Section 305 - Sidewalk Repair Permit Fee (2018-1113U, Adopted 11/13/2018)

$10.00 per job


Hazardous Materials - $800/hour plus expenses

Fire Call - $600/hour plus expenses

Extraction - $600/hour plus expenses

Grass Fires - $400 - 1st hour

$125/hour after 1st hour for Pumper (3 firefighters)

$100/hour after 1st hour for Tanker (3 firefighters)

$150/hour after 1st hour for Grass Rig (2 firefighters)

$25/hour for additional firefighters

Plus cost of foam ($150 per 5 gallons) and supplies

Section 401 - Individual Sewage Treatment System (Resolution 2018-1113U,
Adopted 11/13/2018)

$500.00 - installation permit

$150.00 - Re-Inspection fee

$10.00 - Pumping Permit

Section 401 - Sewage Tank Cleaners License (Resolution 2018-1113U, Adopted 11/13/2018)

$60.00 per year

Section 402 - Sewer Connection Fee (Resolution 2018-1113U, Adopted 11/13/2018)

$150.00 per connection/inspection (after normal working hours, an additional $75.00 will be charged)

$100.00 Dewatering Stormwater Fee per water and/or sewer connection fee

Section 403 - Water Connection Fee ((Resolution 2018-1113U, Adopted 11/13/2018)

$150.00 - per connection/inspection (after normal working hours, an additional $75.00 will be charged)

$100.00 Dewatering Stormwater Fee per water and/or sewer connection fee


$1,500.00 Fee for abandoned water service lines

Section 404 - Storm Water Drainage Utility (Resolution 2018-1113U, Adopted 11/13/2018)

$2.68 per month Residential Basic System Rate

$2.71 per acre per month Residential Surcharge

$2.68 per month Non Residential Basic System Rate

$8.13 per acre per month Non Residential Surcharge

200-18
Section 405 - Street Light Fee (Resolution 2018-1113U, Adopted 11/13/2018)

$2.50 per month

Section 502 - Dog/Cat License Fee (Resolution 2018-1113U, Adopted 11/13/2018)

$17.00 per Animal


$40.00 Fine + board to redeem dog or cat for First Offense

$80.00 Fine + board to redeem dog or cat for Second Offense

$160.00 Fine + board to redeem dog or cat for Three or more Offenses

Section 503A - More than Two (2) Animals Special Permit (Resolution 2018-1113U, Adopted 11/13/2018)

$150 for the 3rd animal and $50 for each animal thereafter (Permits more than 2 animals per household per year)

Section 505 - Noise Permit (Resolution 2018-1113U, Adopted 11/13/2018)

$75.00 per day

Section 507 - Commercial Lawn Fertilizer Applicator License (Resolution 2018-1113U, Adopted 11/13/2018)

$42.00 per year

Section 603 - Pawnbroker (Resolution 2018-1113U, Adopted 11/13/2018)

$210.00 per year

Section 604 - Hawker/Peddler/Solicitor/Transient Merchant (Resolution 2018-1113U, Adopted 11/13/2018)

$275.00 plus $36/day with a maximum of $995.00 per license plus a $2000.00 surety bond (License term is a 6-month license period per City Code 604.08)

Section 605 - Plumbing (Resolution 2018-1113U, Adopted 11/13/2018)
$62.00 plus a $25,000 State Compliance Bond

**Section 606 - Solid Waste Collection** (Resolution 2018-1113U, Adopted 11/13/2018)

$270.00 license fee per year

$2800.00 surcharge fee per year (Residential Haulers Only)

**Section 607 - Tobacco** (Resolution 2018-1113U, Adopted 11/13/2018)

$250.00 per year

**Section 609 - Building Moving** (Resolution 2018-1113U, Adopted 11/13/2018)

$150.00 Permit Fee

**Section 610 - Taxi** (Resolution 2018-1113U, Adopted 11/13/2018)

$90.00 one vehicle

$25.00 each additional vehicle

**Section 611 - Dance** (Resolution 2018-1113U, Adopted 11/13/2018)

$35.00 per dance

**Section 612 - Rental Unit Registration & Inspection** (Resolution 2018-1113U, Adopted 11/13/2018)

$45.00 per building PLUS $15.00 per unit (Annually)

$75.00 Late Charge

$30.00 per unit per re-inspection or no-show

**Section 614 - Public Gathering License** (Resolution 2018-1113U, Adopted 11/13/2018)

$170.00 per Gathering

**Section 615 – Fireworks License Fee** (Resolution 2018-1113U, Adopted 11/13/2018)

$350.00 Annual License Fee for a Retail Seller that is in the business of selling only fireworks

200-20
$100.00 Annual License Fee for All Other Retail Sellers

Section 702 - Liquor and Wine Licensing Fees (Resolution 2018-1113F, Adopted 11/13/2018)

$350.00 - Liquor Background Check Fee, per application (non-refundable)

$3,900.00 - On-Sale Intoxicating Liquor, per year

$720.00 - On-Sale Wine License Fee, per year

$550.00 - On-Sale Brewer Tap Room, per year

$310.00 - Off-Sale Brew Pub Malt Liquor, per year

$200.00 - On-Sale Sunday, per year

$275.00 - On-Sale Intoxicating - TEMPORARY, per event (Non-Profit, Club, Charitable, Religious Organizations and Sports or Convention Facilities)

$150.00 - On-Sale Intoxicating – SPECIAL, per event (for Holders of an On-Sale Intoxicating Liquor License to serve at a City Owned Facility)

$100.00 - Temporary Sidewalk Café, per year

Section 703 – Beer Licensing Fees (Resolution 2018-1113F, Adopted 11/13/2018)

$370.00 - On-Sale 3.2 Malt Liquor, per year

$75.00 - On-Sale 3.2 TEMPORARY, per event (Must not exceed 6 days)

$370.00 - Off-Sale 3.2 Malt Liquor, per year


$150.00 - Consumption & Possession of Liquor and Beer, per event

(Perm it to consume alcoholic beverages at public places)


$25.00 - Parking Fine
$20.00 - Fines not paid within 10 days of the violation

**Section 901 – Nuisance Violation** (Resolution 2018-1113U, Adopted 11/13/2018)

$200.00 – Per Day Nuisance Violation

**Section 1001 - Docks** (Resolution 2018-1113U, Adopted 11/13/2018)

$345.00 - Dock-Private

$220.00 - Lift-Private & Semi-Commercial, per lift

$455.00 - Dock-Semi-Commercial

$455.00 - Dock-Commercial

$26.00 - Slip-Commercial Dock, per slip

**Section 1007 - Erosion Control Ordinance** (Resolution 2018-1113U, Adopted 11/13/2018)

$850.00 - Land Disturbance Permit

$200.00 per day Stormwater Violation

**Miscellaneous Fees** (Resolution 2018-1113U, Adopted 11/13/2018)

$5.00 - Notary Fee

$30.00 - Returned Check Fee

$100.00 per hour plus material Special Police Escort/Security Services

$50.00 Police Administration Fee

$25.00 per day Impound Storage Fee

**Section 1004 - Building Permits** (Resolution 2018-1113U, Adopted 11/13/2018)

$1 to $500 $24.25

$501 to $2,000 $24.25 for the first $500.00 plus $3.15 for each additional $100.00 or fraction thereof, to and including $2,000.00
$2,001 to $25,000  $71.50 for the first $2,000.00 plus $14.50 for each additional $1,000.00 or fraction thereof, to and including $25,000.00

$25,001 to $50,000  $405.00 for the first $25,000.00 plus $10.40 for each additional $1,000.00 or fraction thereof, to and including $50,000.00

$50,001 to $100,000  $665.00 for the first $50,000.00 plus $7.25 for each additional $1,000.00 or fraction thereof, to and including $100,000.00

$100,001 to $500,000  $1,027.50 for the first $100,000.00 plus $5.75 for each additional $1,000.00 or fraction thereof, to and including $500,000.00

$500,001 to $1,000,000  $3,327.50 for the first $500,000.00 plus $4.90 for each additional $1,000.00 or fraction thereof, to and including $1,000,000.00

$1,000,001 and up  $5,777.50 for the first $1,000,000.00 plus $3.25 for each additional $1,000.00 or fraction thereof

Please Note: State Surcharge Fee computed based on Building Project Valuation (.0005 x Project Value)

Other Inspections and Fees:

1. Inspections outside of normal business hours = $47 per hour*

2. Re-inspection fees assessed under provisions of Section 305.8 = $47 per hour*

3. Inspections for which no fee is specifically indicated = $47.00 per hour* (minimum charge – one-half hour)

4. Additional plan review required by changes, additions or revisions to plans = $47.00 per hour*

5. For use of outside consultants for plan checking and inspections, or both = Actual costs**

6. Shoreland District Surcharge = 10% surcharge on building permit fees will be charged on all riparian lots and all lots adjacent to West Lake Drive in the Shoreland District

*Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.
**Actual costs include administrative overhead costs.**

**Other Building Code Fees:**

- $50.00 – Demolition
- $25.00 – Septic tanks
- $25.00 – Mobile Home Park

65% of Building Permit Fee is the Commercial Plan Review Fee

10% of the Total Building Permit Fee is the Residential Plan Review Fee

**Zoning Ordinance Fees (Resolution 2018-1113U, Adopted 11/13/2018)**

- $130.00 Lot Division Fee
- $320.00 ADA Compliance/Modification Fee
- $320.00 Street, Alley or Easement Vacation
- $320.00 Mitigation Permit
- $40.00 Zoning Permit (Fences, Paving, Storage Buildings - 120 square feet or less)

- $200.00 per day Zoning Violation

**Section 3, General Provisions (Resolution 2018-1113U, Adopted 11/13/2018)**

- $320.00 - Expansion of a Nonconforming Use

**Section 20, Amendments and Conditional Use Permits (Resolution 2018-1113U, Adopted 11/13/2018)**

- $320.00 - Conditional Use Permit Fee
- $320.00 - Rezoning Fee

**Section 21, Administration Variances and Appeals (Resolution 2018-1113U, Adopted 11/13/2018)**

- $320.00 - Variance Fee

**Section 24, Regulating and Controlling Use of Signs (Resolution 2018-1113U, Adopted 11/13/2018)**
Commercial Sign Permit – Use Building Permit Fee Schedule
$40.00 - Temporary Sign Permit

City Code Appendix C Subdivision Regulations (Resolution 2018-1113U, Adopted 11/13/2018)

$70.00/Lot, Minimum $500.00 Plat Approval Fee

210.02 Other Fees and Charges. The City Administrator shall, from time to time, establish fees for various items and services for which fees are not established by ordinance or statute. The amount of each such fee shall be set so as to recover the City’s costs. Items and services for which fees shall be established include, but are not limited to, the following:

- Ordinance book
- Maps
- Printed forms
- Police Service Charges
- Photocopies
- Certified copies

- Special assessment searches
- Summer recreation fees
- Public Works service charges
- Council Commission, Committee minutes
- Community Center fees
- Fire Hall Rental Charge


$600.00 – Event Deposit (Refundable per Pavilion Rental Agreement)

$310.00 – Weekday Half Day Rate until 4:00 PM (Monday through Thursday)

$410.00 – Weekday Full Day Rate (Monday through Thursday)

$720.00 – Weekend Half Day Rate until 4:00 PM (Friday through Sunday)

$1225.00 – Weekend Full Day Rate (Friday through Sunday)

$2150.00 – Two Consecutive Weekend Full Day Rate (Friday through Sunday)

$130.00/day – Heat


$600.00 – Event Deposit (Refundable per Pavilion Rental Agreement)

$320.00 – Weekday Half Day Rate until 4:00 PM (Monday through Thursday)

$420.00 – Weekday Full Day Rate (Monday through Thursday)
$740.00 – Weekend Half Day Rate until 4:00 PM (Friday through Sunday)

$1260.00 – Weekend Full Day Rate (Friday through Sunday)

$2210.00 – Two Consecutive Weekend Full Day Rate (Friday through Sunday)

$130.00/day – Heat

**Pavilion Cancellation Policy:** (Resolution 2018-1113U, Adopted 11/13/2018)

$600.00 deposit is non-refundable unless we are able to rent the cancelled time to another party.

**2019 SPORTS ARENA RENTAL:** (Resolution 2018-1113U, Adopted 11/13/2018)

$675.00 - Daily Rate

$450.00 - ½ day rate until 4:00 PM

$340.00 - Non-profit daily rate

**2020 SPORTS ARENA RENTAL:** (Resolution 2018-1113U, Adopted 11/13/2018)

$680.00 - Daily Rate

$465.00 - ½ day rate until 4:00 PM

$345.00 - Non-profit daily rate

**Sports Arena Deposit/Cancellation Policy:** (Resolution 2018-1113U, Adopted 11/13/2018)

$600.00/day deposit is non-refundable. The deposit will be refunded only if we are able to rent all of the cancelled time to another party

**Long Lake Shelter**

$100.00 per day

**Long Lake Shelter Cancellation Policy**

$25.00 deposit is non-refundable.

**People’s Park Shelter**

$100.00 per day (summer)

$30.00 per day (winter/kitchenette only)
People’s Park Shelter Cancellation Policy

$25.00 deposit is non-refundable.

Band Shell

$100.00 per day

Band Shell Cancellation Policy

$25.00 deposit is non-refundable.
211. Civil Defense

211.01 Policy and Purpose. Because of the existing and increasing possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from enemy attack, sabotage, or other hostile action, and in order to insure that preparations of this city will be adequate to deal with such disasters, and generally to provide for the common defense and to protect the public peace, health, and safety, and to preserve the lives and property of the people of this city, it is hereby found and declared to be necessary:

1. To establish a local civil defense agency.

2. To provide for the exercise of necessary powers during civil defense emergencies.

3. To provide for the rendering of mutual aid between the City and other political subdivisions of this state and of other states with respect to the carrying out of civil defense functions, and to assist in carrying out the purpose of the Minnesota Civil Defense Act of 1951.

211.02 Definitions.

Subd. 1. Civil Defense. "Civil defense" shall mean and carry the same definition as set forth in Minnesota Statutes Ch. 12.

Subd. 2. Civil Defense Emergency. "Civil defense emergency" shall mean an emergency declared by the governor under Minnesota Statutes Ch. 12.

Subd. 3. Civil Defense Forces. "Civil defense forces" shall mean any personnel employed by the city and any other volunteer or paid member of the local civil defense agency engaged in carrying on civil defense functions in accordance with the provisions of this chapter or any rule or order thereunder.

211.03 Civil Defense Agency.

Subd. 1. Creation. There is hereby created within the city government a civil defense agency, which shall be under the supervision and control of a director of civil defense, hereinafter called the director. The director shall be appointed by the mayor for an indefinite term and may be removed by him at any time. He shall serve without salary, but shall be paid his necessary expenses. The director shall have direct responsibility for the organization, administration and operation of the civil defense agency, subject to the direction and control of the mayor. The civil defense agency shall be organized into such division and bureaus, consistent with state and local civil defense plans, as the director deems necessary to provide for the efficient performance of local civil defense functions during a civil defense emergency.
Subd. 2. **Committee.** There is hereby created within the civil defense agency a civil defense advisory committee, hereinafter called the committee. Members of the committee shall be appointed by the mayor to represent city departments and other groups concerned with civil defense. The mayor shall be chairman and the director shall be secretary of the committee. The committee shall advise the director and the council on all matters pertaining to civil defense. Each member shall serve without compensation and shall hold office at the pleasure of the mayor.

211.04 **Director.**

Subd. 1. **Intergovernmental.** The director, with the consent of the mayor, shall represent the city on any regional or state organization for civil defense. He shall develop proposed mutual aid agreements with other political subdivisions within or outside the state for reciprocal civil defense aid and assistance in a civil defense emergency too great to be dealt with unassisted, and he shall present such agreements to the council for its action. Such arrangements shall be consistent with the state civil defense plan and during a civil defense emergency; it shall be the duty of the civil defense agency and civil defense forces to render assistance in accordance with the provisions of such mutual aid arrangements. Any mutual aid arrangement with a political subdivision of another state shall be subject to the approval of the governor.

Subd. 2. **Surveys.** The director shall make such studies and surveys of the manpower, industries, resources, and facilities of the city as he deems necessary to determine their adequacy for civil defense and to plan for their most efficient use in time of a civil defense emergency.

Subd. 3. **Coordination.** The director shall coordinate the civil defense activities of the city to the end that they shall be consistent and fully integrated with the civil defense plan of the federal government and the state, and correlated with civil defense plans of other political subdivisions within the state.

Subd. 4. **Training.** In accordance with the state and city civil defense plan, the director shall institute such training programs and public information programs and shall take all other preparatory steps, including the partial of full mobilization of civil defense forces in advance of actual disaster, as may be necessary to the prompt and effective operation of the city civil defense plan in time of a civil defense emergency. He may, from time to time, conduct such practice air-raid alerts or other civil defense exercises as he may deem necessary.

Subd. 5. **Personnel.** The director shall utilize the personnel, services, equipment, supplies and facilities of existing departments and agencies of the city to the maximum extent practicable. The officers and personnel of all such departments and agencies shall, to the maximum extent practicable, cooperate with and extend such services and facilities to the local civil defense agency and to the governor upon request. The head of each department and agency, in cooperation with and under
the direction of the director, shall be responsible for the planning and programming of such civil defense activities as will involve the utilization of the facilities of his department or agency.

Subd. 6. Volunteers. The director shall, in cooperation with existing city departments and agencies affected, organize, recruit, and train air-raid wardens, auxiliary police, auxiliary firemen, emergency medical personnel, and any other personnel that may be required on a volunteer basis to carry out the civil defense plans of the city and the state. To the extent that such emergency personnel is recruited to augment a regular city department or agency for civil defense emergencies, it shall be assigned to such department or agency for purposes of administration and command. The director may dismiss any civil defense volunteer at any time and require him to surrender any equipment and identification furnished by the city.

Subd. 7. Facilities. Consistent with the civil defense plan, the director shall provide and equip emergency hospitals, casualty stations, ambulances, evacuation centers, canteens, and other facilities or conveyances for the care of injured or homeless persons.

Subd. 8. Governor. The director shall carry out all orders, rules and regulations issued by the governor with reference to civil defense.

Subd. 9. Authority. The director shall direct and coordinate the general operations of all local civil defense forces during a civil defense emergency in conformity with controlling regulations and instructions of state civil defense authorities. The heads of departments and agencies shall be governed by his orders in respect thereto.

Subd. 10. Headquarters. Consistent with the civil defense plan, the director shall provide and equip at some suitable place in the city a control center and, if required by the state civil defense plan, an auxiliary control center to be used during a civil defense emergency as headquarters for direction and coordination of civil defense forces. He shall arrange for representation at the control center by municipal departments and agencies, public utilities and other agencies authorized by federal or state authority to carry on civil defense activities during a civil defense emergency. He shall arrange for the installation at the control center of necessary facilities for communication with and between heads of civil defense divisions, the stations and operating units of municipal services and other agencies concerned with civil defense and for communication with other communities and control centers within the surrounding area and with the federal and state agencies concerned.

Subd. 11. Powers. During the first thirty days of a civil defense emergency, if the legislature is in session or the governor has coupled his declaration of the emergency with a call for a special session of the legislature, the director may, when necessary to save life or property, require any person, except members of the federal or state military forces and officers of the state or any other political subdivision, to perform services for civil defense purposes as he directs, and he may commandeer, for the time
being, any motor vehicle, tools, appliances or any other property, subject to the owner's right to just compensation as provided by law.

211.05 Civil Defense Workers.

Subd. 1. Oath. Each person who is appointed to serve in the civil defense agency shall, before entering upon his duties, take an oath in writing as prescribed by Minnesota Statutes Ch. 12.

Subd. 2. Service. Civil defense volunteers shall be called into service only in case of a civil defense emergency for which the regular municipal forces are inadequate or for necessary training and preparation for such emergencies. All volunteers shall serve without compensation.

Subd. 3. Identification. Each civil defense volunteer shall be provided with such suitable insignia or other identification as may be required by the director. Such identification shall be in form and style approved by the federal government. No volunteer shall exercise any authority over the persons or property of others without his identification. No person except an authorized volunteer shall use the identification of a volunteer or otherwise represent himself to be an authorized volunteer.

Subd. 4. Firearms. No civil defense volunteer shall carry any firearm while on duty except on written order of the chief of police.

Subd. 5. Personnel Policy. Personnel procedures of the city applicable to regular employees shall not apply to volunteer civil defense workers but shall apply to paid employees of the civil defense agency.

211.06 Emergency Regulations.

Subd. 1. Proclamation. Whenever necessary to meet a civil defense emergency or to prepare for such an emergency for which adequate regulations have not been adopted by the governor or the council, the mayor may, by proclamation, promulgate regulations, consistent with applicable federal or state law or regulation, respecting: protection against air-raids; the sounding of air-raid alarms; the conduct of persons and the use of property during alarms; the repair, maintenance, and safeguarding of essential public services; emergency health, fire, and safety regulations; trial drills or practice periods required for preliminary training; and all other matters which are required to protect public safety, health, and welfare in civil defense emergencies. No regulation governing observation of enemy aircraft, air attack, alarms, or illumination during air attacks shall be adopted or take effect unless approved by the state director of civil defense.

Subd. 2. Notice. Every proclamation of emergency regulations shall be in writing and signed by the mayor, shall be dated, shall refer to the particular civil defense emergency to which it pertains, if so limited, and shall be filed in the office of the
city administrator, where a copy shall be kept posted and available for public inspection during business hours. Notice of the existence of such regulations and its availability for inspection at the city administrator's office shall be conspicuously posted at the front of city hall or other headquarters of the city and at such other places in the affected area as the mayor shall designate in the proclamation. Thereupon, the regulation shall take effect immediately or at such later time as may be specified in the proclamation. By like proclamation, the mayor may modify or rescind any such regulation.

Subd. 3. Term. The council may rescind any such regulation by resolution at any time. If not sooner rescinded, every such regulation shall expire at the end of thirty days after its effective date or at the end of the civil defense emergency to which it relates, whichever occurs first. Any ordinance, rule or regulation inconsistent with an emergency regulation promulgated by the mayor shall be suspended during the period of the time and to the extent that such conflict exists.

211.07 Procedure.

Subd. 1. Accounting. Regular accounting, disbursement and other financial procedures of the city shall apply to civil defense insofar as practicable.

Subd. 2. Reports. The director shall make such reports to the council as requested by it.

211.08 Federal and State Authority. Every officer and agency of the city shall operate with the federal and state authorities and with authorized agencies engaged in civil defense and emergency measures to the fullest possible extent consistent with the performance of their duties. The provisions of this chapter and of all regulations made there under shall be subject to all applicable and controlling provisions of federal and state laws and of regulations and orders issued there under and shall be deemed to be suspended and inoperative as far as there is any conflict therewith. The mayor, with the approval of the council, may appoint any qualified person holding a position in any agency created under federal or state authority for civil defense purposes as a special policeman of the city, with such police powers and duties within the city incident to the functions of his position, not exceeding those of a regular policeman of the city, as may be prescribed in the appointment. Every such special policeman shall be subject to the supervision and control of the chief of police and such other police officers of the city as the chief may designate.

211.09 Illumination. Any illumination within the city contrary to the provisions of this chapter or any other ordinance pertaining to civil defense or of any regulation adopted there under or of any federal or state law, regulation, or order, shall be deemed a public nuisance. Any regular, or auxiliary policeman, or air-raid warden, may abate such nuisance summarily or may take any other action necessary to enforce such provisions, including entry on private property and the use of whatever reasonable force is necessary.
212. Ward and Precinct Boundaries

212.01 The following described areas are designated as the election precincts within the City of Detroit Lakes for any election:

FIRST WARD – FIRST PRECINCT. All that area within the corporate limits of Detroit Lakes lying easterly of the westerly corporate limits line and a small stream in the southwest corner of Long Lake, to the shoreline of Long Lake, following the shoreline northerly, easterly and southerly to the north line of Brainard Beach Third Addition, northerly of the north line of Brainard Beach Third Addition, northeast of the center line of Brainard Circle to Brainard Blvd, east of Brainard Blvd to Long Lake Road, north of the center line of Long Lake Road from Brainard Boulevard to Highway 59, northwest of the center line of Highway 59 to the center line of Main Street, north of the center line of Main Street to the center line of the west bound track of the Burlington Northern Railroad, north of the Burlington Northern Railroad from the center line of Main Street to the center line of Highland Drive.

SECOND WARD – FIRST PRECINCT. All that area within the corporate limits of Detroit Lakes that lies east of the center line of Minnesota Avenue from the shore line of Little Detroit Lake to the center line of Frazee Street, south of the center line of Frazee Street from Minnesota Avenue to Roosevelt Avenue, east of the center line of Roosevelt Avenue from Frazee Street to the center line of the west bound track of Burlington Northern Railroad, southwesterly of the center line of the Burlington Northern Railroad to the center line of Highland Drive and north to the corporate limits, west of the corporate limits from Highland Drive to Sucker Creek, north of Sucker Creek from the east City limits to the shore line of Big Detroit Lake.

THIRD WARD – FIRST PRECINCT. All that area within the corporate limits of Detroit Lakes that lies southerly of a stream in the southwest corner of Long Lake, southerly of the shoreline of Long Lake to the north line of Brainard Beach Third Addition, southerly of the north line of Brainard Beach Third Addition, south of the center line of Brainard Circle to Brainard Blvd, west of Brainard Blvd to the center line of Long Lake Road, south of the center line of Long Lake Road from Brainard Blvd to Highway 59, southeast of the center line of Highway 59 to the center line of Main Street, south of the center line of Main Street to the center line of the west bound track of the Burlington Northern Railroad, south of the Burlington Northern Railroad from the center line of Main Street to the center line of Roosevelt Avenue, west of the center line of Roosevelt to the center line of Frazee Street, south of Frazee Street to the center line of Minnesota Avenue, west of Minnesota Avenue to the shore of Little Detroit Lake, and all that area that lies west and south of Sucker Creek from the shore line of Big Detroit Lake to the corporate limits.

213. Reasonable Accommodations Associated with the Fair Housing Act

Subd. 1. Purpose. The city has a legitimate interest in imposing regulations to protect the public health, safety, and general welfare. However, these regulations may not be applied in a manner that denies reasonable accommodation as required by the federal Americans With Disabilities Act and the Fair Housing Amendments Act of 1988. It is the policy of the city to provide reasonable accommodation for persons with disabilities seeking fair and equal access to housing, in compliance with federal law. Reasonable accommodation means granting a modification or waiver of city regulations or policies to an individual with a disability, or to a developer of housing for an individual with a disability, when necessary to eliminate barriers to housing opportunities as required by the acts. The process for making and acting upon requests for reasonable accommodation is set forth below. A person may request the modification or waiver of city regulations or policies by submitting a request in writing along with other necessary forms to the community development director. The required fee is set forth in Section 210 – Fees of the City Code. "Person" includes an individual with a disability, his or her representative, or a developer or provider of housing for an individual with a disability. The application must include a detailed explanation of why the modification or waiver is reasonably necessary to make the specific housing available to the person, including verification of the disability, as well as other information required by the director.

Subd. 2. Approval. The Community Development Director, in consultation with the city attorney, has the authority to consider and act on requests for reasonable accommodation. A decision must be in writing and may include the imposition of conditions. In making a decision, the following factors must be considered:

A. Whether there is a qualifying disability;

B. Whether the request is needed to allow a disabled person equal opportunity to use and enjoy a dwelling, or to live in a particular neighborhood, as a person without disabilities;

C. Whether the request is reasonable, considering such things as the potential impact on surrounding uses, the extent to which the accommodation meets the stated need, and other alternatives that may meet that need;

D. Whether the request would constitute a fundamental alteration of the city's regulations, policies, or procedures;

E. Whether the request would impose an undue financial or administrative burden on the city; and

F. Any other factors that may have a bearing on the request.
Subd. 3. Notice. The community development director's written decision, including notice of the right to appeal, must be mailed to the applicant and to the owners of all properties that are immediately adjacent to the property that is the subject of the request. An aggrieved party may appeal the director's decision to the city council by submitting a written request to the city clerk within 10 days after the decision was mailed to that party. The community development director's decision is the final decision of the city, unless properly appealed. Only the aggrieved applicant and immediately adjacent property owners who received notice of the written determination have a right to appeal.

Subd. 4. Duration. An approved request is granted only to an individual or for a defined period of time and does not run with the land unless the community development director determines that:

A. The accommodation must be physically integrated into the residential structure and cannot easily be removed or altered or

B. The accommodation can only be used by other individuals with the same disability.

The community development director may require that the applicant record a covenant agreeing to comply with conditions established in the determination, before the issuance of any permits related to an approved reasonable accommodation.

(Ordinance No. 401, Adopted 9/13/2016)
214. Administrative Penalties

214.01 Purpose. Administrative penalty procedure established pursuant to this Section is intended to provide the public and the City with an informal, voluntary, cost effective and expeditious alternative to traditional criminal and petty misdemeanor charges for violations of certain ordinances enforceable through this Administrative Penalty Ordinance. The procedure is intended to be voluntary on the part of those who have been charged with those offenses. At any time prior to the payment of the administrative penalty the individual charged with an offense may withdraw from participation in the procedure by refusing or failing to pay the administrative penalty, in which event the City may bring charges in accordance with law. The City, in its discretion, may bring criminal or petty misdemeanor charges in the first instance.

214.02 Notice and Payment. In the discretion of the issuing officer, violations of the Ordinances enforceable though Administrative Penalty procedures may be enforced by issuing, on a form authorized by the City Attorney and identified as an Administrative Citation, a request to make payment for the violation directly to the City within ten (10) days of the violation.

214.03 Amount of Payment. The amount the administrative penalty payable for violation of each ordinance enforceable through this Administrative Penalty Ordinance shall be set forth in Section 210 - Fees of the City Code according to a schedule adopted by Resolution of the City from time to time and shall be paid directly to the City. In the event a party is charged with a subsequent violation within a twelve month period, the subsequent request for penalty payment shall be increased by 25% above the previous payment.

214.04 Effect of Payment. Payment of the administrative penalty to the City within ten (10) days of the violation will preclude the City from bringing charges for the specific violation that is referenced in the Administrative Citation, but will not act to prevent or affect other criminal or petty misdemeanor charges that may result from the conduct of the person to whom an Administrative Citation is issued.

214.05 Failure to Pay. Failure to make payment of the penalty for the violation in the time specified may, in the discretion of the issuing officer in consultation with the City Attorney, result in prosecution consistent with applicable statutes and ordinances.

214.06 Process. The City shall create materials as necessary to provide recipients of an Administrative Citation with information related to the process for paying an Administrative Citation, the effect of payment of the penalty and the effect of failure by the recipient to pay the Administrative Citation penalty in the time specified.

(Ordinance No. 420, Adopted 2/13/2018)
300 - Public Property and Improvements

301. Parks

301.01 Closing hours. Except as provided in this ordinance, all City Parks shall be closed to the public from 10:30 PM until 5:30 AM the following day. No person shall be in any City park when closed. This restriction does not apply to the parking of unoccupied and unattended vehicles in the parking areas of Peoples Park and Washington Park. For the purpose of this ordinance, the City Park bounded by Washington Avenue, North Shore Drive, Lyndale Avenue, Parkview Street, Roosevelt Avenue and Detroit Lake shall be known as Washington Park. City of Detroit Lakes Beaches shall be closed to the public from 2:00 AM until 5:30 AM each day. No person shall be on any City Beach when closed.

Subd. 1. The City Administrator, from time to time, may issue a permit for use of City Parks during normal closed hours in connection with a special event, pursuant to an application for such permit and subject to such terms and conditions as may be imposed by the City Administrator.

Subd. 2. Application for the permit provided in this Ordinance shall be submitted to the City Administrator in the form, and with the information, as required by the City Administrator.

(Ordinance No. 135, Adopted 5/7/1996)(Ordinance No. 413, Adopted 7/11/2017)

301.03 Natural and Scenic Park Use and Access.

Subd. 1. Application. The regulations in this section apply to Natural and Scenic Property acquired by the City from The Trust for Public Land being a part of Block 2 in the Plat of Ridgewood described in a deed filed as Becker County Recorder Document No. 477458. By resolution, the City Council may declare that additional city property is Natural and Scenic Property and subject to this ordinance.

Subd. 2. Regulation. Use of Natural and Scenic Property is limited to pedestrians. No person shall drive, ride, or operate any bicycle, motorcycle, horse or other animal used for riding or pulling a vehicle, or any other motorized or non-motorized vehicle upon Natural and Scenic Property, except in designated parking areas.

Subd. 3. Exception. The prohibitions set forth above shall not apply to the following:

A. use of a motorized or non-motorized wheelchair to transport a person who is in possession of a valid identifying certificate issued by the State of Minnesota Driver and Vehicle Services Division under Minn. Stat. 169.345 for vehicles transporting physically disabled persons.

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B. City employees, agents or contractors performing duties on Natural and Scenic Property.

Subd. 4. **Penalty.** Violation of this section is a petty misdemeanor provided that a person's violation this section within two years of a prior conviction for an offense under this section is a misdemeanor. *(Ordinance No. 220, Adopted 2/5/2002)*
302. Right-of-Way Management / Street Excavations

302.01 Findings and Purpose.

Subd. 1. To provide for the health, safety and well-being of its citizens, and to ensure the structural integrity of its streets and the appropriate use of the right-of-way, the City strives to keep its right-of-way in a state of good repair and free from unnecessary encumbrances. Although the general population bears the financial burden for the upkeep of the right-of-way, a primary cause for the early and excessive deterioration of its right-of-way is frequent excavation.

A. Right-of-way obstruction is a source of frustration for merchants, business owners and the general population which must avoid these obstructions or change travel or shopping plans because of them and has a detrimental effect on commerce. Persons whose equipment is within the right-of-way are the primary cause of these frequent obstructions.

B. The City holds the rights-of-way within its geographical boundaries as an asset in trust for its citizens. The City and other public entities have invested millions of dollars in public funds to build and maintain the rights-of-way. It also recognizes that some persons, by placing their equipment in the right-of-way and charging the citizens of the City for goods and services delivered thereby, are using this property held for the public good. Although such services are often necessary or convenient for the citizens, such persons receive revenue and/or profit through their use of public property.

C. As a result of all these intrusions in the right-of-way, it is necessary for the City to establish a system of documenting what is placed in the rights-of-way within its municipal boundaries and to serve as a central record agency to inform its citizens and the other public entities of the facilities that have been placed in the right-of-way that is held in trust for them.

Subd. 2. In response to the foregoing facts, the City hereby enacts this new Chapter of the City Code relating to right-of-way permits and administration, together with making necessary revisions to other Code provisions. This Chapter imposes reasonable regulations on providers of electricity, light, heat, cooling energy, liquid and gaseous fuels, information and communication service to the public that place and maintain facilities or equipment currently within the City’s rights-of-way or to be placed therein at some future time. It is intended to complement the regulatory roles of state and federal agencies. Under this Chapter, persons disturbing and obstructing the rights-of-way will bear a fair share of the financial responsibility for their integrity. Finally, this Chapter provides for recovery of out-of-pocket and projected costs from
persons using the public right-or-way and adopts the standards developed by the Public Utilities Commission (PUC) on maximum restoration requirements 7819.9900 through 7819.9950.

Subd. 3. In addition to the foregoing recovery of costs and regulation of use, the City Council determines that there is an existing and legitimate state and local public policy, which authorizes the City to require payments as reimbursement or return to the public for the use value of the public rights-of-way from those who obtain revenue or profits from such use. This reimbursement is provided for and defined in this ordinance as the "user fee." This fee does not apply to the repair, replacement or reconstruction of an existing facility. Telecommunication facilities are exempt for a user fee by state statute.

A. Public Interest and Welfare. The City Council finds that it is in the public interest to provide for the payment of a user fee by all persons who use and occupy the right-of-way for operating their businesses. This provides equity by requiring all users of the right-or-way to pay compensation apportioned equally among them all for the value and benefit of using such right-or-way. To ensure such fair treatment, this Chapter exempts franchise holders which pay franchise fees to the City on the date of adoption of this Chapter from the payment of a user fee.

B. Legislative Power. In these situations, the City Council desires to exercise its lawful police power and common law authority, and all statutory authority which is available to it, including but not limited to, the powers conferred on it under Minn. Stat. 216B.36, 222.37, 237.16 and 300.03,(410.09) and 412.211, Subdivisions 6, 23, and 32. The Council finds and determines that the public interest will be best protected by adopting this Chapter conferring the right to occupy the right-of-way in return for payment as authorized by law.

C. Not a Rate. The City Council finds and determines that the user fee authorized by this Chapter is not and is not intended to be a rate as that term is defined in Minn. Stat. 216B.02, Subd. 5. Such user fee is not a fee for a service that is provided to the customer of a person using the right-of-way, but is rather a fee paid for the right of that person to operate in the public right-of-way, and to maintain the equipment of a utility in the right-of-way in the City of Detroit Lakes.

D. Notification requirement. Registrants shall be notified of any proposed ordinance changes prior to adoption by the City Council.

302.02 Definitions. The following definitions apply in this Part of this Code.
References hereafter to sections are unless otherwise specified references to sections in this Chapter. Defined terms remain defined terms whether or not capitalized.

Subd. 1. **Applicant.** Any Person requesting permission to excavate or obstruct a right-of-way.

Subd. 2. **City.** The City of Detroit Lakes, Minnesota. For purposes of Section 300, City means its elected officials, officers, employees and agents.

Subd. 3. **Construction Performance Bond.** A performance bond, or other form of security posted to ensure the availability of sufficient funds to assure that right-of-way excavation and obstruction of work is completed in accordance with the terms of the Right-of-Way Permit, or other applicable State law or local regulation.

Subd. 4. **Management Costs.** The actual costs the City incurs in managing its Rights-of-Way, including such costs, if incurred, as those associated with registering Applicants; issuing, processing, and verifying right-of-way Permit applications; inspecting job sites and restoration projects; maintaining, supporting, protecting, or moving user Facilities during right-of-way work; determining the adequacy of right-of-way restoration; restoring work inadequately performed after providing notice and the opportunity to correct the work; and revoking right-of-way Permits. Management costs do not include payment by a Telecommunications right-of-way User for the use of the right-of-way, the fees and cost of litigation relating to the interpretation of Minnesota Session Laws 1997, Chapter 123; Minnesota Statutes Sections 237.162 or 237.163 or any ordinance enacted under those sections, or the City fees and costs related to appeals taken pursuant to Section 302.30 of this Chapter.

Subd. 5. **Degradation.** A decrease in the useful life of the right-of-way caused by excavation in or disturbance of the right way, resulting in the need to reconstruct such right-of-way earlier than would be required if the excavation did not occur.

Subd. 6. **Degradation Cost.** The cost to achieve a level of restoration as determined by the City at the time the permit is issued, not to exceed the maximum Restoration shown in plates 1 to 13, set forth in proposed PUC rules parts 7819.9900 to 7819.9950.

Subd. 7. **Degradation Fee.** The estimated fee established at the time of permitting by the City to recover costs associated with the decrease in the useful life of the right-of-way caused by the excavation, and which equals the degradation costs.

Subd. 8. **Department.** The Street Department of the City.

Subd. 9. **Department Inspector.** Any person authorized by the Street Commissioner to carry out inspections related to the provisions of this Chapter.
Subd. 10. **Street Commissioner.** The head of the Street Department of the City, or her or his designee.

Subd. 11. **Emergency.** A condition that (1) poses a clear and immediate danger to life or health, or of a significant loss of property; or (2) requires immediate repair or replacement of Facilities in order to restore Service to a customer.

Subd. 12. **Equipment.** Any tangible asset used to install, repair, or maintain facilities in any right-of-way.

Subd. 13. **Excavate.** To dig into or in any way remove or physically disturb or penetrate any part of a right-of-way.

Subd. 14. **Excavation Permit.** The permit which, pursuant to this Chapter, must be obtained before a person may excavate in a right-of-way. An Excavation Permit allows the holder to excavate that part of the right-of-way described in such permit.

Subd. 15. **Excavation Permit Fee.** Money paid to the City by an Applicant to cover the costs as provided in Section 302.01.

Subd. 16. **Facility or Facilities.** Any tangible asset in the right-of-way required to provide utility service.

Subd. 17. **Local Representative.** A local person or persons, or designee of such person or persons, authorized by a registrant to accept service and to make decisions for that registrant regarding all matters within the scope of this Chapter.

Subd. 18. **Obstruct.** To place any tangible object in a right-of-way so as to hinder free and open passage over that or any part of the right-of-way for a period in excess of 8 consecutive hours.

Subd. 19. **Obstruction Permit.** The permit which, pursuant to this Chapter, must be obtained before a person may obstruct a right-of-way, allowing the holder to hinder free and open passage over the specified portion of that right-of-way by placing Equipment described therein on the right-of-way for the duration specified therein.

Subd. 20. **Obstruction Permit Fee** means money paid to the City by a permittee to cover the costs as provided in Section 302.01.

Subd. 21. **Patch or Patching.** A method of pavement replacement that is temporary in nature. A patch consists of (1) the compaction of the subbase and aggregate base, and (2) the replacement, in kind, of the existing pavement for a minimum of two feet beyond the edges of the excavation in all directions. A patch is considered full restoration only when the pavement is included in the City’s five-year project plan.
Subd. 22. **Pavement.** Any type of improved surface that is within the public right-of-way and that is paved or otherwise constructed with asphalt, concrete, aggregate or gravel.

Subd. 23. **Permittee.** Any person to whom a permit to excavate or obstruct a right-of-way has been granted by the City under this Chapter.

Subd. 24. **Person.** Any natural or corporate person, business association or other business entity including, but not limited to, a partnership, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, a successor or assign of any of the foregoing, or any other legal entity.

Subd. 25. **Probation.** The status of a person that has not complied with the conditions of this Chapter.

Subd. 26. **Probationary Period.** One year from the date that a person has been notified in writing that they have been put on probation.

Subd. 27. **Registrant.** Any person who (1) has or seeks to have its equipment or facilities located in any right-of-way, or (2) in any way occupies or uses, or seeks to occupy or use, the right-of-way or place its facilities in the right-of-way or (3) engages in the practice of excavation in the right-of-way.

Subd. 28. **Restore or Restoration.** The process by which a right-of-way is returned to the same condition and life expectancy that existed before excavation.

Subd. 29. **Restoration Cost.** The amount of money paid to the City by a permittee to achieve the level of restoration according to Plates 1 to 13 of PUC Rules.

Subd. 30. **Right-of-Way.** The area on, below, or above a public roadway, highway, street, cartway, bicycle lane and public sidewalk in which the City has an interest, including other dedicated rights-of-way for travel purposes and utility easements of the City. A right-of-way does not include the airwaves above a right-of-way with regard to cellular or other non-wire telecommunications or broadcast service.

Subd. 31. **Right-of-Way Permit.** Either the Excavation Permit or the Obstruction Permit, or both, depending on the context, required by this Chapter.

Subd. 32. **Service or Utility Service.** Includes but is not limited to (1) those services provided by a public utility as defined in Minn. Stat. 216B.02, Subd. 4 and 6; (2) telecommunications, pipeline, community antenna television, fire and alarm communications, water, electricity, light, heat, cooling energy, or power services; (3) the services provided by a corporation organized for the purposes set forth in Minn. Stat. 300.03; (4) the services provided by a district heating or cooling system; and (5) cable communications systems as defined in Minn. Stat. Chap. 238; and a (6)
Telecommunication right-of-way User as defined in Subd. 34.

Subd. 33. **Supplementary Application.** An application made to excavate or obstruct more of the right-of-way than allowed in, or to extend, a permit that had already been issued.

Subd. 34. **Telecommunication Rights-of-Way User.** A person owning or controlling a facility in the right-of-way, or seeking to own or control a facility in the right-of-way, that is used or is intended to be used for transporting telecommunication or other voice or data information. For purposes of this Chapter, a cable communication system defined and regulated under Minn. Stat. Chap. 238, and telecommunication activities related to providing natural gas or electric energy services whether provided by a public utility as defined in Minn. Stat. Sec.216B.02, a municipality, a municipal gas or power agency organized under Minn. Stat. Chaps. 453 and 453A, or a cooperative electric association organized under Minn. Stat. Chap. 308A, are not Telecommunications right-of-way users for purposes of this Chapter.

Subd. 35. **Unusable Facilities.** Facilities in the right-of-way which have remained unused for one year and for which the Registrant is unable to provide proof that it has either a plan to begin using it within the next twelve (12) months or a potential purchaser or user of the facilities.

302.03 **Administration.** The Street Commissioner is the principal City official responsible for the administration of the rights-of-way, right-of-way permits, and the ordinances related thereto. The Street Commissioner may delegate any or all of the duties hereunder.

302.04 **Franchise Supremacy.** The City may, in addition to the requirements of this Chapter, require any person which has or seeks to have equipment located in any right-of-way to obtain a franchise to the full extent permitted by law now or hereinafter enacted. The terms of any franchise which are in direct conflict with any provision of this Chapter whether granted prior or subsequent to enactment of this Chapter, shall control and supersede the conflicting terms of this Chapter. All other terms of this Chapter shall be fully applicable to all persons whether franchised or not.

302.05 **Registration and Right-of-Way Occupancy.**

Subd. 1. **Registration.** Each Person who occupies, uses, or seeks to occupy or use, the right-of-way or place any equipment or facilities in the right-of-way, including persons with installation and maintenance responsibilities by lease, sublease or assignment, must register with the Street Commissioner. Registration will consist of providing application information and paying a registration fee.

Subd. 2. **Registration Prior to Work.** No Person may construct, install, repair, remove, relocate, or perform any other work on, or use any facilities or any
part thereof in any right-of-way without first being registered with the Street Commissioner.

Subd. 3. **Exceptions.** Nothing herein shall be construed to repeal or amend the provisions of a City ordinance permitting persons to plant or maintain boulevard plantings or gardens in the area of the right-of-way between their property and the street curb. Persons planting or maintaining boulevard plantings or gardens shall not be deemed to use or occupy the right-of-way, and shall not be required to obtain any permits or satisfy any other requirements for planting or maintaining such boulevard plantings or gardens under this Chapter. However, nothing herein relieves a person from complying with the provisions of the Minn. Stat. Chap. 216D, “One call” Law.

### 302.06 Registration Information.

Subd. 1. **Information Required.** The information provided to the Street Commissioner at the time of registration shall include, but not be limited to:

A. Each registrant's name, Gopher One-Call registration certificate number, address and e-mail address if applicable, and telephone and facsimile numbers.

B. The name, address and e-mail address, if applicable, and telephone and facsimile numbers of a local representative. The local representative or designee shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of registration.

C. A certificate of insurance or self-insurance:

1) Verifying that an insurance policy has been issued to the registrant by an insurance company licensed to do business in the State of Minnesota, or a form of self-insurance acceptable to the Street Commissioner;

2) Verifying that the Registrant is insured against claims for personal injury, including death, as well as claims for property damage arising out of the (i) use and occupancy of the right-of-way by the registrant, its officers, agents, employees and permitees, and (ii) placement and use of facilities in the right-of-way by the registrant, its officers, agents, employees and permitees, including, but not limited to, protection against liability arising from completed operations, damage of underground facilities and collapse of property;
3) Naming the City as an additional insured as to whom the coverage’s required herein are in force and applicable and for whom defense will be provided as to all such coverages;

4) Requiring that the Street Commissioner be notified thirty (30) days in advance of cancellation of the policy or material modification of a coverage term;

5) Indicating comprehensive liability coverage, automobile liability coverage, workers compensation and umbrella coverage established by the Street Commissioner in amounts sufficient to protect the City and the public and to carry out the purposes and policies of this Chapter.

D. The City may require a copy of the actual insurance policies.

E. If the person is a corporation, a copy of the certificate required to be filed under Minn. Stat. 300.06 as recorded and certified to by the Secretary of State.

F. A copy of the person's order granting a certificate of authority from the Minnesota Public Utilities Commission or other applicable state or federal agency, where the person is lawfully required to have such certificate from said Commission or other state or federal agency.

Subd. 2. Notice of Changes. The Registrant shall keep all of the information listed above current at all times by providing to the Street Commissioner information as to changes within fifteen (15) days following the date on which the registrant has knowledge of any change.

302.07 Reporting Obligations.

Subd. 1. Operations. Each registrant shall, at the time of registration and by December 1 of each year, file a construction and major maintenance plan for underground facilities with the Street Commissioner. Such plan shall be submitted using a format designated by the Street Commissioner and shall contain the information determined by the Street Commissioner to be necessary to facilitate the coordination and reduction in the frequency of excavations and obstructions of rights-of-way. The plan shall include, but not be limited to, the following information:

A. The locations and the estimated beginning and ending dates of all projects to be commenced during the next calendar year (in this section, a “next-year project”); and
B. To the extent known, the tentative locations and estimated beginning and ending dates for all projects contemplated for the five years following the next calendar year (in this section, a “five-year project”).

1) The term “project” in this section shall include both next-year projects and five-year projects.

2) By January 1 of each year, the Street Commissioner will have available for inspection in the Street Commissioner’s office a composite list of all projects of which the Street Commissioner has been informed in the annual plans. All registrants are responsible for keeping themselves informed of the current status of this list.

3) Thereafter, by February 1, each registrant may change any project in its list of next-year projects, and must notify the Street Commissioner and all other registrants of all such changes in said list. Notwithstanding the foregoing, a registrant may at any time join in a next-year project of another registrant listed by the other registrant.

Subd. 2. Additional Next-Year Projects. Notwithstanding the foregoing, the Street Commissioner will not deny an application for a right-of-way permit for failure to include a project in a plan submitted to the City if the registrant has used commercially reasonable efforts to anticipate and plan for the project.

302.08 Permit Requirement.

Subd. 1. Permit Required. Except as otherwise provided in this Code, no person may obstruct or excavate any right-of-way without first having obtained the appropriate right-of-way permit from the Street Commissioner to do so.

A. Excavation Permit. An Excavation Permit is required by a registrant to excavate that part of the right-of-way described in such permit and to hinder free and open passage over the specified portion of the right-of-way by placing facilities described therein, to the extent and for the duration specified therein. A construction/improvement/upgrade project requiring excavation within the right-of-way requires an excavation permit. Multiple excavations limited to one City block are considered one project and require an excavation permit except major reconstruction or extensions by a franchised utility will be issued under one permit.

B. Obstruction Permit. An Obstruction Permit is required by a registrant to hinder free and open passage over the specified
portion of right-of-way for periods in excess of eight (8) consecutive hours by placing equipment described therein on the right-of-way, to the extent and for the duration specified therein. An Obstruction Permit is not required if a person already possesses a valid Excavation Permit for the same project. Failure to obtain an obstruction permit prior to the obstruction will require an after-the-fact obstruction permit fee plus payment of a delay penalty. Applicants obtaining Becker County Highway or Minnesota Department of Transportation excavation permits for facilities in their rights-of-way must obtain a City obstruction permit and submit a copy of the plans with mapping data for recording purposes per Section 302.22.

C. Permit Waiver. In the event of a major catastrophe or emergency declared by the City requiring the restoration of services that are within the right-of-way, the requirement for permits and permit fees may be waived by the City at its discretion.

D. After restoration of the service has been completed, an updated mapping plan per Section 302.22 must be submitted to the City within 60 days.

Subd. 2. Permit Extensions. No person may excavate or obstruct the right-of-way beyond the date or dates specified in the permit unless such person (a) makes a Supplementary Application for another right-of-way permit before the expiration of the initial permit, and (b) a new permit or permit extension is granted.

Subd. 3. Permit Display. Permits issued under this Chapter shall be conspicuously displayed or otherwise available at all times at the indicated work site and shall be available for inspection by the Street Commissioner.

302.09 Permit Applications. Application for a permit is made to the Street Commissioner. Right-of-Way Permit Applications shall contain, and will be considered complete only upon compliance with the requirements of the following provisions:

1. Registration with the Street Commissioner pursuant to this Chapter;

2. Submission of a completed permit application form, including all required attachments, and scaled drawings showing the location and area of the proposed project and the location of all known existing and proposed facilities.

3. Payment of money due the City for:

   A. permit fees, estimated restoration costs and other management costs,
B. prior Obstructions or excavations;

C. any undisputed loss, damage, or expense suffered by the City because of applicant's prior excavations or obstructions of the rights-of-way or any emergency actions taken by the City;

D. franchise or user fees, if applicable.

4. Payment of disputed amounts due the City by posting security or depositing in an escrow account an amount equal to at least 110% of the amount owing.

5. When an excavation permit is requested for purposes of installing additional facilities, and the posting of a construction performance bond for the additional facilities is insufficient, the posting of an additional or larger construction performance bond for the additional facilities may be required.

302.10 Issuance of Permit; Conditions.

Subd. 1. Permit Issuance. If the applicant has satisfied the requirements of this Chapter, the Street Commissioner shall issue a permit.

Subd. 2. Conditions. The Street Commissioner may impose reasonable conditions upon the issuance of the permit and the performance of the applicant thereunder to protect the health, safety and welfare or when necessary to protect the right-of-way and its current use.

302.11 Permit Fees.

Subd. 1. Excavation Permit Fee. The Excavation Permit Fee shall be established by the Street Commissioner in an amount sufficient to recover the following costs:

A. the City management costs;

B. degradation costs, if applicable.

C. City mapping cost.

Subd. 2. Obstruction Permit Fee. The Obstruction Permit Fee shall be established by the Street Commissioner and shall be in an amount sufficient to recover the City management costs associated with recording and inspecting the right-of-way obstructions.
Subd. 3. **Payment of Permit Fees.** No Excavation Permit or Obstruction Permit shall be issued without payment of Excavation or Obstruction Permit Fees. The City may allow applicant to pay such fees within thirty (30) days of billing.

Subd. 4. **Non refundable.** Permit fees that were paid for a permit that the Street Commissioner has revoked for a breach as stated in Section 302.21 are not refundable.

**302.12 Right-of-Way Patching and Restoration.**

Subd. 1. **Timing.** The work to be done under the Excavation Permit, and the patching and restoration of the right-of-way as required herein, must be completed within the dates specified in the permit, increased by as many days as work could not be done because of extraordinary circumstances beyond the control of the permittee or when work was prohibited as unseasonal or unreasonable under Section 302.15.

Subd. 2. **Patch and Restoration.** Permittee shall patch its own work. The City may choose either to have the permittee restore the right-of-way or to restore the right-of-way itself.

A. **City Restoration.** If the City restores the right-of-way, permittee shall pay the costs thereof within thirty (30) days of billing. If, during the thirty-six (36) months following such restoration, the pavement settles due to permittee's improper back filling, the permittee shall pay to the City, within thirty (30) days of billing, all costs associated with having to correct the defective work.

B. **Permittee Restoration.** If the permittee Restores the right-of-way itself, it shall at the time of application for an Excavation Permit post a Construction Performance Bond in an amount determined by the Street Commissioner to be sufficient to cover the cost of Restoration. If, within thirty-six (36) months after completion of the restoration of the right-of-way, the Street Commissioner determines that the right-of-way has been properly restored, the surety on the Construction Performance Bond shall be released.

Subd. 3. **Standards.** The permittee shall perform patching and restoration according to the standards and with the materials specified by the Street Commissioner. The Street Commissioner shall have the authority to prescribe the manner and extent of the restoration, and may do so in written procedures of general application or on a case-by-case basis. The Street Commissioner in exercising this authority shall comply with PUC standards for right-of-way restoration and shall further be guided by the following considerations:
A. The number, size, depth and duration of the excavations, disruptions or damage to the right-of-way;

B. The traffic volume carried by the right-of-way; the character of the neighborhood surrounding the right-of-way;

C. The pre-excavation condition of the right-of-way; the remaining life expectancy of the right-of-way affected by the excavation;

D. Whether the relative cost of the method of restoration to the permitee is in reasonable balance with the prevention of an accelerated depreciation of the right-of-way that would otherwise result from the excavation, disturbance or damage to the right-of-way; and

E. The likelihood that the particular method of restoration would be effective in slowing the depreciation of the right-of-way that would otherwise take place.

Subd. 4. Guarantees. By choosing to restore the right-of-way itself, the permitee guarantees its work and shall maintain it for thirty-six (36) months following its completion. During this 36-month period it shall, upon notification from the Street Commissioner, correct all restoration work to the extent necessary, using the method required by the Street Commissioner. Said work shall be completed within ten (10) working days of the receipt of the notice from the Street Commissioner, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonal or unreasonable under Section 302.15.

Subd. 5. Obligation. Construction triggers an obligation of the right-of-way user that the right-of-way restoration be completed according to the conditions set forth in this Chapter. The right-of-way user also assumes responsibility for “as built” drawings and for repairing facilities or structures, including right-of-way that was damaged during facility installation. The obligation is limited to one year for plantings and turf establishment.

Subd. 6. Failure to Restore. If the permitee fails to restore the right-of-way in the manner and to the condition required by the Street Commissioner, or fails to satisfactorily and timely complete all restoration required by the Street Commissioner, the Street Commissioner at its option may do such work. In that event the permitee shall pay to the City, within thirty (30) days of billing, the cost of restoring the right-of-way. If permitee fails to pay as required, the City may exercise its rights under the Construction Performance Bond.

Subd. 7. Degradation Cost in Lieu of Restoration. In lieu of right-of-way restoration, a right-of-way user may elect to pay a Degradation Fee. However,
the right-of-way user shall remain responsible for patching and the Degradation Fee shall not include the cost to accomplish these responsibilities.

Subd. 8. **Site Restoration and Cleanup.** As the excavation work progresses, all streets shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from such work. All cleanup operations at the locations of such excavation shall be accomplished at the expense of the permittee. From time to time, as may be ordered by the Street Commissioner, and in any event immediately after completion of said work, the permittee shall, at its own expense, clean up and remove all refuse and unused materials of any kind resulting from said work may be done by the City and the cost thereof charged to the permittee. Whenever it may be necessary for the permittee to excavate through any landscaped area, said area shall be re-established in a like manner after the excavation has been back filled as required.

All construction and maintenance work shall be done in a manner designed to leave the area clean of earth and debris and in a condition as nearly as possible to that which existed before such work began. The permittee shall not remove, even temporarily, any existing trees or shrubs without first obtaining the consent of the Street Commissioner.

Subd. 9. **Winter Construction.** Between October first and May first all trenches must be back filled with gravel and tamped in six inch lifts or layers from main or sewer to at least one foot back of curb line. The upper 2 inches of the trench shall be composed of asphaltic cold materials to be kept at grade at all times between October first and May first and then restored to permanent resurfacing after May first.

### 302.13 Joint Applications.

Subd. 1. **Joint Application.** Registrants may jointly apply for permits to excavate or obstruct the right-of-way at the same place and time.

Subd. 2. **With City Projects.** Registrants who join in a scheduled obstruction or excavation performed by the City, whether or not it is a joint application by two or more registrants or a single application, are not required to pay the obstruction and degradation portions of the permit fee.

Subd. 3. **Shared Fees.** Registrants who apply for permits for the same obstruction or excavation, which the Street Commissioner does not perform, may share in the payment of the Obstruction or Excavation Permit Fee. Registrants must agree among themselves as to the portion each will pay and indicate the same on their applications.

### 302.14 Supplementary Applications.

Subd. 1. **Limitation on Area.** A Right-of-Way Permit is valid only for the area of the right-of-way specified in the permit. No permittee may do any work outside the area specified in the permit, except as provided herein. Any permittee which
Subd. 2. **Limitation on dates.** A Right-of-Way Permit is valid only for the dates specified in the permit. No permittee may begin its work before the permit start date or, except as provided herein, continue working after the end date. If a permittee does not finish the work by the permit end date, it must apply for a new permit for the additional time it needs, and receive the new permit or an extension of the old permit before working after the end date of the previous permit. This Supplementary Application must be done before the permit end date.

**302.15 Other Obligations.**

Subd. 1. **Compliance With Other Laws.** Obtaining a right-of-way Permit does not relieve Permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by the City or other applicable rule, law or regulation. A permittee shall comply with all requirements of local, state and federal laws, including Minn. Stat. § 216D.01-.09 (One Call Excavation Notice System). A permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the right-of-way pursuant to its permit, regardless of who does the work.

Subd. 2. **Prohibited Work.** Except in an Emergency, and with the approval of the Street Commissioner, no right-of-way Obstruction or excavation may be done when seasonally prohibited or when conditions are unreasonable for such work.

Subd. 3. **Interference with Right-of-Way.** A permittee shall not so Obstruct a right-of-way that the natural free and clear passage of water through the gutters or other waterways shall be interfered with. Private vehicles of those doing work in the right-of-way may not be parked within or next to a permit area, unless parked in conformance with City parking regulations. The loading or unloading of trucks must be done solely within the defined permit area unless specifically authorized by the permit.

**302.16 Denial of Permit.** The Street Commissioner may deny a permit for failure to meet the requirements and conditions of this Chapter or if the Street Commissioner determines that the denial is necessary to protect the health, safety, and welfare or when necessary to protect the right-of-way and its current use.

Subd 1. **Mandatory Denial.** Except in an emergency, no right-of-way permit will be granted.

A. To any person required by Section 302.05 to be registered who has not done so;
B. To any person required by Section 302.07 to file an annual report but has failed to do so;

C. To any person who has failed within the past two (2) years to comply, or is presently not in full compliance with the requirements of this Chapter.

D. To any person as to whom there exists grounds for the revocation of a Permit under Section 302.21 or

E. In the discretion of the Street Commissioner, the issuance of a permit for the particular date and/or time would cause a conflict or interfere with an exhibition, celebration, festival, or any other event. The Street Commissioner, in exercising this discretion, shall be guided by the safety and convenience of ordinary travel of the public over the right-of-way, and by considerations relating to the public health, safety and welfare.

Subd. 2. **Permissive Denial.** The Street Commissioner may deny a permit to protect the public health, safety and welfare, to prevent interference with the safety and convenience of ordinary travel over the right-of-way, or when necessary to protect the right-of-way and its users. The Street Commissioner, in her or his discretion, may consider one or more of the following factors:

A. the extent to which right-of-way space where the permit is sought is available;

B. the competing demands for the particular space in the right-of-way;

C. the availability of other locations in the right-of-way;

D. the availability of other locations in the right-of-way or in other rights-of-way that affect location of equipment in the right-of-way;

E. the degree of compliance of the applicant with the terms and conditions of its franchise, this Chapter, and other applicable ordinances and regulations;

F. the degree of disruption to surrounding neighborhoods and businesses that will result from the use of that part of the right-of-way;

G. the condition and age of the right-of-way, and whether and it is scheduled for total or partial reconstruction; and
H. the balancing of the costs of disruption to the public and damage to
the right-of-way, against the benefits to that part of the public
served by the expansion into additional parts of the right-of-way.

Subd. 3. Discretionary Issuance. Notwithstanding the provisions of
this Section Subd. 1, the Street Commissioner may issue a permit in any case where the
permit is necessary (a) to prevent substantial economic hardship to a customer of the
permit applicant, or (b) to allow such customer to materially improve its utility service, or
(c) to allow a new economic development project, or otherwise required by law; and
where the permit applicant did not have knowledge of the hardship, the plans for
improvement of service, or the development project when said applicant was required to
submit its list of next year projects.

Subd. 4. Permits for Additional Next Year Projects.
Notwithstanding the provisions of this Section Subd. 1 above, the Street Commissioner
may issue a permit to a registrant who was allowed under Section 302.08 Subd.2, to
submit and additional New-year Project, such permit to be subject to all conditions and
requirements of law, including such conditions as may be imposed under Section 302.10.

302.17 Installation Requirements.

Subd. 1. General Excavation. The excavation, back filling, Patching
and Restoration, and all other work performed in the right-of-way shall be done in
conformance with engineering standards adopted by the PUC or other applicable local
requirements, in so far as they are not inconsistent with the PUC Rules.

Subd. 2. Excavation Protection. The permittee shall be responsible
for barricading the excavation in conformance with the Uniform Traffic Control Manual
as adopted is the Minnesota Department of Transportation.

A. It shall be the duty of every person cutting or making an
excavation in or upon any public place, to place and maintain
barricades and warning devices necessary for the safety of the
general public. Warning signs shall be placed far enough in
advance of the construction operation to alert traffic within a
public street, and cones or other approved devices shall be placed
to channel traffic, in accordance with the instructions of the
administrative authority. All safety precautions and traffic control
measures shall conform to current requirements as specified in the
latest edition of the Uniform Traffic Control Manual as adopted by
the Minnesota Department of Transportation.

B. The permittee shall take appropriate measures to assure that during
the performance of the excavation work, traffic conditions, as near
normal as possible, shall be maintained at all times so as to
minimize inconvenience to the occupants of the adjoining property
and to the general public. Adequate pedestrian passageways shall be maintained.

C. The permittee shall maintain safe crossings for two lanes of vehicle traffic at all street intersections, where possible. If any excavation is made across any public street, alley, sidewalk, or established crosswalk, adequate crossings shall be maintained for vehicles and for pedestrians.

D. The City Street Commissioner may, by written approval, permit the closing of streets and alleys for a prescribed period of time. The City Street Commissioner may require that the permittee give notification to various public agencies and to the general public before approval becomes valid. In specific instances, even though the street may not be closed, the permittee may also be required to give such notice.

Subd. 3. Protection of Adjoining Property. The permittee shall at all times preserve and protect from injury any adjoining property by providing adequate support and taking other necessary measures. The permittee shall, at its own expense, shore up and protect all buildings, walls, fences or other property likely to be damaged during the process of the work and shall be responsible for all damage to public or private property resulting from its failure to properly protect and carry out said work.

Subd. 4. Maintenance of Roadway Drainage. The permittee shall maintain all gutters free and unobstructed for the full depth of the adjacent curb and for at least one foot in width from the face of such curb at the gutter line.

Subd. 5. Care of Excavated Material. All excavated material piled adjacent to the trench or in a street shall be maintained in such a manner as not to endanger those working in the trench, pedestrians or users of the streets, and so that as little inconvenience as possible is caused to those using the streets and adjoining property. The City Street Commissioner may require the permittee to remove the excavation material from the work site. It shall be the permittee’s responsibility to secure the necessary permission and make all necessary arrangements for all required storage and disposal sites.

Subd. 6. Noise, Dust and Debris. Each permittee shall conduct and carry out excavation work in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. In the performance of the excavation work, the permittee shall take appropriate measures to reduce, to the fullest extent practical, noise, dust, and unsightly debris. Between the hours of 10:00 PM and 7:00 AM, the permittee shall not use, except with the express written permission of the administrative authority, or in case of an emergency as herein otherwise provided, any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep of occupants of the neighboring property.
Subd. 7. **Breaking through Pavement.**

A. Heavy-duty pavement breakers may be prohibited by the City Street Commissioner when their use may endanger existing substructures or other property.

B. Sections of sidewalks shall be removed to the nearest score line or joint.

C. Unstable pavement shall be removed over cave outs and over breaks and the restoration shall be treated as part of the main excavation.

D. Pavement edges shall be trimmed to a vertical face and neatly aligned with the center line of the trench.

E. Cutouts outside the trench lines must be normal or parallel to the trench line.

F. Boring or other methods to prevent cutting of pavement may be required.

G. All pavements shall be cut a minimum depth of 2” of the outside edge of the area to be excavated before excavation begins to prevent lifting of surfaces outside the area being excavated.

Subd. 8. **Clearance for Emergency Facilities.** The excavation work shall be performed and conducted so as not to interfere with access to fire hydrants, fire stations, fire escapes and any other emergency facilities.

Subd. 9. **Placement and Compaction.** Back filling shall progress uniformly in horizontal layers throughout the excavation area to be filled. Select materials shall be placed around the pipe, conduit, etc. and carefully compacted with mechanical equipment and non-mechanical tamping within the pipe zone to at least six inches above the conduit. At this point, succeeding layers of backfill material shall be placed in uniform layers before compaction of approximately six inches, tamped by mechanical means specially fabricated for this use only. Compacting with the backhoe bucket or front end loader tires will not be acceptable. Compaction of each layer shall continue until the density is equal to that of adjacent undisturbed materials at the same elevation in the trench. Compacted granular materials shall meet at least 100 percent Standard Proctor Density ASTM D-698-70 if density tests are required.

A. The permittee shall refill the excavation in a manner which is satisfactory to the administrative authority and is most effective to accomplish through consolidation and enable to public place to be
restored to a condition equivalent to that in which it was prior to the excavation. When required, soil tests are to be furnished by a registered professional engineer specializing in soil engineering. Prior to resurfacing, tests must show that the backfill material meets the minimum requirements as prescribed by the administrative authority. The permittee shall be required to bear the expense of such tests.

302.18 Inspection.

Subd. 1. Notice of Completion. When the work under any permit hereunder is completed, the permittee shall furnish a Completion Certificate in accordance PUC Rules.

A. Unless waived by the city, a person designated by the right-of-way user as a responsible employee shall sign a completion certificate showing the completion date for the work performed. Identifying the installer and designer of record, and certifying that work was competed according to the requirements of the City.

B. If necessary due to approved changes for the work as projected when the permit was applied for, the permittee shall submit “as built” drawings or maps within six months of completing the work, showing any deviations from the plan that are greater than plus or minus two feet.

C. The City shall respond within 30 days of receipt of the completion certificate. Failure to approve or disapprove the permittee’s performance within 30 days is deemed to be approval by the City.

Subd. 2. Site Inspection. Permittee shall make the work-site available to the Street Commissioner and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.

Subd 3. Authority of Street Commissioner. At the time of inspection the Street Commissioner may order the immediate cessation of any work which poses a serious threat to the life, health, safety or well-being of the public.

A. The Street Commissioner may issue an order to the permittee for any work which does not conform to the terms of the permit or other applicable standards, conditions, or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten (10) days after issuance of the order, the permittee shall present proof to the Street Commissioner that the violation has been corrected. If such proof has not been
presented within the required time, the Street Commissioner may revoke the permit pursuant to Sec. 302.21.

302.19 Work Done Without a Permit.

Subd. 1. Emergency Situations. Each Registrant shall immediately notify the Street Commissioner of any event regarding its Facilities which it considers to be an Emergency. The Registrant may proceed to take whatever actions are necessary to respond to the Emergency. Within two business days after the occurrence of the Emergency the Registrant shall apply for the necessary permits, pay the fees associated therewith and fulfill the rest of the requirements necessary to bring itself into compliance with this Chapter for the actions it took in response to the Emergency.

A. If the Street Commissioner becomes aware of an Emergency regarding a Registrant's Facilities, the Street Commissioner will attempt to contact the Local Representative of each Registrant affected, or potentially affected, by the Emergency. In any event, the Street Commissioner may take whatever action it deems necessary to respond to the Emergency, the cost of which shall be borne by the Registrant whose Facilities occasioned the Emergency.

Subd. 2. Non-Emergency Situations. Except in an Emergency, any Person who, without first having obtained the necessary permit, Obstructs or Excavates a right-of-way must subsequently obtain a permit, and as a penalty pay double the normal fee for said permit, pay double all the other fees required by the Legislative Code, deposit with the Street Commissioner the fees necessary to correct any damage to the right-of-way and comply with all of the requirements of this Chapter.

302.20 Supplementary Notification. If the Obstruction or Excavation of the right-of-way begins later or ends sooner than the date given on the permit, permittee shall notify the Street Commissioner of the accurate information as soon as this information is known.

302.21 Revocation of Permits.

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

A. The violation of any material provision of the right-of-way Permit;
B. An evasion or attempt to evade any material provision of the right-of-way Permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the City or its citizens;

C. Any material misrepresentation of fact in the application for a right-of-way Permit;

D. The failure to complete the work in a timely manner; unless a permit extension is obtained or unless the failure to complete work is due to reasons beyond the perimeter control; or

E. The failure to correct, in a timely manner, work that does not conform to a condition indicated on an Order issued pursuant to Sec. 1.18.

Subd. 2. Written Notice of Breach. If the Street Commissioner determines that the permittee has committed a substantial breach of a term or condition of any statute, ordinance, rule, regulation or any condition of the permit the Street Commissioner shall make a written demand upon the permittee to remedy such violation. The demand shall state that continued violations may be cause for revocation of the permit. A substantial breach, as stated above, will allow the Street Commissioner, at his or her discretion, to place additional or revised conditions on the permit to mitigate and remedy the breach.

Subd. 3. Response to Notice of Breach. Within twenty-four (24) hours of receiving notification of the breach, permittee shall provide the Street Commissioner with a plan, acceptable to the Street Commissioner that will cure the breach. Permittee's failure to so contact the Street Commissioner, or the permittee's failure to submit an acceptable plan, or permittee's failure to reasonably implement the approved plan, shall be cause for immediate revocation of the permit. Further, permittee’s failure to so contact the Street Commissioner, or the Permittee's failure to submit an acceptable plan, or Permittee’s failure to reasonably implement the approved plan, shall automatically place the Permittee on Probation for one (1) full year.

Subd. 4. Cause for Probation. From time to time, the Street Commissioner may establish a list of conditions of the permit, which if breached will automatically place the Permittee on Probation for one full year, such as, but not limited to, working out of the allotted time period or working on Right-of-Way grossly outside of the permit authorization.

Subd. 5. Automatic Revocation. If a Permittee, while on Probation, commits a breach as outlined above, Permittee’s permit will automatically be revoked and Permittee will not be allowed further permits for one full year, except for Emergency repairs.
Subd. 6. Reimbursement of City Costs. If a permit is revoked, the Permittee shall also reimburse the City for the City’s reasonable costs, including Restoration Costs and the costs of collection and reasonable attorneys’ fees incurred in connection with such revocation.

302.22 Mapping Data.

Subd. 1. Information Required. Each Registrant shall provide Mapping information required by the Street Commissioner in accordance with PUC Rules to include the following information:

A. Location and approximate depth of applicant’s mains, cables, conduits, switches, and related equipment and facilities, with the location based on:

1) Offsets from property lines, distances from the centerline of the public right-of-way, and curb lines as determined by the City; or

2) Coordinated derived from the coordinate system being used by the City; or

3) Any other system agreed upon by the right-of-way user and City;

B. The type and size of the utility;

C. A description showing above-ground appurtenances;

D. A legend explaining symbols, characters, abbreviations, scale, and other data shown on the map; and

E. Mapping data shall be provided with the specificity requested by the Street Commissioner for inclusion on the mapping system used by the City.

F. For mapping data provided to the City of Detroit Lakes in GIS compatible and City format, the mapping portion of the excavation/obstruction fee is waived.

Subd. 2. Submittal Requirement.

A. Within six (6) months after the acquisition, installation, or construction of additional equipment or any relocation, abandonment, or disuse of existing equipment, each registrant shall submit the mapping data required herein.
B. Within two (2) years after the date of passage of this Chapter, all right-of-ways users shall submit detailed plans as may be reasonable and practical for all facilities and equipment installed, used or abandoned within the public right-of-way.

C. Notwithstanding the foregoing, mapping data shall be submitted by all registrants for all equipment which is to be installed or constructed after the date of passage or this Chapter at the time any permits are sought under these ordinances.

D. Six (6) months after the passage of this Chapter, a new registrant, or a registrant who has not submitted a plan as required above, shall submit completed and accurate mapping data for all its equipment at the time any permits are sought under these ordinances.

Subd. 3. Telecommunication Equipment. Information on existing facilities and equipment of telecommunications right-of-way users need only be supplied in the form maintained by the telecommunication right-of-way user.

Subd. 4. Trade Secret Information. At the request of any registrant, any information requested by the Street Commissioner, which qualifies as a trade-secret under Minn. Stat 13.37(b) shall be treated as trade secret information as detailed therein.

302.23 Location of Facilities.

Subd. 1. Under Grounding. All new service areas shall be done underground or contained within buildings or other structures in conformity with applicable codes when directed by the City Council, except where emergency service is required.

Subd. 2. Corridors. The Street Commissioner may assign specific corridors within the right-of-way, or any particular segment thereof as may be necessary, for each type of Facilities that is or, pursuant to current technology, the Street Commissioner expects will someday be located within the right-of-way. All excavation, obstruction, or other permits issued by the Street Commissioner involving the installation or replacement of Facilities shall designate the proper corridor for the Facilities at issue.

A. Any Registrant who has Facilities in the right-of-way in a position at variance with the corridors established by the Street Commissioner shall, no later than at the time of the next reconstruction or excavation of the area where the Facilities are located, move the Facilities to the assigned position within the right-of-way, unless this requirement is waived by the Street Commissioner for good cause shown, upon consideration of such
factors as the remaining economic life of the Facilities, public safety, customer Service needs and hardship to the Registrant.

Subd. 3. **Limitation of Space.** To protect public health, safety, and welfare or when necessary to protect the right-of-way and its current use, the Street Commissioner shall have the power to prohibit or limit the placement of new or additional facilities within the right-of-way. In making such decisions, the Street Commissioner shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of the public interest, the public’s needs for the particular Utility Service, the condition of the right-of-way, of existing facilities in the right-of-way, and future City plans for public improvements and development projects which have been determined to be in the public interest.

Subd. 4. **Nuisance.** Two years after the passage of this Chapter, any Facilities found in a right-of-way that have not been registered shall be deemed to be a nuisance. The City may exercise any remedies or rights it has at law or in equity, including, but not limited to, abating the nuisance or taking possession of the Facilities and restoring the right-of-way to a useable condition.

Subd. 5. **Limitation of Space.** To protect health, safety, and welfare or when necessary to protect the right-of-way and its current use, the Street Commissioner shall have the power to prohibit or limit the placement of new or additional Facilities within the right-of-way. In making such decisions, the Street Commissioner shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of the public interest, the public's needs for the particular Utility Service, the condition of the right-of-way, the time of year with respect to essential utilities, the protection of existing Facilities in the right-of-way, and future City plans for public improvements and development projects which have been determined to be in the public interest.

**302.24 Relocation of Facilities.**

Subd. 1. A registrant must promptly and at its own expense, with due regard for seasonal working conditions, permanently remove and relocate its facilities in the right-of-way whenever the Street Commissioner for good cause requests such removal and relocation, and shall restore the right-of-way to the same condition it was in prior to said removal or relocation. The Street Commissioner may make such request to prevent interference by the company's equipment or facilities with (I) a present or future City use of the right-of-way, (ii) a public improvement undertaken by the City, (iii) an economic development project in which the City has an interest or investment, (iv) when the public health, safety and welfare require it, or (v) when necessary to prevent interference with the safety and convenience of ordinary travel over the right-of-way.
Subd. 2. Notwithstanding the foregoing, a person shall not be required to remove or relocate its facilities from any right-of-way which has been vacated in favor of a non-governmental entity unless and until the reasonable costs thereof are first paid to the person therefor.

302.25 Pre-Excavation Facility and Facilities Location. In addition to complying with the requirements of Minn. Stat. 216D.01-.09 (“One Call Excavation Notice System”) before the start date of any right-of-way excavation, each Registrant who has Facilities or Equipment in the area to be excavated shall mark the horizontal and approximate vertical placement of all said facilities. Any registrant whose facilities is less than twenty (20) inches below a concrete or asphalt surface shall notify and work closely with the excavation contractor to establish the exact location of its Facilities and the best procedure for excavation.

302.26 Damage to Other Facilities. When the Street Commissioner does work in the right-of-way and finds it necessary to maintain, support, or move a registrant’s facilities to protect it, the Street Commissioner shall notify the local representative as early as is reasonably possible. The costs associated therewith will be billed to that registrant and must be paid within thirty (30) days from the date of billing. Each registrant shall be responsible for the cost of repairing any facilities in the right-of-way which it or its facilities damages. Each registrant shall be responsible for the cost of repairing any damage to the facilities of another registrant caused during the City’s response to an emergency occasioned by that registrant’s facilities.

302.27 Right-of-Way Vacation.

Subd. 1. Reservation of Right. If the City vacates a right-of-way which contains the facilities of a registrant, and if the vacation does not require the relocation of registrant’s or permittee’s facilities, the City shall reserve, to and for itself and all registrants having facilities in the vacated right-of-way, the right to install, maintain and operate any facilities in the vacated right-of-way and to enter upon such right-of-way at any time for the purpose of reconstructing, inspecting, maintaining or repairing the same.

Subd. 2. Relocation of Facilities. If the vacation requires the relocation of registrant’s or permittee’s Facilities; and (a) if the vacation proceedings are initiated by the Registrant or permittee, the registrant or permittee must pay the relocation costs; or (b) if the vacation proceedings are initiated by the City, the registrant or permittee must pay the relocation costs unless otherwise agreed to by the City and the registrant or permittee; or (c) if the vacation proceedings are initiated by a person or persons other than the Registrant or permittee, such other Person or Persons must pay the relocation costs.

302.28 Indemnification and Liability. By registering with the Street Commissioner, or by accepting a permit under this Chapter, a Registrant or permittee agrees as follows:
Subd. 1. **Limitation of Liability.** By reason of the acceptance of a registration or the grant of a Right-of-Way Permit, the City does not assume any liability (a) for injuries to persons, damage to property, or loss of Service claims by parties other than the registrant or the City, or (b) for claims or penalties of any sort resulting from the installation, presence, maintenance, or operation of facilities by registrants or activities of registrants.

Subd. 2. **Indemnification.** A Registrant or Permittee shall indemnify, keep, and hold the City free and harmless from any and all liability on account of injury to Persons or damage to property occasioned by the issuance of permits or by the construction, maintenance, repair, inspection, or operation of registrant’s or permittee’s Facilities located in the right-of-way. The City shall not be indemnified for losses or claims occasioned through its own negligence except for losses or claims arising out of or alleging the local government unit’s negligence as to the issuance of permits or inspections to ensure permit compliance.

A. The City shall not be indemnified if the injury or damage results from the performance in a proper manner of acts that the registrant or permittee reasonably believes will cause injury or damage, and the performance is nevertheless ordered or directed by the City after receiving notice of the registrant’s or permittee’s determination.

Subd. 3. **Defense.** If a suit is brought against the City under circumstances where the Registrant or permittee is required to indemnify, the registrant or permittee, at its sole cost and expense, shall defend the City in the suit if written notice of the suit is promptly given to the Registrant or permittee within a period in which the Registrant or permittee is not prejudiced by the lack or delay of notice.

A. If the Registrant or permittee is required to indemnify and defend, it shall thereafter have control of the litigation, but the registrant or permittee may not settle the litigation without the consent of the City. Consent will not be unreasonably withheld.

B. This part is not, as to third parties, a waiver of any defense, immunity, or damage limitation otherwise available to the City. In defending an action on behalf of the City, the Registrant or permittee is entitled to assert in an action every defense, immunity, or damage limitation that the City could assert in its own behalf.

302.29 **Abandoned and Unusable Facilities.**

Subd. 1. **Discontinued Operations.** A Registrant who has determined to discontinue its operations in the City must either:
A. Provide information satisfactory to the Street Commissioner that the Registrant's obligations for its Facilities in the right-of-way under this Chapter have been lawfully assumed by another Registrant; or

B. Submit to the Street Commissioner a proposal and instruments for transferring ownership of its Facilities to the City. If a Registrant proceeds under this clause, the City may, at its option:

1) purchase the Facilities; or

2) require the Registrant, at its own expense, to remove it; or

3) require the Registrant to post a bond in an amount sufficient to reimburse the City for reasonably anticipated costs to be incurred in removing the facilities.

Subd. 2. Abandoned Facilities. Facilities of a Registrant who fails to comply with Subd. 1 of this Section, and which, for two (2) years, remains unused shall be deemed to be abandoned. Abandoned Facilities is deemed to be a nuisance. The City may exercise any remedies or rights it has at law or in equity, including, but not limited to, (a) abating the nuisance (b) taking possession of the Facilities and restoring it to a useable condition, or (c) requiring removal of the Facilities by the Registrant, or the registrant’s successor in interest.

Subd. 3. Removal. Any Registrant who has unusable and abandoned Facilities in any right-of-way shall remove it from that right-of-way during the next scheduled excavation, unless this requirement is waived by the Street Commissioner.

302.30 Appeal.

Subd. 1. A Right-of-Way user that: (a) has been denied registration; (b) has been denied a permit; (c) has had permit revoked; or (d) believes that the fees imposed are invalid, may have the denial, revocation, or fee imposition reviewed, upon written request, by the City Council. The City Council shall act on a timely written request at its next regularly scheduled meeting. A decision by the City Council affirming the denial, revocation, or fee imposition will be writing and supported by written findings establishing the reasonableness of the decision.

Subd. 2. Upon affirmation by the City Council of the denial, revocation, or fee imposition, the right-of-way User shall have the right to have the matter resolved by binding arbitration. Binding arbitration must be before an arbitrator agreed to by both the City Council and right-of-way User. If the parties cannot agree on an arbitrator, the matter must be resolved by a three-person arbitration panel made up of one arbitrator selected by the City, one arbitrator selected by the right-of-way User and
one selected by the other two arbitrators. The costs and fees of single arbitrator shall be borne equally by the City and right-of-way User. In the event there is a third arbitrator, each party shall bear the expense of its own arbitrator and shall jointly and equally bear with the other party the expense of the third arbitrator and of the arbitration.

302.31 **Reservation of Regulatory and Police Powers.** A permittee’s or registrant’s rights are subject to the regulatory and police powers of the City to adopt and enforce general ordinances necessary to protect the health, safety and welfare of the public.

302.32 **Severability.** If any section, subsection, sentence, clause, phrase, or portion of this Chapter is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof. If a regulatory body or a court of competent jurisdiction should determine by a final, non-appealable order that any permit, right or registration issued under this Chapter or any portions of this Chapter is illegal or unenforceable, then any such permit, right or registration granted or deemed to exist hereunder shall be considered as a revocable permit with a mutual right in either party to terminate without cause upon giving sixty (60) days written notice to the other. The requirements and conditions of such a revocable permit shall be the same requirements and conditions as set forth in the permit, right or registration, respectively, except for conditions relating to the term of the permit and the right of termination. Nothing in this Chapter precludes the City from requiring a franchise agreement with the Applicant, as allowed by law, in addition to requirements set forth herein. **(Ordinance No. 165, Adopted 5/5/1998)**
303. Sidewalks

303.01 Sales Prohibited. Except as provided in 303.03, no person shall place or suffer to be placed upon or over any sidewalk any goods, wares or merchandise for sale, show, or otherwise, or keep or maintain any peanut roaster or popcorn popping apparatus upon any sidewalk.

303.02 Storage Prohibited. Except as provided in 303.03, no person receiving goods, wares, or merchandise shall place or keep upon any sidewalk, any goods, wares, or merchandise received for a period no longer than one hour.

303.03 Exception. Sales of any goods, wares or merchandise on sidewalks within the Central Business District, as defined by City Code, Appendix B, Zoning Ordinance, Section 11, is permitted from Memorial Day through Labor Day of each year. (Ordinance No. 210, Adopted 3/6/2001)

303.04 Location. Placement of a seller’s goods, wares or merchandise as allowed by this chapter is restricted to the length and portion of a sidewalk immediately adjoining the building occupied by the seller unless otherwise allowed by the City Code or by permit approved by the Council. Such property shall not unreasonably obstruct pedestrian use of the sidewalk. (Ordinance No. 210, Adopted 3/6/2001)
304. Boulevards

304.01 **Required.** Boulevards may be established and constructed along the streets and avenues of the city, in accordance with the provisions of this chapter. All curbs and boulevards shall be constructed according to standards adopted by the council.

304.02 **Width.**

   Subd. 1. **Residential, Commercial and Industrial.** The width of streets and boulevards in residential, commercial and industrial areas shall be determined by resolution of the council.

   Subd. 2. **Measurement.** The width of boulevards shall, in all cases, be measured from the sidewalk line to the face of the curb.
305. Current Services Assessments

305.01 Definition. "Current service" means one or more of the following: weed elimination from street grass plots adjacent to sidewalks, or from private property; street flushing; light street oiling, or other dust treatment of streets; repair of sidewalks; trimming and care of trees and removal of unsound trees from the public streets; and abatement of health or safety nuisances pursuant to Chapter 900.

305.02 Weed Elimination. On or before June 1 of each year, the city administrator shall publish once in the official newspaper a notice directing owners and occupants of property within the city to destroy all weeds defined to be a nuisance by 901.02(9). In the event that any owner or occupant shall fail to abate a weed nuisance after published notice, the city may cause the nuisance to be abated pursuant to Chapter 900.

305.03 Sidewalk Repair.

Subd. 1. Owner Responsibility. The owner of any property in the city abutting a public sidewalk shall keep the sidewalk in repair and safe for pedestrians. Repairs shall be made in accordance with standard specifications approved by the council and filed with the city administrator. Before commencing such repair work, the property owner shall obtain a permit from the city administrator. The fee is as set forth in Section 210.

Subd. 2. Enforcement. The administrator or such other person as the council may designate, may inspect sidewalks to determine if they are in good repair and safe for pedestrians. If he finds that any sidewalk is in need of repair, he shall cause a notice to be served, by registered or certified mail or by personal service upon the owner of the property and the occupant if the owner does not reside in the city or cannot be found therein, ordering the owner to have the sidewalk repaired and made safe within thirty days, and stating that if the owner fails to do so, the repairs will be made by the city, that the expense thereof must be paid by the owner, and that if unpaid it will be made a special assessment against the property concerned.

Subd. 3. Repair. If the sidewalk is not repaired within thirty days after receipt of the notice, the city administrator shall report that fact to the council. The council shall, by resolution, order the street department to repair the sidewalk, or order the work done by contract. The city administrator shall keep a record of the total cost of repair attributable to each lot or parcel of property.

305.04 Street Sprinkling, Flushing, Tree Care, etc.

Subd. 1. Notice. The council shall each year determine what streets and alleys shall be sprinkled, flushed, oiled, or given other dust treatment during the year, and the kind of work to be done on each. The council shall also determine from time to time the streets on which trees shall be trimmed and cared for and what unsound trees
shall be removed. Before any work is done, the city administrator shall, under the
council's direction, publish notice that the council will meet to consider such projects.
The notice shall be published in the official newspaper at least once no less than two
weeks prior to the meeting, the streets affected and the particular projects proposed, and
the estimated cost of each project, either in total or on the basis of the proposed
assessment per front foot or otherwise.

Subd. 2. Hearing. At such hearing or any adjournment thereof, the
council shall hear property owners with reference to the scope and desirability of the
proposed projects. The council shall thereupon adopt a resolution confirming the original
projects with such modification as it deems desirable, and shall provide for the doing of
the work by day labor through the street department or by contract. The city
administrator shall keep a record of the cost and the portion of the cost properly
attributable to each lot and parcel of property abutting on the street or alley on which the
work is done.

305.05 Personal Liability. The owner of property on or adjacent to which a
current service has been performed shall be personally liable for the cost of such service.
As soon as the service is completed and the cost is determined, the city administrator
shall prepare a bill and mail it to the owner. Thereupon, the amount shall be immediately
due and payable at the city administrator's office.

305.06 Assessment. On or before September 1 of each year, the city
administrator shall list the total unpaid charges for each types of current service against
each separate lot or parcel to which they are attributable under this chapter. After notice
of hearing as provided in Minnesota Statutes 429.061, the council may spread the charges
against the property benefited as a special assessment pursuant to Minnesota Statutes
429.101 and other pertinent statutes for certification to the county auditor and collection
along with current taxes for the following year, or in annual installments, not exceeding
ten, as the council may determine in each case.
306. Emergency Fire Protection Services

306.01 Purpose and Intent. This ordinance is adopted for the purpose of establishing that the City of Detroit Lakes will charge for all fire calls as allowed by Minnesota Statutes, which authorize a city to charge for fire service calls.

306.02 Definitions. For the purposes of this article, the following terms or words shall be interpreted as follows:

Subd. 1. Fire Call. Any deployment of fire-fighting personnel and/or equipment to provide: fire suppression, rescue, extrication, extinguishing of a fire, the performance of any preventative measures in an effort to protect or pre-empt a fire or fire hazard or to protect equipment, life or property in, an area threatened by fire, and to provide any other services related to fire and rescue as may occasionally occur.

306.03 Parties Affected.

Subd. 1. City of Detroit Lakes residents who receive fire service for any type of fire call.

Subd. 2. Township residents who receive fire service for any type of fire call and whose township has entered into a fire service contract with the City of Detroit Lakes.

Subd. 3. All fire calls in response to car accidents or fires where persons receiving service are either not residents of the City of Detroit Lakes or residents of townships served by a fire contract with the City of Detroit Lakes.

Subd. 4. All fire calls in response to grass fires and other natural disasters as requested by the Department of Natural Resources and other state and federal governments units.

306.04 Rates. The rates for fire service shall be as determined by resolution of the City Council and be set forth in Section 210 of the City Code.

306.05 Billing and Collection.

Subd. 1. Parties receiving fire service via a fire call will be billed directly by the City of Detroit Lakes within (30) thirty days of the fire call. If the party receiving fire service does not initiate the contact for service but a fire or other situation exists which at the discretion of the Fire Department personnel in charge requires fire services and qualifies as a fire call as defined in Section 306.02, that party will be charged for a fire call.

Subd. 2. The City of Detroit Lakes will use all practical and reasonable legal means to collect billed fire calls. The party receiving the fire service shall be liable for all costs of collection incurred by the City including, but not limited to, reasonable attorney fees and court costs.

Subd. 3. Billing may be directed to the insurance carrier as a reasonable effort by the City to assist the party who received the fire service. Any billable amount of the fire call not covered by a party’s applicable insurance remains a
Subd. 4. False alarms will be billed as a fire call unless the trucks do not leave the building.

Subd. 5. If the fire service charge remains unpaid for 30 days after notice of delinquency is sent, the City Council, may, on or before October 15 of each year, certify the unpaid fire service charge to the County Auditor of the County in which the recipient of the services owns real property, for collection with taxes. The County Auditor is responsible for remitting to the City all charges collected on behalf of the City. The City must give the property owner notice of its intent to certify the unpaid fire service charge by September 15.  (Ordinance No. 328, Adopted 12/9/2008)

306.06 Mutual Aid Agreements. On fire calls where the City of Detroit Lakes provides “Mutual Aid” to another fire service, the associated billing will be determined by the Mutual Aid Agreement with that fire service. (Ordinance No. 253, Adopted 5/4/2004)
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401. Individual Sewage Treatment Systems

401.01 Standards Adopted. The Individual Sewage Treatment Systems Standards, 6 MCAR 4.8040, commonly known as WPC 40, of the State of Minnesota, are hereby adopted by reference and made a part of this code as if fully set forth herein, and installation of all individual sewage treatment systems shall comply therewith.

401.02 Copy Available. There shall be available at the city office, and kept on file at all times, at least one copy of the Individual Sewage Treatment Systems Standards, 6 MCAR 4.8040, commonly known as WPC 40, and the same shall be available for inspection by anyone so requesting during normal city office hours.

401.03 Municipal Sewer. By adoption of the foregoing regulations, the city is not agreeing to permit or allowing the construction of individual sewage treatment systems when municipal sewer is available and connection is required pursuant to Section 402.01. Individual sewage treatment systems shall be installed and permitted only in the event municipal sewer is not available.

401.04 Permits.

Subd. 1. Installation and Repair Permit. No person, firm, or corporation shall install, alter, repair, or extend any individual sewage disposal system in the city without first obtaining a permit therefor from the council or its authorized representative for the specific installation, alteration, repair, or extension; and, at such time of application for said permit, shall pay a fee as set forth in Section 210. Such permits shall be valid for a period of six months form date of issue. There shall be a further fee as set forth in Section 210 for each re-inspection required. Permits shall be issued only to individuals and firms licensed under 401.06 (except as to the owner/occupant of residential property).

Subd. 2. Pumping Permit. No person, firm or corporation shall pump any individual sewage disposal system in the city without first obtaining a permit therefor from the council or its authorized representative. The permit fee shall be as set forth in Section 210, charged on a per system basis.

Subd. 3. Applications. Applications for permits shall be made in writing upon printed blanks or forms furnished by the city, signed by the applicant, and provide such information as the council requires.

401.05 Inspection.

Subd. 1. Upon Installation. The plumbing inspector shall make such inspection or inspections as are necessary to determine compliance with this chapter. No part of the system shall be covered until it has been inspected and accepted by the
plumbing inspector. It shall be the responsibility of the applicant for the permit to notify
the plumbing inspector that the job is ready for inspection or re-inspection, and it shall be
the duty of the plumbing inspector to make the indicated inspection within forty-eight
hours after such notice has been given. It shall be the duty of the owner/occupant of the
property to give the plumbing inspector free access to the property at reasonable times for
the purpose of making such inspections. Upon satisfactory completion and final
inspection of the system, the plumbing inspector shall issue to the applicant a certificate
of approval. If upon inspection the plumbing inspector discovers that any part of the
system is not constructed in accordance with the minimum standards provided in this
chapter, he shall give the applicant written notification describing the defects. The
applicant shall pay an additional fee as set forth in Section 210 for each re-inspection that
is necessary. The applicant shall be responsible for the correction or elimination of all
defects, and no system shall be placed or replaced in service until all defects have been
corrected or eliminated.

Subd. 2. Bi-Annual. Every individual privy, vault, septic tank and
cesspool in the city shall be inspected by the owner thereof at least once every two years
and such owner shall report the results of such inspection to the city administrator on
forms provided by the city.

401.06 Sewage Tank Cleaners.

Subd. 1. Definition. “Sewage Tank Cleaner” shall mean any person,
firm or corporation who, as a business, cleans or performs work on a privy, vault, septic
tank, cesspool, or other part of an individual sewage disposal system within the City.

Subd. 2. License Required. Before any person shall engage in
sewage tank cleaning, a license shall be obtained from the city pursuant to this chapter.

Subd. 3. Application, License, Bond and Insurance. Before any
person, firm or corporation is licensed to engage in the business of sewer installation
within the city, he shall make application to the city for such license, made in writing,
upon printed blanks or forms furnished by the city, signed by the applicant, and provide
such information as the council requires, shall pay the following fee, and shall file with
the city administrator the following bond and insurance requirements:

A. The fee for such license shall be as set forth in Section 210 and
each license shall terminate on December 31 next after its
issuance. Licenses shall not be transferable.

B. A surety bond in the face amount of $5,000 running to the city,
approved by the council, conditioned that the city will be saved
harmless from any loss, damage, cost or expense, by reason of any
work performed under this chapter, or by reason of improper or
inadequate performance or compliance with the terms of this
chapter by the holder of the license or his agent or employees.

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C. A certificate of insurance or copies of public liability and property damage insurance policies in the minimum amount of $100,000 coverage for one person, $300,000 coverage for more than one person, and $10,000 coverage for damage to property of others.

Subd. 4. **License Revocation.** The council may revoke any license at any time if the licensee shall violate the provisions of this or any other provision of the code. No licensee shall allow his name to be used by any other persons for the purpose of doing any work within the city, except that this provision shall not prevent a licensed plumber from employing the services of a licensed pipe layer or licensed sewer installer. All revocations shall follow the procedure in Section 601.06 of this code.

Subd. 5. **Removing Material from Individual Sewage Disposal Systems.** No sewage tank cleaner, or any other person, firm or corporation shall empty or remove the materials or contents, or any portion thereof, of any vault, privy, cesspool, septic tank or drain, or of any other part of any individual sewage disposal system other than into a container made tight and closely covered.

Subd. 6. **Disposal of Contents.** No sewage tank cleaner or any other person, firm or corporation shall dispose of any of the contents so removed as described in Subd. 5, above, upon open ground or in any well, open stream or body of water and such contents shall be disposed of in a sanitary manner and as approved by the city building official.

Subd. 7. **Approved Vehicle.** No sewage tank cleaner or other person, firm or corporation shall remove or cause to be removed any of the contents as described in Subd. 5, above, in any container or vehicle except such as shall be approved by the city building official, and under no circumstances shall any container or vehicle be used for such purpose that might become saturated with offensive liquids and thereby become a nuisance in itself.

Subd. 8. **Reporting.** All sewage tank cleaners shall file with the city administrator, once each month, a detailed report listing the date, address and exact work performed on every privy, vault, septic tank, cesspool, or other part of an individual sewage disposal system. All other persons, firms, or corporations performing any such work shall report same within one month thereafter to the city administrator.

Subd. 9. **Records to be Kept.** The city administrator shall keep complete records of all such reports as required to be filed under Subd. 8, above, referencing same to specific properties in the city.

Subd. 10. **Reporting.** The City Administrator shall report to the City Building Official any such work as reported, when there are more than two instances of such work upon a particular property within a one year interval.
Subd. 11. **Action to be Taken.** The City Building Official shall, either personally or through other qualified personnel, inspect all individual sewage disposal systems so reported to him and determine whether or not such systems constitute a health hazard and report his recommendations to correct same and serve a copy of same upon the owner of the premises involved.

Subd. 12. **Power to Enter Property.** The City Building Official or person selected and appointed by him to do so, shall have the power to, between sunrise and sunset, enter such property reported to him, or other property upon which written complaints have been made to him of individual sewage disposal systems which constitute a health hazard, to examine any vault, privy, cesspool, septic tank or private sewage disposal system, entry to be made upon the showing of proper credentials.

Subd. 13. **Remedying Health Hazards.** Any person, firm or corporation which shall have been served the recommendations as stated in Subd. 11, shall take the necessary remedial action to correct same within a maximum period of thirty days after service of such recommendations.

Subd. 14. **Cleaning When Requested.** When requested by the owner/occupant of any premises, any sewage tank cleaner, licensed hereunder, shall clear or empty or work on any vault, privy, cesspool, septic tank or private drain or an individual sewage disposal system, and remove any and all nuisances. Such sewage tank cleaner may demand and receive in advance his fees for services but not exceeding the maximum rates specified in his application for license or a reasonable sum if such not be specified.
402. Sewer Use Code

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

Subd. 1. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C expressed in milligrams per liter. Laboratory procedures shall be in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater.

Subd. 2. Building Drain. Part of the lower horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning five (5) feet outside the inner face of the building wall.

Subd. 3. Building Sewer. The extension from the building drain to the public sewer or other place of disposal, also called house connection.

Subd. 4. City. The area within the corporate boundaries of the City of Detroit Lakes, as presently established or as amended by Ordinance or other legal actions at a future time. The term "City" when used herein may also be used to refer to the City Council and its authorized representatives.

Subd. 5. Chemical Oxygen Demand (COD). The quantity of oxygen utilized in the chemical oxidation of organic matter, expressed in milligrams per liter, as determined in accordance with standard laboratory procedures as set out in the latest edition of Standard Methods for the Examination of Water and Wastewater.

Subd. 6. Combined Sewer. A sewer originally designated to receive both surface water runoff and sewage.

Subd. 7. Garbage. Solid waste resulting from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage or sale of meat, fish, fowl, fruit, vegetable or condemned food.

Subd. 8. Industrial Wastes. The solid, liquid, or gaseous wastes resulting from an industrial or manufacturing processes, trade or business, or from the development, recovery, or processing of natural resources.

Subd. 9. Infiltration. Water entering the sewer system (including building drain and pipes) from the ground through such means as defective pipes, pipe joints, connections, and man-hole walls.

Subd. 10. Infiltration/Inflow (I/I). The total quantity of water from
both infiltration and inflow.

Subd. 11. **Inflow.** Water other than wastewater that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, yard and area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers, catch basins, surface runoff, street wash waters or drainage.

Subd. 12. **National Pollutant Discharge Elimination System (NPDES) Permit.** The system for issuing, conditioning and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone, and the oceans by the Environmental Protection Agency pursuant to the Federal Water Pollution Control Act of 1972, Section 402 and 405.

Subd. 13. **Natural Outlet.** Any outlet into a watercourse, pond, ditch, lake or any other body of surface groundwater.

Subd. 14. **Normal Domestic Strength Wastes.** Wastes which are characterized by a composite average strength of 250 mg per liter BOD, and 285 mg per liter suspended solids.

Subd. 15. **Other Wastes.** Garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, oil, tar, chemicals, offal, and other substances except sewage and other wastes.

Subd. 16. **Person.** Any individual, firm, company, association, society, corporation, municipal corporation, governmental unit, or group.

Subd. 17. **pH.** The logarithim of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Subd. 18. **Process Water.** Any water used in the manufacturing, preparation or production of goods, materials or food. Process water is an industrial waste.

Subd. 19. **Public Sewer.** Any sewer, including sanitary sewers and storm sewers, owned or operated by a unit or agency of government.

Subd. 20. **Sanitary Sewer.** A sewer which carries sewage and to which storm, surface and groundwater are not intentionally admitted.

Subd. 21. **Sanitary Waste.** The liquid and water carried wastes discharged from sanitary pumping facilities.

Subd. 22. **State Disposal System (SDS) Permit.** Permit (including any terms, conditions, and requirements thereof) issued by the MPCA pursuant to
Minnesota Statutes 115.07 for a disposal system as defined by Minnesota Statutes 115.01, Subd. 8.

Subd. 23. **Sewage / Wastewater.** The water carried waste products from residences, public buildings, institutions, industrial establishments or other buildings including the excrementitious or other discharge from the bodies of human beings or animals, together with such ground, surface and storm waters as may be present.

Subd. 24. **Sewer.** A pipe or conduit for carrying sewage, industrial wastes or other waste liquids.

Subd. 25. **Sewer System.** Pipelines or conduits, pumping stations, force mains and all other devices and appliances appurtenant thereto, used for collecting or conducting sewage, industrial wastes or other wastes to a point of ultimate disposal.

Subd. 26. **Shall.** Mandatory.

Subd. 27. **May.** Permissive.

Subd. 28. **Slug.** Any discharge of water, wastewater or industrial waste which is concentration of any given constituent, or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during the normal operation.

Subd. 29. **Storm Sewer / Storm Drain.** A sewer which carries storm or surface water and drainage, but excludes sewage and industrial waste, other than unpolluted cooling or process water.

Subd. 30. **Suspended Solids.** Solids that either float on the surface of or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater.

Subd. 31. **Unpolluted Water.** Clean water uncontaminated by industrial wastes, other wastes, or any substance which renders such water unclean or noxious or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare to domestic, commercial, industrial or recreational uses; or to livestock, wild animals, birds, fish, or other aquatic life.

Subd. 32. **Wastewater Facilities.** The structures, equipment, or processes required to collect, carry away, treat domestic and industrial wastes and dispose of the effluent.

Subd. 33. **Wastewater Treatment Works / Treatment Works.** An arrangement of devices, facilities, structures, equipment, or processes owned or used by
the City for the purpose of transmission, storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or industrial wastewater, or structures necessary to recycle or reuse water including interceptor sewers, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions, alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

402.02 Use of Public Sewers.

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

Subd. 2. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage if adequate and feasible City facilities are available.

Subd. 3. Connection Required. The owner of property located in the City and from which wastewater is discharged must connect to a public sewer at the owner’s expense within one year after the date that said public sewer is operational and is located in a public right-of-way or an easement for sewer purposes adjacent to the property unless otherwise provided by this ordinance.

A. Exception. When property is served by an operable septic system that complies with applicable laws, codes and regulations at the time that the property's connection to public sewer would otherwise be required by this ordinance, then the property's owner may delay connection to the public sewer for a period of up to ten (10) years from the date on which that septic system was installed, or for such other time period as may be allowed by Resolution of the City Council.

B. Required connection. The time allowed for required connection to public sewer shall end when the septic system fails to meet applicable laws, codes and regulations. (Ordinance No. 280, Adopted 9/06/2005)

Subd. 4. In the event an owner shall fail to connect to a public sewer in compliance with a notice given under Section 402.02, Subd. 3 of this Ordinance, the City may, after providing written notice to the owner, begin assessing a monthly sanitary sewer availability charge to the owner at an amount as set by the City Council, or in lieu of such action, the City may otherwise undertake to have said connection made and shall
assess the cost thereof against the benefitted property. Such assessment shall be a lien against said property. Such assessment, when levied, shall bear interest at the legal rate for local improvements and shall be certified to the Auditor of the County of Becker, Minnesota, and shall be collected and remitted to the City in the same manner as assessments for local improvements. The rights of the City shall be in addition to any penalty provisions for violation of this Ordinance.  (Ordinance No. 35, Adopted 1/10/2012)

Subd. 5. No person shall discharge or cause to be discharged directly or indirectly any storm water, groundwater, roof runoff, subsurface drainage, sump pump waters, waste from on-site disposal systems, unpolluted cooling or processing water to any sanitary sewer except as permitted by the City through written contracts, agreements or policies. (Ordinance No. 117, Adopted 3/7/1995)

Subd. 6. Storm water and all other unpolluted water shall be discharged to a storm sewer, except that unpolluted cooling or processing water shall only be so discharged upon approval by the City and upon approval and the issuance of a discharge permit by the Minnesota Pollution Control Agency.

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

A. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

B. Any water or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the wastewater treatment works. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307A of the Clean Water Act.

C. Any water or waste having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater treatment works.

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

E. Noxious or malodorous liquids, gases or substances which 
either singly or by interaction with other wastes are 
sufficient to create a public nuisance or hazard to life or are 
sufficient to prevent entry into the sewers for their 
maintenance or repairs.

Subd. 8. No person shall discharge or cause to be discharged 
directly or indirectly the following described sub-stances to any public sewer without first 
obtaining a permit from the City Administrator for such discharge. Said discharge permit 
shall not be issued unless, in the opinion of the Public Utilities Commission, such 
discharge will not harm the wastewater facilities, nor cause obstruction to the flow in the 
sewers, nor otherwise endanger life, limb, or public property, nor constitute a nuisance. 
In forming its opinion as to the acceptability of the wastes, the City may give 
consideration to such factors as the quantities of the subject wastes in relation to flows 
and velocities in the sewers, materials or construction of the sewers, nature of the 
wastewater treatment process, capacity of the wastewater treatment plant, the City's 
NPDES permit, and other pertinent factors. The City may make such determinations 
either on a general basis or as to discharges from individual users or specific discharges, 
any may prohibit certain discharges from individual users because of unusual 
concentrations or combinations which may occur. The substances prohibited are:

A. Any liquid or vapor having a temperature in excess of one 
hundred fifty (150) degrees F. (65 degrees C.).

B. Any water or waste containing fats, wax, grease or oils, 
whether emulsified or not, in excess of one hundred (100) 
milligrams per liter or containing substances which may 
solidify or become viscous at temperatures between thirty- 
two (32) and one hundred fifty (150) degrees F. (zero (0) 
and sixty-five (65) degrees C.).

C. Any garbage that has not been ground or comminuted to 
such degree that all particles will be carried freely in 
suspension under flows normally prevailing in the public 
sewers, with no particles greater than one-half (1/2) inch in 
y any dimension.

D. Any water or wastes containing strong acid, iron pickling 
wastes, or concentrated plating solutions, whether 
neutralized or not.
E. Any water or wastes containing phenols or other taste or odor producing substances which constitute a nuisance or hazard to the structures, equipment, or personnel of the wastewater works, or which interfere with the treatment required to meet the requirements of the State or Federal Government, or any other public agency with proper authority to regulate the discharge from the wastewater treatment plant.

F. Any radioactive wastes or isotopes of such half-life or concentration that they are not in compliance with regulations issued by the appropriate authority having control over their use or may cause damage or hazards to the treatment works or personnel operating it.

G. Any water or wastes having a pH in excess of 9.5.

H. Materials which exert or cause:

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

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

   3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works. The BOD discharged to the public sewer shall not exceed 400 mg/l.

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

   5) Water or water containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of the NPDES Permit, or requirements of other governmental agencies having jurisdiction over discharge from the wastewater treatment plant.
Subd. 9. If any water or wastes are discharged, or are proposed to be discharged directly or indirectly to the public sewers, which water or wastes do not meet the standards set out in or promulgated under this Subsection, or which in the jurisdiction of the City may have a deleterious effect upon the treatment works, processes, equipment, or receiving waters, or which otherwise create a hazard to life, or constitute a public nuisance, the City may take all or any of the following steps:

A. Refuse to accept the discharges.

B. Require control over the quantities and rates of discharge.

C. Require pretreatment to an acceptable condition for the discharge to the public sewers.

D. Require payment to cover the added costs of handling or treating the wastes.

The design and installation of the plant and equipment for pre-treatment or equalization of flows shall be subject to the review and approval of the City, and subject to the requirements of 40 CFR 403, entitled "Pretreatment Standards", and the Minnesota Pollution Control Agency.

Subd. 10. Grease, oil and mud interceptors shall be provided by the property owner when they are determined by the City to be necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Subd. 8(B) of this Ordinance, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be a type and capacity approved by the City and shall be located as to be readily and easily accessible for cleaning and inspection.

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

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

Subd. 13. All measurements, tests and analyses of the characteristics of water and waste to which reference is made in this Ordinance shall be determined in accordance with 40 CFR 136 "Guidelines Establishing Test Procedures for the Analysis
of Pollutants”; the latest edition of Standard Methods for the Examination of Water and Wastewater and shall be determined at the control structure provided, or upon suitable samples taken at said control structure. In the event that no special structure has been required, the control structure shall be considered to be the nearest downstream manhole in the public sewer from the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effluent constituents and their effect upon the treatment works and to determine the existence of hazards of life, health and property. Sampling methods, location, times, duration and frequencies are to be determined on an individual basis subject to approval by the City.

Subd. 14. The owner of any property serviced by a building sewer carrying industrial wastes may, at the discretion of the City, be required to provide laboratory measurements, tests and analyses of waters or wastes to illustrate compliance with this Ordinance and any special condition for discharge established by the City or regulatory agencies having jurisdiction over the discharge. The number, type and frequency of sampling and laboratory analyses to be performed by the owner shall be as stipulated by the City. The industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the Federal, State and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the City at such times and in such manner as prescribed by the City. The owner shall bear the expense of all measurements, analyses and reporting required by the City. At such times as deemed necessary, the City reserves the right to make measurements and samples for analysis by an outside laboratory.

Subd. 15. New connections to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities, including, but not limited to, capacity for flow, BOD, and suspended solids.

Subd. 16. No user shall increase the use of process water or, in any manner, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in Sections 402.02 of this Article, or contained in the National Categorical Pretreatment Standards or any state requirements.

Subd. 17. No statement contained in this Section shall be constructed as preventing any special agreement or arrangements between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore by the industrial concern, in accordance with applicable ordinance and any supplemental agreements with the City.

Subd. 18. Any new or existing commercial or industrial wastewater customer may not exceed the discharge permit issued by the City Administrator. Any such customer desiring to exceed the permit shall apply for and obtain a new discharge permit to allow for any new discharge or any change in the quality of existing discharge.

402.03 Private Sewage Disposal.
Subd. 1. Where a public sanitary sewer is not available under the provisions of Section 402.02, the building sewer shall be connected to a private wastewater disposal system complying with the rules and regulations MPCA Chapter 7080 entitled Individual Sewage Treatment System Standards or the requirements of Section 401 of the City Code or other regulatory agencies, whichever is more restrictive.

Subd. 2. No new private sewer systems or sewer system extensions shall be constructed within the City without first obtaining written approval of the system plan and the materials to be used in the construction of said system, in accordance with Section 401 of the City Code.

402.04 Building Sewers and Connections.

Subd. 1. It is unlawful for any person to engage in the work or business of installing private sewer service lines and appurtenances for others without a license therefor from the City, in accordance with Section 605.

Subd. 2. No person, unless authorized by a written permit from the City shall make, install, repair, alter, disturb, uncover, open or break any sewer connection to the sanitary sewer system of the City. Permits for connection of a new sewer or repairs to an existing service shall be issued by the City after consideration of the application for such permit with regard to compliance with Section 605. Sewer connection permit fees will be established by resolution of the City Council. (Ordinance No. 106, Adopted 5/3/1994)

Subd. 3. All costs and expense incidental to the installation and connection of the building sewer or repairs to an existing connection shall be borne by the owner. The owner shall indemnify and hold harmless the City from any loss or damage to the public sewer that may directly or indirectly be occasioned by the installation of the building sewer.

Subd. 4. A separate and independent building sewer shall be provided for every building, except where two or more buildings are situated on one parcel such that the parcel may not be subdivided. Such joint use private sewer may be extended to the rear of the building or buildings and the whole considered as one joint use private sewer provided the buildings are the property of a single owner. Special variances will be considered by the City.

Subd. 5. Old building sewers may be used in connection with new buildings only when they are found, upon examination and testing by the City, to meet all the requirements of this Ordinance.

Subd. 6. Unused septic tanks, cesspools, leaching pits and similar devices and structures shall be backfilled or made safe and unusable in a manner acceptable to the City.
Subd. 7. The size, slope, alignment and materials of construction of a building sewer and the method used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building code and plumbing code; or other applicable rules and regulations. In the absence of code provisions, or in amplifications thereof, the materials and procedures set forth in appropriate specifications of the “Water Pollution Control Federation (WPCF) Manual of Practice No. 9” and the American Society for Testing Materials (ASTM) Standards shall apply.

Subd. 8. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity to flow to the public sewer, such building drain shall be provided with a lifting device by an approved means and discharged to the building sewer.

Subd. 9. No person shall make connection of roof downspouts, roof drains, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer.

Subd. 10. The construction of the building sewer and its connection into the public sewer shall conform to the requirements of the State of Minnesota Plumbing Code, the sewer specifications included herein, and other applicable rules and regulations and procedures adopted by the City. All such construction shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the City prior to installation.

Subd. 11. Employees of the City shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the City when the work is ready for final inspection and no underground portions shall be covered before the final inspection is complete. The connection shall be made under the supervision of the City or its representatives.

Subd. 12. All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, side-walks, parkways and other public property disturbed during the course of the work shall be restored in a manner satisfactory to the City.

**402.05 Main and Lateral Sewer Construction.**

Subd. 1. No person, unless authorized, shall uncover, make any connection with or opening into, use, alter, or disturb any sanitary or storm sewer within the City or any part of the City wastewater facilities.

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

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

402.06 Protection From Damage. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the wastewater facilities.

402.07 Authority of Inspectors.

Subd. 1. Duly authorized employees of the City shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Ordinance. Those employees shall have no authority to inquire into processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries except as is necessary to determine the kind and source of the discharge to the public sewer.

Subd. 2. While performing the necessary work on private property as referred to in Subd. 1 of this Sub-section, the authorized employees of the City shall observe all safety rules applicable to the premises as established by the company, and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against any loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in this Ordinance.

Subd. 3. Duly authorized employees of the City shall be permitted to enter all private properties through which the City holds easements for the purpose of, but not limited to, inspection, observation, maintenance and construction of public sewers.

402.08 Penalties.

Subd. 1. Any violation of the provisions of this Ordinance shall constitute a misdemeanor.

Subd. 2. Each day on which such violation continues shall constitute a separate offense.

Subd. 3. Any person found to be violating any provisions of this
Ordinance shall be served by the City with notice as provided in Section 402.10 of this Ordinance stating the nature of the violation and providing a reasonable time limit, depending on the nature of the violation, for the satisfactory correction thereof. The offender shall within the time period stated in such notice permanently cease all violation. Any person who shall continue any violation beyond the time limit provided for in the written notice shall be guilty of a misdemeanor and each day in which any such violation shall continue shall be deemed a separate offense.

Subd. 4. Any person violating any of the provisions of this Ordinance shall become liable to the City for any expense, loss or damage sustained by the City, including labor provided by the City to correct or remedy any violation. The City shall notify the violator, as provided in Section 402.10 of this Ordinance, of such expenses and the violator shall pay said costs within thirty (30) days of receipt of said notice. In the event that the violator fails to pay such costs, the City may assess the cost thereof against the benefitted property. Such assessment shall be a lien against said property. Such assessment, when levied, shall bear interest at the legal rate for local improvements and shall be certified to the Auditor of the County of Becker, Minnesota, and shall be collected and remitted to the City in the same manner as assessments for local improvements. The rights of the City shall be in addition to any remedial or enforcement provisions of this Ordinance.

402.09 Additional Remedies. The City reserves the right to pursue any remedies available to the City, civil or criminal, not otherwise set forth in this Ordinance, including, without limitation, the right to obtain a restraining order and injunction to prevent, or remedy, any violation of this Ordinance.

402.10 Notices.

Subd. 1. Notices provided for by the Ordinance shall be in writing.

Subd. 2. Notices shall be considered effective upon service thereof by one of the following means:

A. By personal delivery of the same in the same manner as a summons pursuant to the Rules of District Court; or,

B. By mailing the same to the addresses to his or her address as identified in the records of the Becker County Treasurer for the purpose of taxation. Mailed notice shall be by first class mail (or certified mail, return-receipt requested), shall be effective as of the date of mailing and shall be proved by an affidavit of mailing; or

C. By publication thereof once each week for three successive weeks in a legal newspaper serving the City of Detroit Lakes.

402.11 Validity. The validity of any section, Subd. clause, sentence, or
provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

402.12 Regulation. The City by Charter and by Section 206.03 of the City Code delegates to the Public Utility Commission the authority to operate the wastewater treatment plant and sanitary sewer lift stations. Maintenance of the sanitary sewer mains shall be the responsibility of the Street Commissioner in accordance with Section 204.05 of the City Code.

402.13 Rates. Rates shall be established in accordance with Section 10.05 of the City Charter.

(Ordinance No. 62, Adopted 5/7/1991)
403. Water Utility Regulations

403.01  Water Service Connections: Permit Required.

Subd. 1. Plumbers are required to be licensed by the City of Detroit Lakes and shall secure a permit from the City Administration Office before making any connections to a main, and no plumber or other person shall make any attachment or connection to it to serve other premises.

Subd. 2. Excavators are required to be licensed in the City of Detroit Lakes and shall secure a permit before digging is done on public right-of-way or municipal easement. Fees for license and excavating are set in the Detroit Lakes City Code, Section 210. The regulations for excavating are found in Section 302.

Subd. 3. All public and municipal utilities shall be contacted before any excavation work is done by using Gopher State One Call. All utility locations are the responsibility of the contractor.

Subd. 4. Safety precautions are the responsibility of the contractor, and shall be maintained at all times. Barricades and fencing are available upon request from the Water Department.

403.02  Water Service Connections: Who To Make, Cost Of:

Subd. 1. Any property located in the City which requires a source of potable water shall be connected to the public water distribution system at the expense of the property owner whenever the public system is located in a public right-of-way or easement which is accessible to said property. In the event, an owner of such property does not connect as so required, the City may, after providing written notice of owner, begin assessment a monthly water availability charge to the owner at an amount as set by City Council. (Any exception shall only be permitted through a written agreement by the administrative authority.) (Ordinance No. 359, Adopted 1/10/2012)

Subd. 2. A water well which is taken out of service because a person is connecting to a public water supply must either be maintained for use such as irrigation, or sealed and abandoned in accordance with the Minnesota Water Well Construction Code (Minnesota Rules, Chapter 4725).

Subd. 3. Service connections to the water distribution system will be done by the Water Department or other authorized personnel.

Subd. 4. Water connection permit fees will be established by resolution of the City Council. (Ordinance No. 106, Adopted 5/3/1994)

Subd. 5. A water connection fee will be charged anytime a water service line is installed, repaired or replaced. (Ordinance No. 106, Adopted 5/3/1994)
Subd. 6. All service taps up to and including two (2) inches will be done under pressure. Service taps larger than two (2) inches have the option of being done under pressure.

Subd. 7. When a service lateral was installed with a water main project (out to the curb box), the property owner will connect at the curb box. If any additional service is needed, the fore-mentioned described service connection will apply.

Subd. 8. All service lines, connections, piping and appurtenances shall be installed and performed strictly in accordance with the Minnesota Plumbing Code and be approved by the Water Department. Failure to install or maintain the same in accordance therewith, or failure to have, or permit, required inspections shall be grounds for termination of water service to any customer.

403.03 Services: Construction.

Subd. 1. All services shall be constructed by licensed plumbers at the owner's expense.

Subd. 2. Services under four (4) inches in diameter or less shall be type “K” copper or DR-9 (200 PSI) Poly Ethylene (PE) pipe. This material may be used in both the right of way and private property installations. All services four (4) inches in diameter or larger than shall be DR-18 (235 PSI) Poly Vinyl Chloride (PVC) C900 pipe. (Ordinance No. 377, Adopted 4/8/2014)

Subd. 3. All taps less than four (4) inches in diameter or smaller shall be made with the use of a corporation stop designed for tapping under pressure and will be tapped using a stainless steel service saddle. Services up to, and including, two (2) inches shall be required to use compression type fittings. (Ordinance No. 359, Adopted 1/10/2012)(Ordinance No. 377, Adopted 4/8/2014)

Subd. 4. All taps, other than those allowed in the preceding paragraph, shall be made only with the use of an approved tapping sleeve and gate valve. In no case shall the valve be smaller than four (4) inches. On services which are connected to the main with a gate valve and sleeve, the gate valve shall take the place of the curb stop and shall be placed within three (3) feet of the watermain.

Subd. 5. All corporation stops must have round ways of the same diameter as the pipe with which they are placed and be of a make and pattern approved by the Water Department. All curb stops three-quarters (3/4) inch and larger shall be of the Mueller or Ford design or approved equal.

Subd. 6. No service pipe shall be less than 3/4 inch in diameter and no service line in excess of 150 feet in length shall be less than one (1) inch in diameter. All services shall have a depth of at least seven (7) feet below finished grade or one (1) foot below the ground water level; and each service two (2) inches in diameter or smaller.
shall have a curb stop fitted with a stop box set on the property line at the same elevation as finished grade.

Subd. 7. The stop box used shall have a Minneapolis pattern base and be of a design approved by the Water Department. Stop boxes on curb stops one (1) inch diameter or smaller shall have an unobstructed opening of one and one-half (1 1/2) inches diameter. Curb stops larger than one (1) inch diameter shall have an unobstructed opening, a minimum of two (2) inches in diameter. All stop boxes shall be fitted with a substantial cover.

Subd. 8. Every service pipe must have a shut-off valve placed adjacent to and on the street side of the meter which must be kept in working order at all times so that the water may be shut off by the occupant of the premises. There shall also be a shut-off valve placed on the other side of the water meter so that the meter can be taken out or replaced without draining the pipe system in the building.

403.04 Services: Restriction on Laying of Pipe.

Subd. 1. No consumer shall be permitted to extend water pipes across lots or buildings to adjoining premises. All service pipe shall be laid on streets, alleys or public ground to the premises to be served and enter at the front, side or rear of the nearest main.

Subd. 2. Separation of water service pipes and sewer service pipes shall be no less than ten (10) feet apart horizontally or can be placed in a common trench if the bottom of the water service pipe is kept at a minimum of 12 inches above the top of the sewer pipe at all points and the water pipe is placed on a solid shelf at one side of the common trench. A common trench may also be used without the separation requirements if the sewer pipe is of ductile iron or schedule 40 plastic pipe and the water pipe is of approved copper, ductile iron or plastic pipe. (Ordinance No. 83, Adopted 8/4/1992)

Subd. 3. Water extensions to a sub-division within the corporate limits of Detroit Lakes are to be petitioned by the developer. The City Administrator will have a feasibility study conducted after which the City Council will approve, or disapprove, any utility improvements to the area.

403.05 Services: Separate Service to Each Building. No new service shall be constructed and no existing service shall be changed in such a manner that more than one building shall be on the service.

403.06 Separate Curb Stop Required for Each Building. Owners of premises having water services which do not have separate curb stops and boxes for each individual service or which otherwise do not conform to the requirements in this Chapter shall be required to put in such curb stops or make such other changes as are necessary to conform to these requirements, when so instructed by the Water Department. Additional curb stops, when so required, shall be installed, maintained, repaired, or replaced at the

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expense of the owner of the premise for which it provides service. The owner of such curb stops shall also, at all times, provide and allow the Water Department access to the curb stops for the purpose to shut off or to turn on the water supply to the premise or service. (Ordinance No. 359, Adopted 1/10/2012)

403.07 For Water Used During Construction. If a contractor requests water during construction, a temporary meter hook-up can be installed by the contractor. Under no circumstances is a contractor permitted to use water without a meter.

403.08 Curb Stop: To be Shut-Off, When. Plumbers shall leave all new water services shut-off at the curb stop after completing the testing, except that water may be left on only when the owner or their agent has made application for the same and has a receipt from the City Administration Office showing fees paid.

403.09 Maintenance of Service Pipes. The Water Department will maintain water services from the main to, and including the curb stop, or the property line, whichever is the closest to the main, free of charge to the customer. Customers shall be responsible for maintenance of water services on the property owners side of the curb stop. In the case of large services constructed with a gate valve, the gate valve shall be considered the curb stop and shall be placed within three (3) feet of the water main. (Ordinance No. 83, Adopted 8/4/1992)

403.10 Repair of Services to Conform to Chapter. Repairs made to existing services shall cause each service to conform in every respect with this chapter. If the plumbing is not within the Code requirements, as outlined in Section 403.03, Subd. 2, it is required to be brought up to Code standards by the property owner. The owner may choose to pay for said replacement or they may elect to have the City pay for said repairs and have it assessed to the property.

403.11 Two or More Services on One Shut-Off: Turning on of Water. When there are two or more services on one curb stop, the water will not be turned on unless each service is properly metered and the water billing for all services are paid in full. The Water Department may require that additional curb stops be installed as outlined in Section 403.06. (Ordinance No. 359, Adopted 1/10/2012)

403.12 Services - Location of Leaks. When a leak occurs, the City Water Department will determine which side of the curb box the leak is located. It is then the responsibility of the City or the property owner as determined in Section 403.09 to repair a leak within ten working days. If the owner has not repaired the leak within said time, the City will hire a contractor to fix said leak and assess the cost in accordance with procedures set out in the City Code. Failure by the property owner to maintain their service line may be cause for the City to discontinue water service.

403.13 Service Line- Freeze-Ups.

Subd. 1. When a water service lateral freezes, it is the sole
responsibility of the property owner to thaw the service lateral from the house or building to the main. Any cost resulting from the thawing of these frozen water lines will be paid by the owner.

Subd. 2. If a water service lateral freezes, it is the sole responsibility of the customer to let the water “drip or slow run” to prevent freezing of the service line. The City of Detroit Lakes does not allow a credit on water used during the period in which the water “drips or runs”. If a bypass line is deemed necessary, the City will allow owners to install a bypass to prevent freezing, however the installation will be at the owner’s expense and must be installed by a licensed plumber. Bypass line should be located before water meter and discharge water is recommended to flow directly to a floor drain. (Ordinance No. 377, Adopted 4/8/2014)


Subd. 1. When a water service line is abandoned in an improved street and determined to be no longer necessary, the Water Department shall keep a record of such abandonment and shall bill the property owner an abandonment fee. The Abandonment fee shall be a fixed charge established by resolution of the City Council. Such charge shall be determined by computing the average cost of abandonment as established by the City Engineer. All abandonment fees are to be billed to the property owner and if not paid by September 30th of the year in which the service is determined to be abandoned, the charges shall be assessed to the property owner in accordance with City policy for assessing current service charges. All abandonment fees shall be credited to the Water Department. All previously abandoned services shall be excavated and shut off at the main during the next street construction, reconstruction or overlayment project with the cost to be paid by the Water Department.

Subd. 2. When a water service line is replaced in an improved street during a construction, reconstruction or overlayment project and not previously abandoned, the old service shall be shut off at the water main. The cost of the new service and abandonment of the old service shall be paid by the property owner and assessed according to the City’s assessment policy.

Subd. 3. When a leak occurs in an abandoned water service line prior to construction, reconstruction or overlayment, the Water Department shall repair the leak or remove the abandoned service in accordance with Section 403.09.

403.15 Right to Shut-Off Water: Notice, When Required, Claims Against City. The Water Department reserves the right, at any time when necessary without notice, to shut the water off at the main for the purpose of making repairs or extensions or for any other purpose. No claim shall be made against the Water Department for any damage that may result from shutting off water for repairing, laying or relaying mains, hydrants or other connections. The Water Department shall give notice of shutting off water if conditions are such that it is possible to do so.
CONTROL AND REGULATIONS OF WATER METERS

403.16 Water Meters: Required - By Whom Furnished. Any person, firm or corporation taking water from the water mains of the City of Detroit Lakes is required to use a meter. In the case of meters one (1) inch or smaller in size, such meters will be furnished at the expense of the Water Department. An extra meter, one (1) inch or smaller, will be furnished by the Water Department and the total price billed to the property owner, except in the case of an outdoor watering meter, see Section 403.19, Subd. 3. Meters larger than one (1) inch are to be purchased by the owner of the property requesting water service. Meters will measure water at cubic foot rates and the consumer will pay for the water used. No one shall use water that is not measured by a meter furnished or approved by the Water Department. The City will maintain and does retain ownership of all meters, regardless of who purchased the meter. (Ordinance No. 83, 8/4/1992)

403.17 Water Meters: To be Attached to All Services, Exceptions. Meters shall be attached to all services except private fire protection services as herein provided.

403.18 Water Meters: Installation of. The owner must have a licensed plumber install the meter and necessary fittings at their expense. The Water Department will inspect the installation and approve it before the water is turned on. Meters shall be placed on the service pipe not to exceed two (2) feet from the wall where such pipe enters the premises and be in a horizontal position. There shall be a valve between the meter and the wall; and a suitable place shall be provided for the meter so as to keep it dry and clean, protected from frost, and it shall be readily accessible at all times to the meter reader and inspectors of the Water Department.

403.19 Water Meters: Outdoor Metering. When a customer requests metering for outdoor watering only, with no corresponding wastewater charges, the following procedure will be followed:

Subd. 1. A separate water meter with remote meter reading capability and piping is to be installed in such a manner that the outdoor water system cannot be interconnected to a domestic system.

Subd. 2. The outdoor metering and piping shall be inspected and approved by Public Utility personnel before use of the system is authorized.

Subd. 3. Half of the meter cost and all of the installation costs are to be paid for by the customer.

Subd. 4. Any use of the outdoor watering system which results in water entering the wastewater system of the Public Utility will be charged to the customer, based upon wastewater rates in effect at the time of use.

Subd. 5. All charges for water used in the system and service
charges in effect will be billed at rates which are in effect at the time of use.

403.20 **Remote Meter Register.** Remote meter registers are required on all new construction and or remodeling projects. Remote meter register wire shall be furnished by the owner (owner’s electrician or plumber) for new construction or remodels and installed by owner’s electrician or plumber. If a remote register is requested by the owner for an existing meter, the Water Department will furnish and install the remote meter register and wire at no charge to the owner. All remote registers are to be located next to the electric meter, unless the electric meter is not located on the external wall surface of a residence. *(Ordinance No. 83, Adopted 8/4/1992)(Ordinance No. 377, Adopted 4/8/2014)*

403.21 **Water Meters: To be Kept Sealed.** Meters shall at all times be sealed, such seals shall not be broken. Meters shall be removed only by authorized employees of the Water Department.

403.22 **Water Meters: Valves on One and One-Half Inch and Larger.** Meters one and one-half (1 1/2) inches in size and larger shall be by-passed, and shall have a suitable valve on either side of the water meter and a valve on the by-pass, which will be sealed by the Water Department. An owner may opt to install (two) 2 meters, instead of one (1) meter and a by-pass.

403.23 **Water Meters: To Be Protected.** Meters that are liable to become damaged by heating or cooling systems shall be protected by the installation of an approved back flow preventer located in the potable water line before the point where any chemicals may be introduced.

403.24 **Water Meters: Damage to, Who Liable.** The owner or occupant of premises where a meter is installed shall be held responsible for its care and protection from freezing or hot water, and from other injury or interference or in case of its stoppage or imperfect working, they shall give immediate notice to the office of the Water Department. All meters that are broken or damaged by negligence of owners or occupants of premises, or by freezing, hot water or other damage, except ordinary wear and tear, shall be repaired by the Water Department and the cost of repairs shall be paid by the owner or occupant.

403.25 **Water Meter: Owner of Premises to Give Notice When Meter Not Needed.** Whenever a water meter is installed on a water service in a premises that is to be remodeled, removed or destroyed, or where the service is discontinued so that the water meter is no longer needed, the owner of such premises shall give notice to the Water Department to remove such meter, and free access to such meter must be provided so that the meter may be removed. The owner of the premises shall be held responsible for the meter and, if the meter is lost, they shall be required to pay for the same at the actual value.

403.26 **Water Meters: Interference with Registration and the Breaking of**
**Seal is Prohibited.** No one shall in any way interfere with the proper registration of a water meter; and no one, except an authorized employee of the Water Department shall break a seal of a meter; provided, however, that the Water Department may grant specific permission to licensed plumbers to break such seal for draining pipes or stopping water leaks.

**403.27 Water Meters: Tampering With, Water Bill to be Estimated.** If any meter is found to have been tampered with, the water bill shall be estimated for that billing period and the meter repaired and tested. Upon repetition of the offense, it will be the option of the Water Department to discontinue the water service or collect the amount estimated due.

**403.28 Water Meters: Testing and Expense for.** In case there is doubt as to the accuracy of a water meter on the part of the consumer, they may have the meter, up to one (1) inch, tested by the Water Department; at which time they may be present, or have a representative present if they so desire; and if the meter is found to register within two (2) percent of being correct, a charge will be made for making the test. If the meter is found to measure two (2) percent incorrectly, no charge shall be made for making the test. If the meter should be found to over-register more than two (2) percent, there shall be a proportional deduction made from the previous water bill. A water meter shall be considered to register satisfactorily when it registers within two (2) percent of accuracy. (Ordinance No. 83, Adopted 8/4/1992)

**403.29 Water Meters: Right of Access.** The customer shall grant all necessary permission to allow the Water Department access to, and the right to operate any and all service line valves, including but not limited to the curb box valve. The Water Department employees or agents shall have the right to enter the customer's premises at all reasonable times for the purpose of operating service valves or for the reading, inspection, repairing or removal of the water meter.

**WATER SERVICE RATES, BILL AND ACCOUNTS**

**403.30 Water Rates and Rules, How Established, Changed.** It is hereby expressly provided that the City Council of the City of Detroit Lakes reserves the right to change the rate for the use of water from time to time, by resolution; and at all times make such water restrictions, rules and regulations as, in the judgement of the City Council, may be necessary.

**403.31 Water Rates: How Applies in Building Service Rentals.** When billing for rentals, the rates shall be applied separately for the consumption of water through each meter. When two or more apartments are connected with one meter it will be the responsibility of the landlord to pay the water bill.

**403.32 Water Service Bills: When Due and Delinquent: Turning Off of Water, When Turned On.** All bills are due and payable on or before the 15th day in which bills are sent out. Five days after a bill has become delinquent the water may be
shut off from the premises; and, when so shut off, shall not be turned on again until all
water bills and all other charges due for services to the consumer, together with a
reconnect charge for turning water on, has been paid. Water will be turned on during
regular working hours for the reconnect charge. After regular working hours, an
additional call-out charge will be added for turning water on. (Ordinance No. 83,
Adopted 8/4/1992)

403.33 Water Service Bills: Where to Be Paid. All bills for water and other
services are payable only at the City Administration Office during regular working hours.

403.34 Water Service: Discontinuing of, Seasonal Customers, Freeze-Ups.

Subd. 1. Any consumer desiring to discontinue the use of water
must either notify the Water Department or call a licensed plumber. If the water is turned
off at the stop box by a licensed plumber, they must inform the Water Department the
same day the water service is discontinued.

Subd. 2. There are no seasonal customers for water and sanitary
sewer services. Monthly charges are based upon the consumption of water. If there is no
consumption for that month, a fee is charged according to the current rate schedule or the
customer may have the water shut-off or turned on at the curb box at the current fee.

Subd. 3. Any water breaks due to freezing lines, in which a
residence is not in use, is the responsibility of the owner. The owner will be charged for
all water consumption as well as any sewer rates. However, an owner may appeal their
sewer billing to the Public Utility Commission.

403.35 Water Service: Permission Necessary to Turn On. No firm, company
or corporation or individual from whose premises the water shall have been shut off for
any of the reasons provided, shall turn the water on without permission from the Water
Department.

403.36 Fire Services: Construction of. The construction of fire services shall
be under the personal supervision of an authorized employee of the Building Inspector's
Department, and the cost of this supervision shall be charged to the owner.

403.37 Fire Services: When Meters Not Required. Private fire protection
services may be constructed without meters provided that all outlet valves are sealed, and
that the system is approved by the Water Department, Fire Department and conforms
with all building codes. All fire service lines shall be installed with a check valve or
backflow prevention device. Approved back-flow prevention devices shall be used when
required by the Minnesota Plumbing Code. Owners of those backflow prevention
devices which require testing will be responsible to have these devices tested annually by
an accredited tester and to annually submit a copy of all such test results to the City.
Each backflow prevention device shall also have an attached tag showing recorded test
dates and signature of tester. (Ordinance No. 83, Adopted 8/4/1992)
403.38 **Fire Services: When to be Opened.** Fire protection systems shall be opened in case of fire or for inspection; and shall not supply water for domestic use, other than fire purposes.

403.39 **Fire Services: Seals Broken On, Duty to Notify.** When seals on a fire protection system are broken, it shall be the duty of the owner or occupant to notify the Water Department within 24 hours thereafter.

403.40 **Fire Services: Installation of More Than One Service to a Premise.** If more than one service is installed on the same premise, the piping of one shall not be connected with the other, except with permission of the Public Utility Commission.

403.41 **Fire Services: Limited Size Of.** The Water Department shall reserve the right to limit the size of fire protection services where the street mains are not adequately sized in order to protect public interest.

403.42 **Fire Service: Use of For Other Purposes, Penalty.** In any case when the owner or occupant of any premises are found to be using water from a fire service for purposes other than fire protection, the Water Department reserves the right, at anytime, to require the owner of the premises to furnish and install, at his expense and under the direction of the Water Department, an approved water meter and to keep the same in accurate operating condition.

403.43 **Fire Hydrants: Permit Required to Use.** Hydrants are available throughout the City, but the use of a fire hydrant, unless authorized by the Water Department, is strictly forbidden. Temporary service from fire hydrants is available for contractors. A hydrant rental fee, along with a metered charge, is required for contractor usage, tank fillings or other approved usages of fire hydrants. If a meter is required, it will be furnished and installed by the Water Department. The charges for water used will be billed at the current water rates. (Ordinance No. 83, Adopted 8/4/1992)

403.44 **Fire Hydrants: How To Be Opened.** Hydrants shall be opened only with an operating hydrant wrench and spanner which shall be obtained either from the Fire Department or Water Department.

403.45 **Fire Hydrants: Use of in Flushing Streets and Sewers.** Hydrants used for construction purposes and/or flushing sewers and streets shall have a reducing coupling attached to the nozzle of the hydrant with an independent throttling valve for regulating the supply. (Ordinance No. 83, Adopted 8/4/1992)

403.46 **Water Supply From Two Sources, Piping System to be Separate.** On premises where water is supplied from two sources, the city water being one of the systems, the piping system for city water must be entirely separated from that of the other source. If such cross-connections are found to exist, the owner or their plumber must give notice to the Water Department and make an immediate correction of the problem. Failure to correct the problem will result in the discontinuation of the City's water supply.
by the Water Department.

403.47 **Safety Devices Required.** Consumers are required to equip their City supplies water systems with approved safety devices and/or backflow prevention devices whenever the system is connected to water using fixtures or equipment which could cause a hazard to the City's water supply during such instances when back pressure/back siphonage may occur. Those consumers required to test such backflow prevention devices shall also adhere to the device testing requirements as stipulated in Section 403.37.  *(Ordinance No. 83, Adopted 8/4/1992)*

403.48 **Water Department Does Not Guarantee Accuracy of Information Given.** Information obtained from the records, maps, employees, etc., of the Water Department relative to the location of water mains and service pipes will be furnished to licensed plumbers and interested parties, but the Water Department does not guarantee the accuracy of the same.

403.49 **Unnecessary Waste, Right to Cut Off Supply.** Consumers shall prevent unnecessary waste of water and keep all water outlets closed when not in actual use. If unnecessary waste of water takes place the Water Department reserves the right to cut off the supply. The Water Department reserves the right to prohibit the use of water for yard sprinklers, elevators, air conditioners, coolers and large consumers of water when in the judgment of the Water Department, it shall be necessary to do so.

403.50 **Water Department Does Not Guarantee Pressure, or Supply.** The Water Department does not guarantee the consumer any fixed pressure or a continuous supply. In emergencies, water may be shut off without notice.

403.51 **Non-Liability of Water Department for Water Service Breakage Failure in Supply.** The Water Department shall not be held responsible for any reason, such as, but not limited to the breaking of any service pipe or apparatus, water coil, shut-off or failure in the supply of water.

403.52 **Borrowing of Plumbing Supplies.** When a contractor is in need of a certain part, the city may "borrow" that part to the contractor with the agreement that the contractor will replace said part or be charged the current replacement price.

**APPLICATION RULES, PENALTY**

403.53 **Foregoing Rules and Regulations Considered Part of Every Contract.** The foregoing rules and regulations shall be considered a part of the contract with every person who takes water supplied by the Water Department through the City Water Works, and every such person who takes water shall be considered as having expressed his agreement to be bound thereby.  *(Ordinance No. 53, Adopted 11/13/1990)*
404. Storm Water Drainage Utility

404.01 Establishment. Pursuant to Minnesota Statutes. Section 444.075, the City establishes a Storm Drainage Utility and authorizes the imposition of just and reasonable charges for the use and availability of storm drainage facilities. The Storm Drainage Utility operations shall be a part of the Street Department and under the administration of the City Administrator.

404.02 Finding and Determination.

Subd. 1. In the exercise of its governmental authority and in order to promote the public health, safety, convenience and general welfare, the City has constructed, operated and maintained a storm drainage system. This ordinance is adopted in the further exercise of such authority and for the same purposes.

Subd. 2. The system, as constructed heretofore, has been financed and paid for through the imposition of special assessments and ad valorem taxes. It is now necessary and desirable to provide an alternative method of recovering some or all of the future costs of improving, establishing, enlarging, replacing, repairing maintaining and operating the system through the imposition of charges as provided in this ordinance.

Subd. 3. In imposing charges, it is necessary to establish a methodology that undertakes to make them just and equitable. Taking into account the status of completion of the system, past methods of recovering system costs, the topography of the City and other relevant factors, it is determined that it would be just and equitable to assign responsibility for some or all of the future costs of improving, establishing, enlarging, replacing, repairing maintaining and operating the system on the basis of the expected storm water runoff from the various parcels of land within the City during a standard rainfall event.

404.03 Storm Drainage Utility Fund. There is hereby created a Storm Drainage Utility Fund into which all charges, when collected, and all monies received from the sale of any facilities or equipment or any by products shall be placed. Such monies shall be used first to pay normal, reasonable and current costs of operating and maintaining the facilities.

404.04 Residential Equivalent Factor (REF) Defined. For the purpose of this section one (1) Residential Equivalent Factor (REF) is defined as the ratio of the average volume of surface water runoff generated by one (1) acre of a given land use to the average volume of runoff generated by one (1) acre of typical single family residential land, during a standard one (1) year rainfall event.

404.05 Storm Water Drainage Charges. In determining charges, the City Council shall by resolution establish a basic system rate to be charged monthly against one (1) acre of land having an REF of one (1). The charge to be made against each parcel of land shall then be determined by multiplying the REF for the parcel’s land use
classification times the parcel’s acreage time the basic system rate. The REF values for various land uses are as follows:

<table>
<thead>
<tr>
<th>Classification</th>
<th>Land Use</th>
<th>REF</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Single Family and Duplex Residential</td>
<td>1.00</td>
</tr>
<tr>
<td>2</td>
<td>Multiple Residential</td>
<td>3.20</td>
</tr>
<tr>
<td>3</td>
<td>Commercial and Industrial</td>
<td>5.20</td>
</tr>
<tr>
<td>4</td>
<td>Institutional and Schools</td>
<td>1.30</td>
</tr>
<tr>
<td>5</td>
<td>Churches</td>
<td>3.20</td>
</tr>
<tr>
<td>6</td>
<td>Parks and Cemeteries</td>
<td>0.30</td>
</tr>
<tr>
<td>7</td>
<td>Vacant Unimproved Parcels</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Combined Parcels</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Rail Road Parcels</td>
<td>1.30</td>
</tr>
</tbody>
</table>

(Ordinance No. 292, Adopted 7/11/2006)

404.06 **Standardized Acreage.** For the purpose of calculating storm water drainage charges, all developed single-family and duplex parcels shall be considered to have an acreage of one-third (1/3) acre.

404.07 **Other Land Uses.** Other land uses not listed in the foregoing table shall be classified by the City Administrator by assigning them to classes most nearly like the listed uses, from the standpoint of runoff volume for the standard rainfall event. An appeal of such classifications from the determination of the City Administrator may be made to the City Council.

404.08 **Adjustment of Charges.** The City Council may by resolution adopt policies providing for the adjustment of charges for parcels based upon land use data supplied by affected property owners which demonstrates a runoff volume for a standard rainfall event substantially different from the REF being used for such parcels. Such adjustments for storm water drainage charges shall not be made retroactively.

404.09 **Exemptions.** Public street right-of-way and vacant unimproved land with ground cover are exempt from storm water drainage charges.

404.10 **Payment of Charges.** Statements for storm water drainage charges shall be made a part of the present utility billing system invoiced through the City Administrator’s Office on a monthly basis. All charges shall be subject to established procedures for determining and collecting customer charges.

404.11 **Late Payment Penalty.** Each billing for storm water drainage charges which are not paid when due, shall incur a penalty charge of 10% of the amount past due.

404.12. **Establishment of Tax Lien.** Any past due storm water drainage charges will be certified to the County Auditor for collection with real estate taxes against the property served by the utility established in this ordinance for collection as other taxes are collected in the following year pursuant to MS Section 444.075, Subd.3 and City Code.
In addition, the City may have the right to bring a civil action or take other legal remedies to collect unpaid charges. (Ordinance No. 128, Adopted 10/7/1995)
405. Street Light Fees

405.01 Establishment. Pursuant to the Detroit Lakes Home Rule Charter and Minn. Stats. 455.23 and 429.021, the City Council hereby authorizes the imposition of just and reasonable charges for the use and availability of street light facilities.

405.02 Finding and Determination.

Subd. 1. In the exercise of its governmental authority and in order to promote the public health, safety, convenience and general welfare, the City Public Utility Department has constructed, operated and maintained a street light system. This ordinance is adopted in the further exercise of such authority and for the same purposes.

Subd. 2. Cost to operate the street light system have been paid through ad valorem taxes and other general revenues of the City. It is now necessary and desirable to provide for recovery of some or all of the future costs of operating the system through the imposition of charges as provided in this ordinance.

Subd. 3. Taking into account past methods of recovering system operating costs, the availability of street lights and other relevant factors, it is determined that it would be just and equitable to recover some or all of the cost of operating the system on an equitable basis from all occupied properties in the city.

405.03 Street Light Fees. Street Light Fees and other charges and revenues collect hereunder shall be placed in a separate account in the City’s General Fund and used to pay normal, reasonable and current costs of operating the street light system.

405.04 Occupied Parcel. An occupied parcel of land shall be a parcel with a residential, commercial, industrial, institutional, school, church or other parcel as defined in accordance with the classifications set forth in section 404.05 of the City Code.

405.05 Street Light Charges. Rates and charges for the provision of street lights shall be established by resolution of the City Council.

405.06 Other Land Uses. Other occupied land uses not listed in 404.05 shall be classified by the City Administrator by assigning them to classes most nearly like the listed uses. An appeal of such classifications from the determination of the City Administrator may be made to the City Council.

405.07 Exemptions. Public street rights-of-way and vacant unimproved land are exempt from street light charges.

405.08 Payment of Charges. Statements for street light charges shall be made a part of the utility billing system invoiced through the City Administrator’s Office on a monthly basis. All charges shall be subject to procedures established for determining and collecting customer charges.
405.09 **Late Payment Penalty.** Each billing for street light charges which are not paid when due, shall incur a penalty charge of 10% of the amount past due.

405.10 **Establishment of Tax Lien.** Any past due street light charges established in accordance with this ordinance will be certified to the County Auditor for collection with real estate taxes, pursuant to Minn. Stat. Section 429.101, the Detroit Lakes City Code and the Detroit Lakes Home Rule Charter. In addition, the City may file a lien pursuant to Minn. Stat. 514.67 and other applicable law and may bring a civil action or take other legal remedies to collect unpaid charges. *(Ordinance No. 333, Adopted 5/12/2009)*
406. Electric Utility

406.01 Legislative Findings. The Federal Energy Regulatory Commission has issued Order No. 719, 125 FERC ¶ 61,071, 73 Fed. Reg. 64,099 (October 28, 2008).

Subd. 1. Each Commission-approved independent system operator and regional transmission organization must permit a qualified aggregator of retail customers to bid demand response on behalf of retail customers directly into the Commission-approved independent system operator’s or regional transmission organization’s organized markets, unless the laws and regulations of the relevant electric retail regulatory authority expressly do not permit a retail customer to participate.

Subd. 2. Every Commission-approved independent system operator or regional transmission organization that operates organized markets based on competitive bidding for energy imbalance, spinning reserves, supplemental reserves, reactive power and voltage control, or regulation and frequency response ancillary services (or its functional equivalent in the Commission-approved independent system operator’s or regional transmission organization’s tariff) must accept bids from demand response resources in these markets for that product on a basis comparable to any other resources, if the demand response resource meets the necessary technical requirements under the tariff, and submits a bid under the Commission-approved independent system operator’s or regional transmission organization’s bidding rules at or below the market-clearing price, unless not permitted by the laws or regulations of the relevant electric retail regulatory authority.

Subd. 3. Pursuant to Minnesota Statute 455 the City Council is authorized to enact regulations governing the provision of electric power and energy to retail customers served by the Detroit Lakes Municipal Electric Utility.

Subd. 4. The City Council has determined that it would be harmful to the demand response in the operation of the Municipal Electric Utility, and the collective interests of the Municipal Electric Utility, as a load serving entity with an obligation to serve at retail, and to the Municipal Electric Utility’s retail customers to permit any entity other than the Municipal Electric Utility itself or its authorized designee to aggregate demand response on behalf of its retail customers.

Subd. 5. The City Council, as the electric retail regulatory authority for the Municipal Electric Utility, has determined it to be desirable that the aggregation of demand response on behalf of retail customers served by the Municipal Electric Utility to be bid directly into the organized electric and ancillary services markets administered by the Midwest Independent Transmission System Operator (MISO) (or any successor independent system operator or regional transmission organization to which the Municipal Electric Utility or Missouri River Energy Services (MRES) and/or Western Minnesota Municipal Power Agency (WMMPA) is a Participant) be performed by the Municipal Electric Utility or its authorized designee.

406.2 Municipal Utility Designated as Sole Aggregator.
Subd. 1. The Municipal Electric Utility or its authorized designee is the sole entity permitted to bid demand response on behalf of retail customers served by the Municipal Electric Utility directly into any Commission-approved independent system operator’s or regional transmission organization’s organized electric markets.

Subd. 2. Retail customers served by the Municipal Electric Utility wishing to bid their demand response into a Commission approved independent system operator’s or regional transmission organization’s organized electric markets may do so by participating in the program established by the Municipal Electric Utility or its authorized designee. Retail customers are not permitted to participate in the demand response program of any other entity without the express prior authorization of the Municipal Electric Utility.

Subd. 3. The Municipal Electric Utility or its authorized designee is the sole entity permitted to bid demand response on behalf of retail customers served by the Municipal Electric Utility directly into any Commission-approved independent system operator’s or regional transmission organization’s organized markets for energy imbalance, spinning reserves, supplemental reserves, reactive power and voltage control, or regulation and frequency response ancillary services (or its functional equivalent in the Commission approved independent system operator’s or regional transmission organization’s tariff).

Subd. 4. Retail customers served by the Municipal Electric Utility wishing to bid their demand response into a Commission-approved independent system operator’s or regional transmission organization’s organized markets for energy imbalance, spinning reserves, supplemental reserves, reactive power and voltage control, or regulation and frequency response ancillary services (or its functional equivalent in the Commission-approved independent system operator’s or regional transmission organization’s tariff) may do so by participating in the program established by the Municipal Electric Utility or its authorized designee. Retail customers are not permitted to participate in the demand response program of any other entity without the express prior authorization of the Municipal Electric Utility.

(Ordinance No. 334, Adopted 5/12/2009)
500 - General Regulations

501. Collection and Disposal of Solid Waste

501.01 Policy. It is the policy of the City of Detroit Lakes to provide its residents with a safe, reliable, and ecologically sound method of Solid Waste disposal at a reasonable cost.

501.02 Definitions. For the purpose of this Ordinance, the following definitions shall apply:

Subd. 1. Bulky Waste. A large appliance, piece of furniture, or waste material from a source other than construction debris or hazardous waste with a weight or volume greater than appropriate or allowed for in waste containers. Bulky waste does not include tires, batteries, waste oil, or yard waste.

Subd. 2. City. Means the City of Detroit Lakes, Minnesota.


Subd. 4. Construction Debris. Waste building materials resulting from construction, remodeling, repair, or demolition operations.

Subd. 5. Garbage. Any organic wastes normally produced from the handling and preparation of foods and decayed and spoiled food from any source.

Subd. 6. Hazardous Waste. Waste designated as hazardous by the United States Environmental Protection Agency or appropriate state agency.

Subd. 7. Industrial. Any business involved in manufacturing, assembling, packaging, fabricating, or processing.

Subd. 8. Recyclables. Recyclable materials including aluminum cans, brown paper sacks, unbroken glass bottles and jars, news-papers, plastic bottles and jugs (No. 1 PET or No. 2 HDPE), and tin cans. Recyclables shall also include specifically defined items which may from time to time be designated by resolution of the City Council.


Subd. 10. Residential. All single family and two-family dwellings or buildings used for and as residences or dwelling places on a permanent or seasonal basis.

Subd. 11. Rubbish. All inorganic materials such as cans, bottles,
paper, ashes, sweepings, and other similar wastes.

Subd. 12. **Solid Waste.** Discarded waste materials in a solid or semi-liquid state including, but not limited to, recyclables, garbage, rubbish, tires, batteries, yard wastes, bulky wastes, waste oil, and construction debris.

Subd. 13. **Transfer Station.** An approved waste disposal facility that complies with Becker County's approved Waste Management Plan.

Subd. 14. **Yard Waste.** Organic plant materials collected from yards or gardens including leaves, grass clippings, vines, and stalks.

### 501.03 Prohibiting Collection.

It shall be unlawful for any person, firm, or corporation to carry on the business of collecting or hauling garbage, rubbish, recyclables, or solid waste in the City of Detroit Lakes without first obtaining a license to do so.

### 501.04 Licensing of Collectors.

Subd. 1. **Application Process.** Any person, firm, or corporation desiring to obtain a license to collect garbage, rubbish, recyclable materials, or solid waste in the City pursuant to Section 501.03 of this Ordinance shall make application to the City Administrator. The application shall, at a minimum, contain the following:

A. The name and address of the applicant;

B. If the applicant is a corporation, names and addresses of each Director and Officer and each stockholder of the corporation. If the applicant is a partnership or a joint venture, names and addresses of managing partners, general partners, management committees, and limited partners;

C. A description of each piece of equipment to be used in the collection;

D. A schedule of proposed pick-up dates;

E. A list of rates to be charged for services;

F. The place to which refuse is to be hauled;

G. The manner in which refuse is to be hauled;

H. A description of the type of container to be used to receive and contain refuse between collections;
I. The location of the principal site from which applicant will conduct business, including address and legal description;

J. Information concerning applicant's experience in the collection, hauling, and disposal of solid waste;

K. List of date, name, and place, if any, where applicant has ever had a license revoked or rejected by municipal, state, or federal authority;

L. List date and places, if any, where the applicant has been convicted for the violation of any law of the United States or of any state, or for the violation of any municipal ordinance; and

M. Names and addresses of at least three business references with brief statement of the nature and extent of the business relations.

Each application shall be submitted to the City Administrator and will be forwarded to the City Council for their review. The Council has the authority to approve or reject any and all applications.

Subd. 2. Insurance. Solid Waste Collectors shall obtain all insurance required herein. All such insurance contracts shall be maintained throughout the life of this license, and shall be so evidenced by insurance certificates filed with the City.

Insurance specified herein shall be minimum requirements, and the solid waste collector is responsible for providing any additional insurance deemed necessary to protect the solid waste collector's interest from other hazards or claims in excess of the minimum coverage. The liability of the solid waste collector to the City is not limited to the solid waste collector's insurance coverage.

The amounts of such insurances are as follows:

<table>
<thead>
<tr>
<th>Description of Policy</th>
<th>Limits of Liability</th>
</tr>
</thead>
<tbody>
<tr>
<td>Worker's Compensation</td>
<td>Statutory</td>
</tr>
<tr>
<td>Comprehensive General Liability including contractual:</td>
<td></td>
</tr>
<tr>
<td>Bodily Injury</td>
<td>$1,000,000 aggregate $500,000 per occurrence</td>
</tr>
<tr>
<td>Broad Form Property Damage</td>
<td>$500,000 per occurrence</td>
</tr>
</tbody>
</table>
Personal Injury $500,000 per occurrence

Automobile including owned, non-owned and hire vehicles:

Bodily Injury/Property Damage $750,000 combined limit

Subd. 4. License Fees. All license fees are payable in advance at the time of issuance of a license in accordance with Section 210.01 of the City Code.

501.05 Charges for Solid Waste Collection Services.

Subd. 1. Residential and Commercial Charges. Every licensed solid waste collector in the City of Detroit Lakes shall charge all of its customers for solid waste collection service based on the weight or volume of garbage and rubbish collected. Such volume based charge system to be approved by the City Council. Volume based fees shall be effective by March 1, 1992. Collectors of mixed solid waste shall not impose a greater charge on their customers who recycle then on those who do not recycle.

Subd. 2. Miscellaneous Charges. A separate fee may be charged for bulky waste construction debris, yard waste, tires, batteries, and waste oil disposal. The user of such services shall be billed separately by the solid waste collector.

Subd. 3. Report Fee Schedule to the City. Every licensed solid waste collector in the City of Detroit Lakes shall provide the City Administrator with a schedule of all its collection fees at least annually in January of each year and at any time there is a rate change.

501.06 Solid Waste Collection Required.

Subd. 1. Prohibited Disposal. No person, corporation, business entity, or commercial establishment shall bring solid waste into the City of Detroit Lakes for disposal.

Subd. 2. Unauthorized Use Prohibited. No person shall dump or place solid waste in or by the garbage cans, dumpster, or other waste container without the permission of the owner, tenant, or other person who has control over the container.

Subd. 3. Prohibited Deposit. No solid waste materials shall be deposited on any street, alley, or public place or upon any private property except in proper containers for collection. No person shall throw or deposit any solid waste in any stream, lake, or other body of water.

Subd. 4. Contract Required. Every residential household or commercial establishment is required to contract with a licensed solid waste collector for solid waste collection service; however, upon approval by the Council, a residential
household or commercial establishment may be exempt from the requirement to have solid waste collection service if the household or commercial establishment ensures that an environmentally safe alternative is used.

501.07 Containers.

Subd. 1. Container Requirements. All solid waste must be presented for collection in properly closed refuse bags or refuse bags placed inside covered reusable containers. Containers shall be water tight and impervious to insects and rodents. Any apartment building, business, or commercial/industrial establishment may provide a bulk or box type container provided that such containers are maintained in a safe and sanitary condition.

Subd. 2. Maintenance of Containers. Each container shall have a tight fitting cover and shall have two handles on opposite sides of the container. Whenever a container, from wear, tear, or otherwise, shall leak or if the can or cover is so damaged that the cover does not fit tightly, or if the container or cover has dangerously sharp or jagged edges, a new container shall be provided by the owner.

Subd. 3. Containers for Recyclables. Recyclables shall be set out in recycling containers initially provided to each dwelling by the City of Detroit Lakes. Persons whose recycling container is lost, stolen, or destroyed or who desire additional containers shall be required to purchase said containers.

501.08 Anti-Scavenging Provision. All recyclable materials are private property. No person shall collect, carry off, or dispose of recyclable materials which are set out for collection in the recycling containers.

501.09 Separation of Solid Waste.

Subd. 1. All persons, businesses, and commercial establishments in the City of Detroit Lakes are encouraged to separate their solid waste into the following categories:

A. Recyclables
B. Garbage and rubbish
C. Construction debris**
D. Yard waste**
E. Bulky waste
F. Tires
G. Batteries
H. Waste oil

I. Household hazardous waste**

** Not allowed in County Transfer Station

Subd. 2. All recyclables presented for collection must be in the following condition:

A. Aluminum must be free of dirt and liquid, but need not be crushed;

B. Tin cans must be rinsed, have paper labels removed, and be flattened, if possible;

C. Glass must have all metal or plastic lids and rings removed. Paper labels need not be removed and glass must not be broken. All colors of glass can be placed in a single container;

D. Newspapers must be kept dry and stored so as not to blow about; and

E. Plastics must have all lids and rings removed and need to be rinsed and flattened, if possible, and secured so as not to blow about.

501.10. Duties and Obligation of Licensed Collectors. A licensed collector of garbage, rubbish, recyclables, or solid waste operating in the City of Detroit Lakes must comply with the following operational requirements:

Subd. 1. The licensee shall comply with all federal, state, county, and local laws and regulations.

Subd. 2. To collect at least once weekly the refuse and garbage from all its residential and commercial customers.

Subd. 3. To collect from its customers twice each month at least four types of recyclables set out for collection in the containers initially provided by the City to each residential unit. Recyclables to be collected include, but are not limited to, newspaper, glass, aluminum and tin cans, and plastic bottles and jugs (No. 1 PET or No. 2 HDPE).

Subd. 4. To collect twice each month, from May 1 to November 1, the yard waste set out for collection by its customers.

Subd. 5. To collect all residential solid waste made available to them, by their customers, at the curbside or in the alley behind the residences if such alley is available.
Subd. 6. To collect and transport bulky wastes and to coordinate such special pickups with the customer.

Subd. 7. To keep all equipment used in the performance of this contract in a clean and sanitary condition.

Subd. 8. To use an enclosed truck or trailer for solid waste collection.

Subd. 9. To dispose of garbage and rubbish at the transfer station and to transport recyclable materials to a recycling center.

Subd. 10. Solid waste collectors shall not landfill or incinerate any recyclable materials or deliver such materials to any person or business for the purposes of landfilling or incinerating said material.

Subd. 11. To comply with all environmental, hazardous waste, and waste disposal laws of the local, state, and federal governments and shall hold the City harmless from any and all claims and actions arising out of the violation of any of those rules and regulations and from any costs involved in the defense of any civil or criminal claims.

Subd. 12. To notify each customer in writing at least once per year of the proper placement of refuse, recyclables, and yard waste for collection.

Subd. 13. To notify customers in writing of any rate changes.

Subd. 14. To submit an annual report to the City that identifies separately the weight, in tons, of refuse, recyclables, yard waste, and special pick-up materials that were collected by the licensee from Detroit Lakes sources. The report shall also identify the weight of each type of collected recyclable derived via actual weighing of each individual material or through the application of recyclable waste stream percentages acceptable to Becker County. The report shall distinguish residential collection tonnage from commercial/industrial tonnage and shall also include a brief description of the methodology used in computing the reported weights. The City reserves the right to request additional relevant information from the licensee as deemed necessary in order to plan for and evaluate its waste disposal system.

Subd. 15. To report fee schedule to the City annually in January and at any time there is a rate change.

501.11 Dates and Times of Solid Waste Recyclable Collection. All solid waste, and recyclables shall be set at curbside or other location agreed to between customer and the solid waste collector on the times and dates agreed to between the customer and solid waste collector. All reusable containers must be removed from the

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curbside as soon as possible after pick up.

501.12 **Required Destination of Solid Waste and Recyclables.**

Subd. 1. All garbage and rubbish collected and picked up within the City of Detroit Lakes shall be hauled and transported to the Transfer Station.

Subd. 2. All recyclables collected and picked up in the City of Detroit Lakes shall be transported to a Recycling Center. Recyclables shall not be landfilled or incinerated or given to another person for the purpose of landfilling or incinerating.

Subd. 3. Yard waste only may be taken to the compost site as designated from time to time by action of the Becker County Board of Commissioners or the City. No plastic bags or other containers shall be deposited at the compost site and no other solid waste shall be dumped or disposed of at said site. In addition the City may establish special collection dates for the collection of leaves and brush in the spring and fall of the year.

Subd. 4. All other solid waste such as bulky waste, construction debris, batteries, tires, and waste oil shall be disposed of by the contractor or individuals in deposit sites approved by the City of Detroit Lakes, Becker County, the State of Minnesota and/or the Federal Government. Hazardous wastes shall also be properly disposed of in accordance with all applicable laws.

501.13 **Penalties for Violation of Ordinance.**

Subd. 1. Any violation of the provisions of this Ordinance shall constitute a misdemeanor.

Subd. 2. Each day on which such violation continues shall constitute a separate offense.

501.14 **Provisions Severable.** The provisions, sections, and subdivisions of this Ordinance are severable, and in the event that the court shall find any section or part thereof to be invalid for any reason, such finding shall not affect any other section or part thereof.

501.15 **Effective Date.** This Ordinance shall become effective on January 1, 1992.

(Ordinance No. 68, Adopted 11/5/1991)
502. Dogs and Cats

502.01 License Required. No person shall own, keep, harbor any dog or cat over the age of three months within the city unless a license has first been secured. Licenses shall be issued by the city administrator for a fee as set forth in Section 210. Each person owning, keeping or harboring a dog or cat shall pay the license fee imposed to the city administrator on or before the first day in January in each year, upon acquiring ownership or possession of any unlicensed dog or cat. Every application for a license shall be accompanied by a certificate from a qualified veterinarian showing that the dog or cat to be licensed has been given a vaccination against rabies within a period of one year preceding the application for license.

502.02 Receipts. Upon payment of the license fee, the city administrator shall execute a receipt in duplicate, the original of which shall be delivered to the person who pays the fee, and the duplicate retained in the records of the city.

502.03 Tags. The city administrator shall also procure a sufficient number of suitable metallic tags, the shape of which shall be different for each license year, and he shall deliver one appropriate tag to the owner when the fee is paid. The owner shall cause the tag to be affixed by a permanent metal fastener to the collar of the dog or cat.

502.04 Running at Large.

Subd. 1. Prohibited. No person who owns, keeps, or harbors any dog or cat, whether licensed or not, shall permit or allow the dog or cat to run at large.

Subd. 2. Leash. The provisions of Subdivision 1 shall not prohibit the appearance of any dog or cat upon the streets, public places, or public property of the city when the dog or cat is on a leash and is kept under the control of an accompanying person.

Subd. 3. Beach. No dog or cat running at large or on a leash shall be permitted or allowed upon the City beaches.

502.05 Enforcement. Any dog or cat not licensed as required by 502.01, or any dog or cat in violation of 502.04 may be impounded pursuant to 502.07.

502.06 Dog Pound and Dog Catcher. The council shall, from time to time, designate a place as city dog pound where suitable arrangements are made for keeping and maintaining any dogs or cats which may be seized or taken into custody by any officer of the city, pursuant to this chapter. The council shall, from time to time, appoint an official dog catcher and poundmaster, who shall have the authority of a police officer of the city insofar as necessary or proper in the enforcement of this chapter. Such dog catcher and poundmaster shall subscribe an oath and give each bond as the council may determine. They shall have such compensation as the council shall determine.
502.07 Impounding.

Subd. 1. Procedure. The animal control personal or the police officers of the city may impound any dog or cat found without the license tag required by 502.03, any dog or cat harbored or kept in violation of this code, and any dog or cat running at large or otherwise in violation of 502.04. Any dog or cat impounded shall be immediately delivered to the pound master, and the Public Works Department shall be notified immediately. The Public Works Department shall give written notice of the impounding to the owner of the dog or cat, or if the owner is unknown or cannot be found, he shall post notice of the impounding in one or more conspicuous places in the city. The notice shall describe the dog or cat by sex, color, and breed, and shall include a statement that if the dog or cat is not redeemed on or before a specified date, which shall be not less than five business days after giving notice, except in the case of a feral cat (a cat which exhibits behavior indicating fear and/or aggressiveness towards humans and does not show signs of having received domestic care from humans recently) which shall be for three days, the dog or cat will be destroyed or otherwise disposed of.

Subd. 2. Redemption. Any impounded dog or cat may be redeemed by the owner by the date specified pursuant to Subdivision 1 by paying an impound fee as set forth in Section 210, plus the daily boarding charge for each day. No unlicensed dog or cat shall be released by the pound master unless a license is first procured. A rabid dog or cat may not be redeemed but shall be destroyed immediately.

Subd. 3. Disposal. Any impounded dog or cat not redeemed by the date specified pursuant to Subdivision 1 may be sold. Any impounded dog or cat not redeemed or sold shall be humanly disposed of by the pound master. (Ordinance No. 339, Adopted 1/12/2012)

502.08 Bites. Whenever any person owning, possessing, or harboring any dog or cat shall learn that the dog or cat has bitten any human being, the person shall immediately impound said dog or cat in a place of confinement where it cannot escape or have access to any human being or other animal, and shall also immediately notify the chief of police. Whenever the chief of police shall learn that any human being has been bitten by any dog or cat he shall ascertain the identity of such dog or cat, and the person owning, possessing, or harboring it, and shall immediately direct the person to forthwith confine the dog or cat. Any dog or cat so confined shall be kept continuously so confined for a period of fourteen days from the day the dog or cat bit a human being. The chief of police shall cause the confined dog or cat to be periodically inspected for rabies by a qualified person. If the dog or cat is found to be rabid, it shall be immediately destroyed.

502.09 Muzzling. If the Mayor determines that such action is necessary to protect the public health and safety because of the prevalence of rabies, the mayor may issue a proclamation ordering every person owning, keeping, or harboring a dog to confine it securely on his premises unless it is muzzled so that it cannot bite. Every
person owning, keeping, or harboring a dog shall comply with the proclamation. Any
dog off the owner's premises may be summarily destroyed by the dog catcher or police
officers, during the period of time fixed in the proclamation.

502.10 Potentially Dangerous and Dangerous Dogs.

Subd. 1. Definitions. The City of Detroit Lakes hereby adopts by
reference the definitions provided in Minn. Stat. 347.50 as now in effect or as may be
hereafter amended.

Subd. 2. Dangerous Dogs. The Owner of a dangerous dog must
comply with the requirements of Min. Stat. 347.50 through 347.54 as now in effect or as
may be hereafter amended.

Subd. 3. Procedure For Designating A Dog As Potentially
Dangerous Or Dangerous.

A. Authorized Personnel. “Authorized personnel” as used in this
section, shall mean a Detroit Lakes Animal Control Officer or the
Chief of Police (or designee).

B. Authority. Authorized Personnel shall have the authority based
upon their professional judgment to designate a dog as potentially
dangerous or dangerous as defined in state law or in this section.

C. Notice of Designation. Upon a designation by Authorized
Personnel that a dog is potentially dangerous or dangerous, the city
shall provide notice of the designation to the dog’s Owner by
serving a designation notice upon the Owner in the same manner
as provided for service of civil process or by certified mail with
return receipt requested. Mailed notice shall be effective two days
after mailing to the Owner’s last known address. The designation
notice shall include the following:

1) A description of the dog designated as potentially
dangerous or dangerous;

2) The factual basis for that determination;

3) The name of the Authorized Personnel making the
determination;

4) Notice of requirement for registration within 14 days;

5) Notice of right to appeal.
D. Immediate compliance with state law. Upon notification that a dog has been designated as dangerous or potentially dangerous, the dog’s Owner must comply with state law requirements for muzzling and confining it in an enclosure.

Subd. 4. Appeal. The Owner of the dog may appeal the designation by a written appeal statement received at the office of the City Administrator within ten (10) day after the designation notice is served upon the Owner. The appeal statement must include a summary statement as to why the dog should not be declared potentially dangerous or dangerous as the case may be.

A. Hearing. The City Administrator shall hold a hearing within Fourteen (14) days after receipt of the appeal statement. Within Ten (10) business days after conclusion of the hearing, the City Administrator shall make written findings of fact and a written decision as to whether the dog is potentially dangerous or dangerous pursuant to this code.

B. Findings. The City Administrator’s findings and decision must be served upon the dog’s Owner in the same manner as the designation notice provided above. Notice of the decision is effective upon delivery or mailing.

C. Court appeal. The decision of the City Administrator is final but may be appealed by a writ of certiorari to the district court within 30 days after notice of the decision.

D. Compliance. If the City Administrator upholds the designation made by Authorized Personnel, the dog’s Owner must comply with requirements of state law and this ordinance.

Subd. 5. Designation.

A. Any dog inside the Detroit Lakes city limits may be designated as a potentially dangerous dog if the dog:

1) When unprovoked inflicted bites on a human or domestic animal on public or private property;

2) When unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the dog owner’s property, in an apparent attitude of attack; or

3) Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the
safety of humans or domestic animals.

B. Any dog within the Detroit Lakes city limits may be designated as a dangerous dog if the dog has:

1) Without provocation, inflicted substantial bodily harm on a human being on public or private property;

2) Killed a domestic animal without provocation while off the owner’s property;

3) Been found to be potentially dangerous, and after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.

Subd. 6. Registration Requirements. No potentially dangerous dog or dangerous dog shall be kept in the City of Detroit Lakes unless the owner, at his or her own cost, has implanted a microchip in the dog, containing the owners address and home telephone number, work telephone number, and cell phone number, if applicable, and a back-up contact name and telephone number and chip identification number and has completed an application to register the dog as a potentially dangerous or a dangerous dog and submitted said application to the Detroit Lakes Street & Park Department. In addition, the owner shall be required to post a sign, satisfactory to the Chief of Police or Animal Control Officer, at owner’s residence notifying the public of the presence of a dangerous or potentially dangerous dog.

Subd. 7. Application Contents.

A. The application to register the dog, as a potentially dangerous dog shall include the following:

1) The owner’s address and home, work and cell phone numbers and the implanted microchip identification number, as well as a back-up contact person and number;

2) Proof of continuing liability insurance in a single incident amount of three hundred thousand dollars ($300,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons, which may result from the ownership, keeping, or maintenance of dogs designated as potentially dangerous;

3) Proof that said dog has been sterilized and has current vaccinations; and
4) A yearly registration fee of two hundred dollars ($200.00).

B. The application to register the dog, as a dangerous dog shall include the following:

1) The owner’s address and home, work and cell phone telephone number and the implanted microchip identification number, as well as a back-up contact person and number;

2) Proof of continuing liability insurance in a single incident amount of three hundred thousand dollars ($300,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping, or maintenance of dogs designated as dangerous;

3) Proof that said dog has been sterilized and has current vaccinations; and

4) A yearly registration fee of five hundred dollars ($500.00).

Subd. 8. Yearly Registration Requirement. All dogs designated as potentially dangerous dogs or dangerous dogs shall file a new application each year with an accompanying registration fee.

Subd. 9. Additional Requirements for Dangerous Dogs. In addition to filing a yearly application to register a dangerous dog and paying the accompanying yearly registration fee of five hundred dollars ($500.00), the owner of a dangerous dog shall keep the dog, while on the owner’s property, in a proper enclosure. If the dog is outside an enclosure, the dog must be securely muzzled and restrained by a chain or leash and under the physical restraint of a competent adult. The owner of a dangerous dog shall also comply with the requirements of Minnesota statute 347.52 including the statute’s sterilization requirements.

Subd. 10. Potentially Dangerous and Dangerous Dogs Brought Into The City. Any dog designated as potentially dangerous or dangerous by another jurisdiction must be registered within twenty four (24) hours of being brought into the city limits of the City of Detroit Lakes. Such registration shall be with the Detroit Lakes Street & Park Department. A dog declared potentially dangerous by another jurisdiction may be brought into the city limits of Detroit Lakes for up to a fourteen (14) day period after notifying the Detroit Lakes Street & Park Department of: the dog’s breed, location where the animal will be kept, microchip number, owner contact information, and length of stay.
Subd. 11. Penalties.

A. It shall be a misdemeanor offense to:

1) Be an owner, or be in possession of a potentially dangerous dog in violation of the registration requirements set forth in this section;

2) Allow a dangerous dog to “run at large”. A dog designated as potentially dangerous must be leashed and be under the control of a competent adult at all times when off the owner’s property.

B. Dogs in violation of registration requirements will be impounded immediately by the Animal Control Officer and held until brought into compliance, if found running at large, or if in custody on a rabies hold. If a dog is not brought into compliance within fourteen (14) days of notification by the Detroit Lakes Street & Park Department of its designation as a potentially dangerous dog, the dog will be impounded and held until brought into compliance with this section. If not brought into compliance within five (5) working days after impoundment, the dog may be euthanized. The owner of said dog is responsible for boarding and expenses associated with this process.

(Ordinance No. 301, Adopted 11/14/2006)
503A. Animals

503A.01 Purpose. The purpose of this ordinance is to protect the public health, safety, and welfare arising from the keeping or escape of farm animals, poultry and non-domesticated animals, animal bites or disease transmission.

503A.02 Definitions. For the purpose of this Chapter, the terms defined shall have the following meaning:

Subd. 1. Farm Animals. Cattle, buffalo, horses, mules, sheep, goats, swine, ponies, llamas, mink, honey bees, and other animals that are typically or customarily kept for purposes of agriculture and farm animal husbandry;

Subd. 2. Poultry. Chickens, ducks, geese, pigeons, guinea hens, turkeys, emus and ostriches;

Subd. 3. Non-Domestic Animals. Any wild animal, reptile or fowl which is not naturally tame or gentle but is of a wild nature or disposition or which because of its size, vicious nature, or other characteristics would constitute a danger to human health, safety or property, including but not limited to the following:

A. Any skunk, whether captured in the wild, domestically raised, de-scented or not de-scented, vaccinated against rabies or not vaccinated against rabies;

B. Any large cat of the family Felidae such as lions, tigers, jaguars, leopards, cougars and ocelots, except commonly accepted domesticated house cats;

C. Any member of the family Canidae, such as wolves, foxes, coyotes, dingos and jackals, except domesticated dogs;

D. Any crossbreed such as the crossbreeds between dogs and coyotes and coyotes or dogs and wolves but does not include crossbred domesticated animals;

E. Any poisonous snake, such as a rattle snake, coral snake, water moccasin, puff adder, cobra;

F. Any boa constrictor or snake or reptile which by its size, vicious nature or other characteristic is dangerous to human beings;

G. Any raccoon, ferret, mink or weasel;

H. Any bear, ape, gorilla, monkey or badger;
I. Any other animal or reptile which is not listed explicitly above but which can be reasonably defined in this section;

Subd. 4. Open District. An outlying area which is zoned “R-A” and where there are not more than three churches, businesses or residences other than that occupied by the owner or occupant of the premises within 500 feet of the structure housing or encircling the animal or animals to which Chapter 503 applies.

503A.03 Keeping.

Subd. 1. It is unlawful for any person to keep, maintain, or harbor within the City of Detroit Lakes any of the following animals;

A. Any animals or species prohibited by Minnesota Statute or Federal Law;

B. Any farm animals or poultry except in an open district as defined in Chapter 503A.02 (Subd. 4);

C. More than two dogs, two cats, two rabbits or two guinea pigs more than four months old;

D. Any non-domesticated animals or species as defined in Chapter 503A.02 (Subd. 3);

503A.04 Exceptions.

Subd. 1. The following are exempt from this Ordinance:

A. Small non-poisonous snakes, birds kept indoors, hamsters, mice, rabbits, lizards and similar small animals capable of being kept in cages continuously;

B. Monkeys kept by handicapped persons as personal helpers;

C. Animals kept by volunteers for a public zoo, teachers, or otherwise any bona-fide research institution or veterinary hospital provided such animals are safely kept and do not create a nuisance.

D. Farm animals and poultry allowed by a permit issued by the Building Inspector. No permit shall be issued if a nuisance will be created. A permit may be issued under this section only where the animals were lawfully kept in an open area without a permit and subsequently an additional business, church or residence was constructed within five hundred feet. Permit shall be for one year, and may not be renewed without re-inspection. Every such stable
or other building occupied by authority of a special permit shall, if located within two hundred feet of any apartment house, retail food store, hotel, restaurant, boarding house, building used for school, religious or hospital purposes, or residence other than that occupied by the owner or occupant of the premises upon which said creatures are kept, be provided with a water-tight and fly-tight receptacle for manure, of such dimension as to contain all accumulations of manure, which receptacle shall be emptied sufficiently often and in such manner as to prevent its becoming a nuisance. The receptacle shall be kept securely covered at all times except when open during the deposit or removal of manure or refuse. No manure shall be allowed to accumulate except in such receptacle.

E. More than two dogs, two cats, two rabbits or two guinea pigs more than 4 months old allowed by special permit approved by the City Council. A permit may be issued only if proper and sanitary shelter is provided. The site must be re-inspected annually by the Building Official. No permit shall be issued if a nuisance will be created. Permits shall be for one year unless renewed.

NOTE: It is the Council’s intent to limit pets to two dogs, two cats, two rabbits or two guinea pigs and to allow more than two such pets only under special circumstances and only when there is proper shelter and no nuisance is created. (Ordinance No. 158, Adopted 8/5/1997)

503A.05 Construction. Every stable or other building wherein any animal listed in Chapter 503A. is kept, shall be constructed of such material and in such a manner that it can be kept clean and sanitary at all times. The Building Inspector may, in order to avoid a nuisance, require that any such building be screened tightly against flies, and/or that it be provided with running water, drain sewer connections, flooring impervious to water, and that such other measures be taken as may be necessary to insure proper protection to public health and safety.

503A.06 Restrictions. No chicken coop, dove cote, dog kennel, rabbit warren, or other yard or establishment where animals or poultry are kept shall be maintained closer than forty feet to any tenement or apartment house, hotel, restaurant, boarding house, retail foot store, building used for school, religious or hospital purposes, or residence other than that occupied by the owner or occupant of the premises upon which said creatures are kept.

503A.07 Sanitation. All structures, pens, coops, or yards in which animals or poultry are kept or permitted shall be maintained in a clean and sanitary condition, devoid of all rodents and vermin, and free from objectionable odors. The interior walls, ceilings, floors, partitions, appurtenances of all such structures shall be whitewashed or painted annually or oftener as the Building Inspector shall direct. The Building Inspector, upon
the complaint of any individual, shall inspect any such structure or premises and issue any such order as may be necessary to carry out the provisions of this chapter.

503A.08 Animals at Large. No person shall stake or herd any horse, cow or other animal upon any street, alley, or public grounds of the City. No person shall fasten any animal to a light or utility pole, parking meter, or other fixture attached to a street or sidewalk. No person shall permit any horse, mule, donkey, pony, cow, sheep, goat, swine, rabbit, chicken, goose, duck, turkey or other animal of which he is the owner to be off the premises owned or rented by the animal's owner, unless accompanied by the owner or his agent or employee.

503A.09 Manure. No manure shall be dumped or left on any street, alley, sidewalk, nor on any open area or lot.

503A.10 Cruelty. No person shall inhumanly, unnecessarily, or cruelly beat, injure, or abuse any animal in any way.

503A.11 Slaughter. No person shall slaughter any animals within the City.

503A.12 Selling Prohibited. No person shall offer for sale within the city limits any non-domesticated animal prohibited by chapter 503A.03 of the City Code.

503A.13 Penalties.

Subd. 1. Violations of this Ordinance. Shall constitute a misdemeanor. Any person found guilty of violating any of the provisions of this Ordinance shall be subject to punishment of a misdemeanor in accordance with the laws of the State of Minnesota pertaining to the punishment allowed for violation of misdemeanors. Each day of non-compliance with this Ordinance shall constitute a separate offense.

Subd. 2. Impounding Of Non-Domestic Animals. In addition to criminal penalties, any non-domestic animal kept in violation of this Ordinance may be impounded by the City, unless such impounded animal is reclaimed and removed from the City, or unless the owner petitions the District Court for a determination that the animal is exempt from the provisions of this Ordinance, the animal may be destroyed or sold five (5) days following notice to the owner of such animal of its impoundment and the provisions of this Ordinance. Any person reclaiming any such impounded animal shall pay the costs of impounding and keeping the same prior to the animal's release.

503A.14 Existing Non-Domesticated Animals. This ordinance shall be not enforced until 30 days after its effective date as to any violation of Section 503A.03 (A.), (B.) or (D) that is existing at the time of the effective date of this ordinance.

503A.15 Severability. Should any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid, such decision shall not
affect the validity of the remaining portions of this Ordinance. (Ordinance No. 154, Adopted 5/20/1997)
504. Curfew

504.01 Curfew Imposed.

Subd. 1. Age and Time. No person under the age of sixteen (16) years, except as provided in Subd. 2, shall be on any public street or alley or in any park or other public grounds or building, place of amusement, entertainment or refreshment, vacant lot, or any other unsupervised place between the hours of 9:30 PM and 6:00 AM during the months of September through May, inclusive; and 10:00 PM and 6:00 AM during the months of June, July and August.

Subd. 2. Exceptions. The restrictions of Subd. 1 do not apply when the minor:

A. Is accompanied by the minor's parents, guardian, or other person having the minor's lawful care, custody or control; or

B. Is returning home by a direct route from and within thirty minutes after a school activity or an activity of a religious or other voluntary association when prior notice of the activity and its place and probable time of termination has been given to the police department by an adult person authorized by the school or religious or voluntary association to do so; or

C. Is carrying a certified card of employment and is on his way to or from his place of employment; or

D. Is upon an emergency errand or other legitimate business directed by the minor's parent, guardian, or other adult having the lawful custody of the minor.

504.02 Responsibility of Parent. No parent, guardian, or other adult having custody and control of a minor under sixteen years of age shall knowingly permit the minor to violate the provisions of 504.01.

504.03 Enforcement. Any person under sixteen years of age on a street or other place in violation of 504.01 shall be ordered to go home immediately. After investigation, if the responsible city authorities determine that court action should be initiated, the minor shall be dealt with in accordance with juvenile court law and procedure. Any such minor who is convicted of a violation of this chapter after the case has been referred for prosecution in the trial court under M. S. 260.15 shall be punished in accordance with this code.
505. Noise

505.01 Definition. "Noise Disturbance" means noise or sound of any nature that unreasonably disturbs the peace, quiet or repose of any person.

505.02 Violations.

Subd. 1. Causing Noise Disturbance. No person or entity shall participate in any action, event, party, or gathering which creates a noise disturbance. No person or entity shall cause a noise disturbance.

Subd. 2. Attending A Noise Disturbance. No person shall remain at, in, or upon any premises, structure, or other location at which any event, party or gathering creates a noise disturbance.

Subd. 3. Noise Disturbance Violation by Property Owner or Lessor. If three violations of this ordinance occur at or in the same property or structure within a six-month period, the City Administrator's Office or Police Department may provide written notice of such violations to the property's owner, or to a lessor of rental property. During the 12 months after sending such notice, any subsequent violation of this ordinance at, in or on that property shall also be a violation by the owner, or by the lessor. Notice under this section is sufficient if sent by certified mail to an owner, or to a lessor or the lessor's local property manager defined in City Code Chapter 612, at their respective address shown in the records of the City. Notice is effective upon mailing.

Subd. 4. Motor Vehicles. No person shall operate, or permit operation of, a sound system in or on a vehicle so that the sound system is audible within 20 feet of the vehicle. This does not include the vehicle horn when used as a warning devise.

Subd. 5. Sound Systems on Public Property. No person shall operate, or permit operation of, a radio, sound system, public address system, loudspeaker or other noise amplifier on public property if the sound produced by the same is audible in excess of 50 feet of the speakers producing the sound.

505.03 Community Event Exception. A noise disturbance occurring due to a festival or community event conducted pursuant to a Permit granted by the City, or under a Contract with the City, is not a violation of this Ordinance so long as such activity or event complies with the terms and conditions of the Permit or Contract. (Ordinance No. 284, Adopted 3/7/2006)

505.031 Liquor Business Exception. A business licensed to sell liquor at on-sale may exceed noise limits of this chapter as provided in this section after first obtaining the Noise Permit provided in this section.

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Subd. 1. **Definitions.** The following terms have the following definitions for the purpose of this section.

A. Noise, means sound exceeding the limits of the City Code.

B. Liquor Business means a business holding a previously issued on-sale liquor license issued by the City of Detroit Lakes.

C. Music Entertainment Business. Means a commercial enterprise offering live or pre-recorded music entertainment at premises either owned or leased by the Music Entertainment Business that authorizes a business licensed to sell liquor at on-sale to exceed the sound limits of this chapter.

D. Noise Permit means a Liquor Business or Music Entertainment Business Noise Permit issued by the City Council that authorizes a business to sell liquor at on-sale or Music Entertainment Business to exceed the sound limits of this chapter.

E. Permit Holder means a person or entity to whom a Noise Permit is issued. A Permit Holder must be the Liquor Business or Music Entertainment Business.

F. Premises, means the specific described location to which a Noise Permit applies.

(Ordinance No. 371, Adopted 6/11/2013)

Subd. 2. **Application for Noise Permit.** Each applicant for a Noise Permit shall file a written application with the City Administrator on a form prescribed by the Administrator for submission to the City Council for approval or denial. The application shall describe the Premises where, the day or days when, and the hour or hours during which the applicant proposes to exceed the noise limits provided by this chapter. The application shall include such further pertinent information as the Council may deem appropriate to enable it to carry out the provisions of this chapter. The application must be accompanied by payment of the Noise Permit fee established by Council resolution.

Subd. 3. **Issuance of Noise Permit.** The Council shall not deny a Noise Permit for any specific time, location or use, to an applicant who complies with the provisions of this chapter except for one or more of the reasons specified below or unless the applicant or premises has previously been in violation of the City Code. A civil or criminal conviction is not required to establish the occurrence a prior City Code violation.

Subd. 4. **Terms.** Each Noise Permit issued pursuant to this section shall describe the Premises at which Noise may be produced, the period of time during
which the Noise may be produced, the maximum distance at which the Noise from the Premises can be heard, and such other terms and conditions as may be necessary for the proper enforcement of this chapter.

Subd. 5.  **Days and Times.**  A Noise Permit under this section shall apply only from 10:00 AM to 12:00 AM on the following days:

A.  Fridays and Saturdays of the weekends between Memorial Day and Labor Day;

B.  Two days preceding the 4th of July, the 4th of July and the two days after the 4th of July; and

C.  The Friday, Saturday and Sunday immediately preceding the Memorial Day and Labor Day holidays.

*(Ordinance 340, Adopted 1/12/2010)*

Subd. 6.  **Special Restrictions.**  No person shall receive a Noise Permit or otherwise exercise rights purportedly granted by such Permit:

A.  At any Premises within 500 feet of a school, courthouse or place of worship during the hours of school, court or worship, respectively;

B.  At any Premises where the Council upon investigation determines that the conditions of vehicular or pedestrian traffic or both are such that production of Noise will constitute a threat to the safety of pedestrians or vehicular operators;

C.  In any Premises location where the Council upon investigation determines that conditions are such that the production of Noise will deprive the public of the right to the safe, comfortable, convenient and peaceful enjoyment of any public street, park or place for street, park or other public purposes, or will constitute a threat to the safety of pedestrians or vehicle operators;

D.  For production of Noise between the hours of 12:00 AM and 10:00 AM; or,

E.  Where the volume of sound proposed to be produced will be clearly audible for a distance in excess of 500 feet from the location at which the Noise is produced.

Subd. 7.  **Waiver.**  The Council may waive the restrictions provided in this section on a case by case basis if the Council determines that:
A. the applicant's proposed Noise is in conjunction with a City celebration, festival, or other neighborhood or community event; and

B. the applicant's proposed Noise will promote the public's use and enjoyment of any public street, park, or any other public place where the public will gather to observe or participate in the City celebration, festival, or other neighborhood or community event.

Subd. 8. Possession and Display of Noise Permit. The Permit Holder shall keep the Permit on display at all times at the location where Noise is being produced under the authority of the Noise Permit, and shall produce and present the Permit upon request of a law enforcement officer.

Subd. 9. Violations and Enforcement.

A. Criminal Penalties: Violation of any provision of this chapter is a misdemeanor. In all cases, the City shall be entitled to collect the costs of prosecution to the extent permitted by law, rules of criminal procedure, and rules of court.

B. Separate Offense: Each act of violation and each day a violation occurs or continues constitutes a separate offense.

C. Civil Remedies: This chapter may also be enforced by injunction, action for abatement, or other appropriate civil remedy.

Subd. 10 No Property Right. A Noise Permit is not transferable and a Permit Holder shall have no property right in a Noise Permit. Each Noise Permit issued by the City is issued on the specific condition that the City Council retains the right to revise, or add restrictions to, any Noise Permit for cause any time during the term of the Permit. The Council further retains the right to make future changes to the City Code that immediately apply to existing Noise Permits. Any modification to an existing Noise Permit shall occur only after the Council conducts a hearing to consider the modification. Written notice of the modification hearing shall be sent to the Permit Holder by first class mail not less than seven days prior to the hearing.

Subd. 11. Variances.

A. The City Council may grant a variance from the strict application of any section of this article where such variances do not deter from the basic intent and purpose of this article. Any person seeking a variance shall file an application with the City Administrator on a form prescribed by the City. Information to be supplied in the application shall include, but not be limited to, the following information:
1) Statement of the dates and times during which the noise is proposed.

2) The location of the noise source.

3) The nature of the noise source.

4) Reasons why the variance is sought and identified hardship.

5) Steps taken to minimize the noise level.

6) Other information as required by the City Administrator.

B. Criteria for Granting Variance. A variance shall be permitted only if it is established that:

1) By reason of exceptional circumstances, strict conformity with any of the provisions of this article would cause the applicant undue hardship, or would be unreasonable, impractical, or not feasible under the circumstances.

2) Owners and occupants of property within 500 feet of the location of the noise source will not suffer undue hardship or unreasonable disruption or annoyance if the variance is granted to the applicant.

3) The applicant has notified the owners and occupants of all property within 500 feet of the location of the noise source about the applicant's request for a variance from this article.

4) The notice provided by this section shall be in writing, shall describe the nature and proposed hours of operation of the activity that will generate the noise for which the variance is sought, and shall explain why the variance is needed. The notice shall specify that any person wishing to comment on the variance application should promptly contact the City Administrator about the variance application.

5) The failure to comply with this section shall be grounds for denial or revocation of the variance. The making of any false or misleading statements by the applicant or his agents in connection with providing the notice required under this section shall be grounds for denial or revocation of the variance, and shall also constitute a violation of this article.

Subd. 12. Revocation.
A. Violation of any provision of the City Code shall be cause for revocation of the Noise Permit.

B. The Council, upon report of the violation, may schedule a hearing to consider such revocation.

C. Written notice of a hearing to revoke the Permit shall be sent to the Permit Holder by first class mail not less than seven days prior to the hearing.

D. Violation of this section is cause for revocation of any other City License or Permit held by the Permit Holder or the Premises.

(Ordinance No. 284, Adopted 3/7/2006)

505.04 Duty to Disperse. After determining that an individual, activity, gathering, party or event is creating a noise disturbance, a peace officer may order that all persons present, other than the owner, resident or tenant of the location involved, disperse immediately and leave such location. No person, after being so ordered, shall refuse to leave such location.

505.05 Duty of Owner or Tenant. Every owner, tenant or occupier of premises who has knowledge of a noise disturbance, shall cooperate with peace officers and shall make reasonable efforts to stop a noise disturbance upon request of a peace officer.

505.06 Evidence of Noise Disturbance.

Subd. 1. For noises occurring between 6:00 AM and 10:00 PM, an investigating peace officer shall consider these factors relating to this ordinance:

A. the volume of the noise;

B. the intensity of the noise;

C. whether the nature of the noise is usual or unusual,

D. the nature and zoning of the areas within which the noise emanates;

E. the time of day or night the noise occurs;

F. the duration of the noise; and

G. whether the noise is produced by a commercial or non-commercial activity.
Subd. 2. For noises occurring between 10:00 PM and 6:00 AM, the following facts shall be prima facie evidence of a violation of this ordinance:

A. As to all locations, when the investigation of a peace officer reveals noise of such volume as to be clearly audible at a distance of 50 feet from source of the noise,

B. As to apartment buildings or other residential rental property, when the investigation of a peace officer reveals noise of such volume to be clearly audible in a hallway or apartment unit other than the source of the noise.

505.07 Penalty. A violation of this ordinance is a petty misdemeanor punishable as provided in Section 101.06, Subd. 1.

(Ordinance No. 190, Adopted 9/7/1999)
(Ordinance No. 284, Adopted 3/7/2006)
(Ordinance No. 340, Adopted 1/12/2010)
506. Lodging Tax

506.01 Definitions. Unless the language or context clearly indicates that a different meaning is intended, the following words, for the purpose of this ordinance, shall have the following meanings and inclusions:

Subd. 1. City. The City of Detroit Lakes, Minnesota, acting by or through its duly authorized representative.

Subd. 2. Lodging. The furnishing for a consideration of lodging at a hotel, motel, rooming house, tourist court, municipal campground, resort or bed and breakfast, other than the renting or leasing of it for a continuous period of 30 days or more. (Ordinance No. 70, Adopted 10/1/1992)

Subd. 3. Operator. Any person who has charge, care, or control of a building in the City, or part thereof, in which dwelling units or rooming units are let.

Subd. 4. Person. Includes all firms, partnerships, associations, corporations, and natural persons.

Subd. 5. Rent. The total consideration valued in money charged for lodging whether paid in money or otherwise, but shall not include any charges for services rendered in connection with furnishing lodging other than the room charge itself.

Subd. 6. Lodger. The person obtaining lodging from an operator.

506.02 Imposition of Tax. Pursuant to Minnesota Statutes, Chapter 469.190, there is hereby imposed a tax of three percent (3%) on the rent charged by an operator for providing lodging to any person. The tax shall be stated and charged separately and shall be collected by the operator from the lodger. The tax collected by the operator shall be a debt owed by the operator to the City and shall be extinguished only by payment to the City. In no case shall the tax imposed by this section upon an operator exceed the amount of tax which the operator is authorized and required by this ordinance to collect from a lodger. (Ordinance No. 90, Adopted 6/14/1993)

506.03 Collections. Each operator shall collect the tax imposed by this section at the time the rent is paid. The tax collection shall be deemed to be held in trust by the operator for the City. The amount of tax shall be separately stated from the rent charged for the lodging and those persons paying the tax shall receive a receipt of payment from the operator.

506.04 Exemptions. An exemption shall be granted to any person as to whom or whose occupancy it is beyond the power of the City to tax. No exemption shall be granted except upon a claim therefore made at the time the rent is collected and such a claim shall be made in writing and under penalty of perjury on forms provided by the City. All such claims shall be forwarded to the City when the returns and collections are submitted as required by this Chapter.
506.05 Advertising No Tax. It shall be unlawful for any operator to advertise or hold out or state to the public or any customer, directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent or that, if added, it or any part thereof will be refunded. In computing the tax to be collected, amounts of tax less than one cent shall be considered an additional cent.

506.06 Payments and Returns. The taxes imposed by this ordinance shall be paid by the operator to the City monthly not later than twenty (20) days after the end of the month in which the taxes were collected. At the time of payment, the operator shall submit a return upon such forms and continuing such information as the City may require. The return shall contain the following minimum information:

A. The total amount of rent collected for lodging during the period covered by the return.

B. The amount of tax required to be collected and due for the period.

C. The signature of the person filing the return or that of his agent duly authorized in writing.

D. The period covered by the return.

E. The amount of uncollectible rental charges subject to the lodging tax.

The operator may offset against the taxes payable with respect to any reporting period, the amount of taxes imposed by this ordinance previously paid as a result of any transaction the consideration for which became uncollectible.

506.07 Examination of Return, Adjustments, Notices, and Demands. The City shall, after a return is filed, examine the same and make any investigation or examination of the records and accounts of the person making the return deemed necessary for determining its correctness. The tax computed on the basis of such examination shall be the tax to be paid. If the tax due is found to be greater than that paid, such excess shall be paid to the City within ten days after receipt of a notice thereof given either personally or sent by registered mail to the address shown on the return. If the tax paid is greater than the tax found to be due, the excess shall be refunded to the person who paid the tax to the City within ten (10) days after determination of such refund.

506.08 Refunds. Any person may apply to the City for a refund of taxes paid for a prescribed period in excess of the amount legally due for that period, provided that no application for refund shall be considered unless filed within one (1) year after such tax was paid, or within one (1) year from the filing of the return, whichever period is the longer. The City shall examine the claim and make and file written findings whereon denying or allowing the claim in whole or in part and shall mail a notice thereof by registered mail to such person at the address stated upon the return. If such claim is
allowed in whole or in part, the City shall credit the amount of the allowance against any
taxes due under this ordinance from the claimant and the balance of said allowance, if
any, shall be paid by the City to the claimant.

506.09  Failure to File a Return.

Subd. 1.  If any operator required by this ordinance to file a return
shall fail to do so within the time prescribed or shall make, willfully or otherwise, an
incorrect, false, or fraudulent return, the operator shall, upon written notice and demand,
file such return or corrected return within ten (10) days of receipt of such written notice
and shall at the same time pay any tax due on the basis thereof.  If such person shall fail
to file such return or corrected return, the City shall make a return or corrected return for
such person based upon such knowledge and information as the City can obtain, and
assess a tax on the basis thereof, which tax (less any payments theretofore made on
account of the tax for the taxable period covered by such return) shall be paid within ten
(10) days of the receipt of written notice and demand for such payment.  Any such return
or assessment made by the City shall be prima facie correct and valid, and the burden of
proving to the contrary rests with any person in any action or proceeding in respect
thereto.

Subd. 2.  If any portion of a tax imposed by this ordinance, including
penalties thereon, is not paid within thirty (30) days after it is required to be paid, the City
may institute such legal action as may be necessary to cover the amount due plus interest,
penalties, the costs and disbursements of any action.

Subd. 3.  Upon a showing of good cause, the City may grant an
operator one thirty (30) day extension of time within which to file a return and make
payment of taxes as required by this ordinance provided that interest during such period
of extension shall be added to the taxes due at the rate of eight (8) percent per annum.

506.10  Penalties.

Subd. 1.  If any tax imposed by this ordinance is not paid within the
time herein specified for the payment, or an extension thereof, there shall be added
thereto a specific penalty equal to ten (10) percent of the amount remaining unpaid.

Subd. 2.  In case of any failure to make and file a return within the
time prescribed by this ordinance, unless it is shown that such failure is not due to willful
neglect, there shall be added to the tax in addition the penalty provided in Subdivision 1
above, a penalty of five (5) percent for each thirty (30) day period or fraction thereof
during which such failure continues, not exceeding twenty-five (25) percent in the
aggregate.  There shall be a minimum penalty assessed of ten (10) dollars if penalties in
the aggregate do not exceed that amount.  The amount so added to any tax shall be
collected at the same time and in the same manner and as part of the tax unless the tax
has been paid before the discovery of the negligence, in which case the amount so added
shall be collected in the same manner as the tax.

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Subd. 3. If any person willfully fails to file any return or makes any payment required by this ordinance, or willfully files a false or fraudulent return or willfully attempts in any manner to evade or defeat any such tax or payment thereof, there shall also be imposed as a penalty an amount equal to fifty (50) percent of any tax (less any amounts paid on the basis of such false or fraudulent return) found due for the period to which such return related. The penalty imposed by this section shall be collected as part of the tax, and shall be in addition to any other penalties provided by this ordinance.

Subd. 4. All payments received shall be credited first to penalties, next to interest, and then to the tax due.

Subd. 5. The amount of tax not timely paid, together with any penalty provided by this section, shall bear interest at the rate of eight (8) percent per annum from the time such tax should have been paid until payment is made. Any interest and penalty shall be added to the tax and be collected as part thereof.

506.11 Administration of Tax. The City shall administer and enforce the assessment and collection of the taxes imposed by this ordinance. The City shall cause to be prepared blank forms for the returns and other documents required by this ordinance and shall distribute the same throughout the City. Failure to receive or secure such forms and documents shall not relieve any person from any obligation required of him under this ordinance.

506.12 Examine Records. Persons acting on behalf of the City and authorized in writing by the City may examine the books, papers, and records of any operator in order to verify the accuracy of any return made, or if no return was made, to ascertain the tax as provided in this ordinance. Every such operator is directed and required to give to the City the means, facilities, and opportunity for such examinations and investigations as are hereby authorized.

506.13 Violations. Any person who shall willfully fail to make a return by this ordinance, or who shall fail to pay the tax after written demand for payment, or who shall fail to remit the taxes collected or any penalty or interest imposed by this ordinance after written demand for such payment, or who shall refuse to permit the City's authorized agents to examine the books, records, and papers under his control, or who shall willfully make any incomplete, false, or fraudulent return shall be guilty of a misdemeanor.

506.14 Use of Proceeds. Ninety-five (95) percent of the proceeds obtained from the collection of taxes pursuant to this ordinance shall be used in accordance with Minnesota Statutes Section 469.190 as the same may be amended from time to time to fund a Tourism Bureau for the purpose of marketing and promoting Detroit Lakes as a tourist center. The City may use up to five (5) percent of the proceeds obtained hereunder to defray the costs and expenses of collection and administration of such tax. (Ordinance No. 77, Adopted 6/2/1992)

506.15 Tourism Bureau.
Subd. 1. Appointment of Members. The Tourism Bureau shall recommend and the Mayor, with approval of the City Council, shall appoint five members to serve on the Tourism Bureau, three of whom shall be representatives of the lodging industry in Detroit Lakes, one of whom shall be a representative of the Detroit Lakes Regional Chamber of Commerce and not a paid employee of said organization and one from the City of Detroit Lakes who will represent the City Council. In the event the City enters into any joint powers agreements with any other political subdivisions for the collection, administration and disposition of a lodging tax imposed by such entities pursuant to Minnesota Statutes 469.190, the political subdivisions party to joint powers agreements with the City of Detroit Lakes, may recommend a sixth individual as their representative. Tourism Bureau members shall be appointed for three year terms. A member of the Tourism Bureau shall not be eligible for re-appointment after having served three consecutive three year terms until after a lapse of one term except that the Council, at its discretion, may appoint one of its alderman to the bureau and such alderman shall be eligible for re-appointment as long as they remain on the Council. All present members of the Tourism Bureau shall continue to serve until their current term or re-appointment expires. First term appointments for lodging industry members shall be as follows: one member shall be appointed for a one year term; one member shall be appointed for a two year term; and one member shall be appointed for a three year term. They shall elect their own chairman and serve without compensation. The Tourism Bureau shall be responsible for marketing and promoting tourism in the City of Detroit Lakes and, in the event, the City associates with a township through a joint powers agreement, tourism in that township. (Ordinance No. 77, Adopted 6/2/1992)(Ordinance No. 151, Adopted 3/4/1997)

Subd. 2. Joint Powers Agreements. The City is authorized to enter into joint powers agreements pursuant to Minnesota Statutes 471.59 for the collection, administration, or disposition of the proceeds of any lodging tax imposed by a resolution of a separate political subdivision provided such collection, administration, or disposition does not violate the terms of this ordinance. (Ordinance No. 77, Adopted 6/2/1992)

506.16 Appeals.

Subd. 1. Any operator aggrieved by any notice, order, or determination made by the City under this ordinance may file a petition for review of such notice, order, or determination. The petition shall contain the name of petitioner, the petitioner's address, and the location of the lodging subject to the notice, order, or determination.

Subd. 2. The petition for review shall be filed with the City within ten (10) days after the notice, order, or determination for which review is sought has been mailed to or served upon the person requesting review.

Subd. 3. Upon receipt of the petition, the City Administrator shall set a date for a hearing and give the petitioner at least ten (10) days prior written notice of the date, time, and place of the hearing.
Subd. 4. At the hearing, the petitioner shall be given an opportunity to show cause why the notice, order, or determination should be modified or withdrawn.

Subd. 5. The hearing shall be conducted by the City Administrator or his authorized agent, and he shall make written findings of fact and conclusions based upon the applicable section of this ordinance and the evidence presented. The person conducting the hearing may affirm, reverse, or modify the notice, order or determination made by the City.

Subd. 6. Any decision rendered by the City pursuant to this section may be appealed to the City Council. A petitioner seeking to appeal a decision must file a written notice of appeal with the City within ten (10) days after the decision has been mailed to the petitioner. The matter will thereupon be placed on the Council agenda as soon as is practical. The Council shall then review the findings of fact and conclusions to determine whether they were correct. Upon a determination by the Council that the findings and conclusions were incorrect, the Council may modify, reverse, or affirm the decision of the City Administrator or authorized agent under the same standards as set forth in Section 6.

(Ordinance No. 33, Adopted 3/7/1989)
507. Lawn Fertilizer Application Control

507.01 Purpose. The City of Detroit Lakes has reviewed existing data to determine the current and projected quality of various lakes within its jurisdiction. The various scientific and other data indicate that area lake water quality may be maintained and improved if the amount of lawn fertilizer and other chemicals entering the lake is regulated. The purpose of this ordinance is to define regulations which will aid the City in maintaining and improving lake resources within its jurisdiction, thus enhancing the enjoyment of said lakes by City residents and other users.

507.02 Regulations for Commercial Lawn Fertilizer Applicators.

Subd. 1. License Required. No person, firm, corporation, or franchise shall engage in the business of commercial lawn fertilizer application within the City of Detroit Lakes unless a license has been obtained from the City Clerk as provided herein.

Subd. 2. License Application Procedure. Applications for a commercial lawn fertilizer applicator's license for a calendar year shall be submitted to the City Clerk at least 30 days prior to the initial lawn fertilizer application each year within the City. An application shall include the following information.

A. Application Form. Application forms shall be provided by the City and shall include the following information:

1) Name, address, and telephone number of applicant and any individuals authorized to represent the applicant.

2) Description of lawn fertilizer formula proposed to be applied on lawns within the City.

3) A time schedule for application of lawn fertilizer as well as identification of weather conditions acceptable for lawn fertilizer application.

B. Fertilizer Sample. A sample of lawn fertilizer or chemical analysis of said lawn fertilizer certified by an independent testing laboratory shall be submitted with the initial application or at least thirty (30) days before any change in fertilizer composition is implemented.

C. License Fee. The annual license fee for a commercial lawn fertilizer applicator shall be set by Council resolution (see Section 210 of City Code). All licenses shall expire on December 31st. License fees shall not be prorated.
Subd. 3. **Conditions of License.** Commercial lawn fertilizer applicator licenses shall be issued subject to the following conditions which shall be specified on the license form:

A. **Random Sampling.** Commercial lawn fertilizer applicators shall permit the City to sample any commercial lawn fertilizer application to be applied within the City at any time after issuance of the initial license.

B. **Possession of License.** The license issued by the City, or a copy of said license, shall be in the possession of any party employed by the commercial lawn fertilizer applicator when making applications within the City.

C. **State Regulations.** Licensee shall comply with the provisions of the Fertilizer, Soil Amendment, and Plant Amendment Law contained in Minnesota Statutes, Sections 18 C.005 et seq.

**507.03 Regulations for Property Owners.**

Subd. 1. **Random Sampling.** At the request of the City or its representative, a property owner shall provide the City with samples of lawn fertilizer to be applied by the property owner. The quantity of the sample shall be large enough to permit laboratory testing.

Subd. 2. **Use of Impervious Surfaces.** Property owners shall not deposit leaves or other vegetative materials on impervious surfaces or within storm water drainage systems or natural drainage ways.

Subd. 3. **Unimproved Land Areas.** Except for driveways, sidewalks, patios, beaches adjacent to lakes or water courses, areas occupied by structures, or areas which have been improved by landscaping, all land areas controlled by the property owner shall be covered by plants or vegetative growth.

**507.04 General Regulations.**

Subd. 1. **Time of Application.** Lawn fertilizer applications shall not be applied either when the ground is frozen or between November 1st and May 1st.

Subd. 2. **Sample Analysis Cost.** Any cost incurred in the analyzing of fertilizer samples from either commercial applicators or property owners shall be paid by the commercial applicator or property owner if the sample analysis indicates that the phosphorus content exceeds the levels authorized herein.
Subd. 3. **Fertilizer Content.** Within the City of Detroit Lakes, no person, firm or corporation franchisee or commercial or non-commercial applicator, including homeowners or renters, shall apply any lawn fertilizer, liquid or granular, that contains any amount of phosphorous or other compound containing phosphorus, such as phosphate, except:

A. The naturally occurring phosphorus in unadulterated natural or organic fertilizing products such as yard waste composite.

*(Ordinance No. 225, Adopted 7/2/2002)*

Subd. 4. **Impervious Surface and Drainage Ways.** No fertilizer may be applied to impervious surfaces, or to the areas within drainage ditches or waterways.

Subd. 5. **Buffer Zone.** Fertilizer applications shall not be made within ten feet of any wetland or water resource.

Subd. 6. **Water Fowl.** There shall be no feeding of nor placement of feed for water fowl on, in, or within 50 feet of a wetland, pond, lake, or water resource.

**507.05 Exempt.** The prohibition against the use of fertilizers containing phosphorus shall not apply to:

1. Newly established or developed turf and lawn areas during the first growing season;

2. Golf Courses

3. Turf and lawn areas which are below phosphorous levels established by the University of Minnesota Extension Services and the low phosphorous level is confirmed by soil tests.

Phosphorous applied as fertilizer pursuant to the exemptions shall be watered into the soil where it is immobilized and generally protected from loss by runoff. *(Ordinance No. 225, Adopted 7/2/2002)*

**507.06 Penalty.** Each violation of this ordinance shall be a misdemeanor.

**507.07 Severability.** Should any Section, Subdivision, clause, or other provision of this ordinance be held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the ordinance as a whole, or of any part thereof, other than the part held to be invalid.

508. Public Misconduct

508.01 Purpose. The purpose of this Ordinance is to prohibit public indecency in order to deter criminal activity, to promote societal order and public health, and to protect children.

508.02 Findings. The City council of the City of Detroit Lakes makes the following findings regarding the need to prohibit public indecency:

1. Public indecency can increase the incidence of criminal activity, including but not limited to prostitution, disorderly conduct and sexual assault.
2. Public indecency can expose children to an unhealthy and nurture less environment.
3. Public indecency can disrupt the orderly operation of public events and public accommodations, thereby fostering societal disorder.
4. Public indecency can present health concerns in places of public accommodation and other public settings.
5. Public misconduct and obscenity can cause a loss of business and property values.

508.03 Definitions Adopted By Reference. For the purpose of this Ordinance, the definitions set forth in Minnesota Statutes, Section 617.241, are adopted and incorporated as part of this Ordinance.

508.04 Definitions Specific to this Ordinance. The following words and terms when used in this Ordinance shall have the following meanings, unless the context clearly indicates otherwise:

Subd. 1. Nudity. Uncovered, or less than opaquely covered post pubertal human genitals, pubic areas, the post pubertal human female breast below the point immediately above the top of the areola or the covered human male genitals in a discernibly turgid state. For the purpose of this definition, female breast is considered uncovered if the nipple only or the nipple and the areola only, are covered.

Subd. 2. Specified Sexual Activities. Shall mean:

A. Human genitals in a discernible state of sexual stimulation or arousal; or

B. Acts of human masturbation, sexual intercourse or sodomy; or

C. Fondling or other erotic touching of human genitals, pubic region
or pubic hair, buttock or female breast or breasts; or

D. Any combination of the foregoing.

Subd. 3. **Specified Anatomical Areas.** Shall mean:

A. less than completely and opaquely covered:
   1) human genitals, pubic region, pubic hair, or buttock; or
   2) female breast or breasts below a point immediately above the top of the areola; or
   3) any combination of the foregoing; or

B. human male genitals in a discernible turgid state even if completely and opaquely covered.

**508.05 Prohibited Acts.**

Subd. 1. It shall be unlawful for any person to:

A. exhibit, sell, print, offer to sell, give away, circulate, publish, distribute or attempt to distribute any obscene material; or

B. produce, present, participate in or direct an obscene performance.

Subd. 2. It shall be unlawful public misconduct for any person in a public place:

A. to appear in a state of nudity,

B. to engage or participate in a specified sexual activity,

C. or display specified anatomical areas.

Subd. 3. It shall be unlawful public misconduct for any person to urinate or defecate in any place except within a public or private rest room designed for that purpose.

**508.06 Violation.**

Subd. 1. A violation of this ordinance is a misdemeanor.

Subd 2. A violation of this ordinance is cause and justification for revocation or suspension of any City of Detroit Lakes license issued for the premises at 500-39
which the violation occurs and the revocation of any other license or permit issued by the City to the premises and for the person committing the violation.

508.07 **Severability.** If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have adopted the ordinance and each section, subsection, sentence, clause, phrase or word thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words be declared invalid.

*(Ordinance No. 147, Adopted 9/3/1997)*
509. Food and Beverage Tax (1%)

509.01 Authority. At the General Election held November 2, 2010, City voters authorized the City of Detroit Lakes to impose a City sales tax as authorized by Laws of Minnesota 2010, Chapter 389, Article 5, Section 5. As provided by the law, the City may impose a sales tax of up to one percent on the gross receipts of all food and beverages sold by a restaurant or place of refreshment as defined by this ordinance. The proceeds of the tax must be used to pay certain expenses related to:

1. control of the flowering rush infestation;
2. construction and improvement of bike trail facilities;
3. parking improvements near public facilities; and
4. redevelopment of areas returned to the City as a result of the realignment of Highway 10.

509.02 Definitions. The words, terms, and phrases used in this ordinance shall have the meanings ascribed to them in Minnesota Statutes, Chapter 297A, Sections 157.15 and 340A.101, and Minnesota Rules, Parts 8130.4700 and 8130.4705; except where the context clearly indicates otherwise. In addition the following definitions shall apply:


Subd. 2. City. The City of Detroit Lakes, Minnesota.

Subd. 3. Commissioner. The Commissioner of Revenue for the State of Minnesota, acting under authority of an agreement entered into between the City and the State of Minnesota pursuant to the Act, or such other person designated to administer and collect City of Detroit Lakes Food and Beverage Tax.

Subd. 4. Agreement. An agreement between the City of Detroit Lakes and the Minnesota Department of Revenue for collection of the City tax.

Subd. 5. Tax. The tax imposed and to be paid and collected under this ordinance.

Subd. 6. Food and Beverage. Food and beverages that are subject to tax under Minnesota Statutes, Chapter 297A, and Minnesota Rules, Chapter 8130, including Minnesota Rules, Parts 8130.4700 and 8130.4705.
A. **Beverages.** Includes on-sale intoxicating liquor and fermented malt beverages, as defined or described in Minnesota Statutes, Section 340A.101, but does not include off-sale liquor sales.

Subd. 7. **Restaurant or Place of Refreshment.** Any of the various “food and beverage service establishments” defined in or that are part of a definition in Minnesota Statutes, Section 157.15, regardless of whether the customer consumes the food or beverage at the establishment, picks it up for consumption elsewhere, or it is delivered to the customer.

**509.03 Imposition of the Food and Beverage Tax.** Except as otherwise provided in this chapter, a tax is hereby imposed in the amount of one percent on the gross receipts of all sales of food and beverages by a restaurant or place of refreshment that is located within the City.

**509.04 Administration of the Food and Beverage Tax.** The administration, collection and enforcement of this tax shall be governed by Minnesota Statute, Section 297A.99, and by the Agreement between the City and the Minnesota Department of Revenue.

**509.05 Relation to State Sales and Use Tax.** The tax imposed under this Ordinance is intended to be collected on food and beverages which are subject to sales and use tax under Minnesota Statutes, Chapter 297A, and sold by a restaurant or place of refreshment that is located within the City.

**509.06 Separate Statement; Collection from Purchaser; Advertising No Tax; Uniform Tax Collection Methods.**

Subd. 1. The Tax shall be stated and charged separately from the sales price insofar as practical and shall be a debt from the purchaser to the seller recoverable at law as other debts.

Subd. 2. In computing the tax to be collected as the result of any transaction, amounts of tax of less than one half cent may be disregarded and amounts of one half cent or more may be considered an additional cent.

**509.07 No Separate Tax Permit Required.** Every person, corporation, partnership, or other entity desiring to engage in or who is conducting the business of selling food and beverages as subject to the provisions of this ordinance shall first obtain a sales tax permit from the Commissioner as required under Minnesota Statutes 297A, by registering that business with the Commissioner and receiving a Minnesota Business Identification Number. No separate tax permit is required from the City.

**509.08 Sales without Tax Permit; Violations.** A person who engages in the business of selling food and beverages in the City which are subject to this ordinance without first obtaining a sales tax permit from the Commissioner and, each officer of any corporation, partnership or other entity which so engages in business without first
obtaining the permit, shall be guilty of a misdemeanor.

**509.09 Exemption certificate.** A seller that obtains from the purchaser of food and beverage a fully completed Minnesota Revenue certificate of exemption, or otherwise obtains all the relevant information required by Minnesota Statutes, Section 297A.72, Subdivision 2, either of which indicates that the property purchased is for resale or that the sale is otherwise exempt from the application of the sales and use tax imposed by Minnesota Statutes, Chapter 297A, is relieved from collecting and remitting the tax imposed by this Ordinance, to the extent the seller is also relieved of liability for the sales tax under Minnesota Statutes, Section 297A.665.

**509.10 Presumption of Purpose of Sales.** For the purpose of the proper administration and enforcement of this Ordinance, it is presumed that all sales subject to this Ordinance for delivery in the City, are for storage use or other consumption in the City until the contrary is established.

**509.11 Collection of tax at time of sale.** A seller of food and beverages subject to the tax imposed by this ordinance shall collect the tax from the purchaser and remit it to the Commissioner at the same time that the sales tax on the food and beverages is collected and remitted, in the form and manner prescribed by the Commissioner for sales and use tax under Minnesota Statutes, Chapter 297A.

**509.12 Effective Date.** Except as otherwise provided herein, the tax authorized by this Ordinance shall apply to a sale made on or after April 1, 2011, and shall be in addition to all other taxes now in effect.

**509.13 Collection and Enforcement; Agreement with Commissioner.**

Subd. 1. The tax imposed by the City hereunder shall be subject to the same interest, penalties, and other rules as are applicable to the State’s general sales and use tax imposed by Minn. Stat. Ch. 297A. The tax imposed by the City hereunder may be collected by the State on behalf of the City as provided by an appropriate agreement with the Commissioner.

Subd. 2. The City Administrator and Mayor are hereby authorized, in the name of the City, to enter into an appropriate agreement or agreements with the Commissioner, to facilitate the issuance of permits, filing and auditing of returns, collection of revenues and issuance of refunds of the taxes and any other administrative matters relating to the administration of this article and the tax imposed herein.

**509.14 Tax Clearance; Issuance of Licenses.**

Subd. 1. The City may decline to issue or renew a license for the conduct of a trade or business within the City if the Commissioner notifies the City that the applicant owes delinquent City taxes pursuant to this Ordinance, or penalties or interest due on such taxes. As used in this section, the following terms have these
definitions:

A. **City taxes.** The tax on food and beverages, as provided in this Ordinance. Penalties and interest are penalties and interest due on such City taxes.

B. **Delinquent taxes** does not include a tax liability if, (i) an administrative or court action which contests the amount or validity of the liability has been filed or served, (ii) the appeal period to contest the tax liability has not expired, or (iii) the applicant has entered into a payment agreement and is current with the payments.

C. **Applicant.** An individual if the license is issued to or in the name of an individual or the corporation, partnership or other entity if the license is issued to or held in the name of a corporation, partnership, or other entity.

Subd. 2. A copy of the notice of delinquent taxes given by the Commissioner to the City shall be sent to the applicant taxpayer by the City Administrator or his designee. In the case of renewal of a license, if the applicant requests a hearing in writing within 30 days of receipt of the notice of delinquent taxes hearing, then a contested hearing shall be held under the same procedures as provided in Minnesota Statutes, Section 270.72, for the state sales and use tax imposed under Minnesota Statutes, Chapter 297A; provided further that if a hearing must be held on the state sales and use tax, the hearings must be combined.

**509.15 Deposit of Revenues; Cost of Administration; Termination of Tax.**

Subd. 1. All of the revenues received from taxes imposed by this Ordinance and collected by the Commissioner, and remitted to the City after deducting the Commissioner’s costs of collection under Minnesota Statutes, Section 297A.99, shall be deposited in the City Treasury, and credited to a fund established to only pay administrative, operational and capital cost associated with:

A. control of flowering rush infestation;

B. construction and improvement of bike trail facilities;

C. parking improvements near public facilities; and

D. redevelopment of the area returned to the City as a result of the realignment of Highway 10.

Subd. 2. Taxes authorized by this Ordinance shall terminate when the Council of the City of Detroit Lakes determines sufficient revenues have been raised to finance
the projects identified in Section 1 of this Ordinance including the amount to prepay to retire at maturity the principal, interest and premium due on any bonds issued for the projects.

    Subd. 3. Any funds remaining after completion of the projects and retirement or redemption of any bonds issued for the same may be placed in the General Fund of the City.

(Ordinance No. 347, Adopted 12/21/2010)
510. Street Numbers

510.01 Purpose. This ordinance provides a system by which all primary structures located in the incorporated limits of the City of Detroit Lakes will be assigned an address, and all owners of primary structures are required to post the assigned address in specified locations in accordance with standards set forth in this ordinance. The purpose of this address system is to promote the public’s health, safety, and general welfare and is intended to further the implementation of the Emergency Telephone Services Act, Minnesota Statutes Chapter 403. This ordinance is authorized by Minnesota Statutes Chapters 460-463.

510.02 Definitions.

Subd. 1. Uniform Address System. The section of this ordinance which governs the assignment, display, and placement of address numbers by the owners and occupants of every primary structure within the City of Detroit Lakes.

Subd. 2. Address. Number for each primary structure as assigned by the City of Detroit Lakes for each separate residential, commercial and industrial building in the City.

Subd. 3. Signpost. A post permanently affixed in the ground used solely for display of the address.

Subd. 4. Primary Structure. The building within which the principal use of the lot or parcel is conducted. A primary structure may be used for residential, commercial, industrial, public-semi-semipublic, recreation or other uses.

Subd. 5. Driveway. A private road serving not more than two primary structures.

Subd. 6. Road. A public or private way which affords primary means of access by vehicles to adjacent property whether designated as a drive, easement, street, avenue, highway, road, boulevard, cartway, or otherwise designated. A public or private way which is accessible only by foot or off-road vehicle is not a road as defined in this section.

510.03 Uniform Address System.

Subd. 1. Each primary structure located inside the limits of the City of Detroit Lakes shall be assigned a sole address kept on file with City Administrator.

Subd. 2. All owners of primary structures display their assigned address number in conformity with the following standards:
A. All owners of primary structures must erect and maintain their assigned address numbers on the outside of the primary structure. The address numbers must be located on a primary structure surface facing the nearest road, or a primary structure surface facing the nearest driveway if the primary structure is located on a driveway containing two or more primary structures. The address numbers shall be no smaller than four inches tall. The address numbers shall present a strong contrast with the background color.

B. All owners of primary structures which are located further than 50 feet from the edge of the driving surface of the nearest road or which are not clearly visible year-round from the road because of vegetation, snow conditions, terrain, or other obstacles shall display their address number on a signpost. The signpost shall conform with the following standards:

1) The post shall be located within ten (10) feet of the driveway and at a location which is clearly visible year-round from the road. The post must be placed in a location on the owner’s property and within 5 feet of the edge of the right-of-way. In no case shall the post be located on the road right of way.

2) A sign displaying the assigned address number horizontally shall be placed on the signpost.

3) The sign shall be installed on the signpost from one edge and extend perpendicularly away from the road. The sign shall measure six inches in height and not less than fourteen or more than twenty inches in width. The bottom of the sign shall be placed at a height which is no less than three feet above the level of the road surface. The sign shall contain numbers not less than four inches tall. The address numbers shall present a strong contrast with the background color. In addition to the requirement of this section, owners of all primary structures shall comply with the terms and conditions of paragraph 3.02 a. above, so that owners of primary structures located more than 50 feet from the edge of the driving surface of the nearest road or which are not clearly visible shall place a signpost as indicated above and also place address numbers on the outside of the primary structure.

C. All owners of apartment buildings, condominium and other multi-tenant structures must display address numbers on interior doors.
1) The address numbers shall be no smaller than two inches tall and shall present a strong contrast with the background color.

D. The owner of the primary structure shall be responsible for keeping the address numbers clear of snow, dirt, debris or other obstruction.

510.04 Uniform Addressing System Implementation.

Subd. 1. All owners of primary structures which are located within the City of Detroit Lakes shall comply with this ordinance by January 1, 2014.

Subd. 2. Each primary structure owner shall be responsible for posting, replacing and maintaining in good repair the addresses, address signs, and signposts as required by this ordinance.

Subd. 3. All owners of primary structures which are subsequently annexed into the City of Detroit Lakes’ City Limits shall be given 90 days after the date of said annexation to comply with this ordinance.

Subd. 4. All licenses and permits may be withheld from owners and occupants of primary structures pending compliance with this ordinance.

510.05 Variances.

Subd. 1. Variances to the official controls set forth in this ordinance shall be governed by the applicable City Code Section and the terms of this section.

Subd. 2. The Detroit Lakes City Council shall have the exclusive power to order the issuance of variances from the terms of this ordinance. Variances shall be permitted when they are in harmony with the general purposes and intent of this ordinance in cases when there are practical difficulties or a particular hardship. The City shall notify the applicant in writing of approval or denial of a variance request. All variance requests shall be in writing.

510.06 Severability. Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

510.07 Enforcement. Failure to comply with any section of this ordinance shall constitute a petty misdemeanor.
511. Predatory Offenders: Residency Restrictions, Safety Zones and Prohibited Activity

511.01 Purpose and Intent. The City of Detroit Lakes finds and declares that Predatory offenders present an extreme threat to public safety. Predatory offenders are likely to use physical violence and to repeat their offenses, and most predatory offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of predatory offender victimization to society at large, while incalculable, unmistakably steep. It is the intent of this ordinance to serve the City’s compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the City of Detroit Lakes by imposing residency restrictions upon predatory offenders and creating safety zones around locations where vulnerable populations regularly congregate in concentrated numbers wherein certain predatory offenders are prohibited from establishing temporary or permanent residence and wherein access by predatory offenders shall be restricted and excluded.

511.02 Definitions. For the purpose of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Subd. 1. Children. Two or more persons under the age 18 and also includes individuals under age 21 who are in foster care.

Subd. 2. Care Facility. Any facility, public or private, licensed by the State of Minnesota or Becker County, which for gain or otherwise regularly provides one or more persons with care, training, supervision, habilitation or developmental guidance on a regular basis in a place other than the person’s own residence.

Subd. 3. Designated Predatory Offender. Any person who has been categorized as a Level III predatory offender under Minnesota Statutes Section 244.052, a successor statute, or a similar statute from another state in which that person’s risk assessment indicates a high risk of re-offense.

Subd. 4. Facilities for Children. All public parks, parkways, park facilities, parkland, public or private schools, preschools, designated public school bus stops, libraries, group homes, foster homes, day care and child care facilities, public recreation centers, non-profit or commercial recreation centers, public or private playgrounds, public or commercial swimming pools, public beaches, youth centers, athletic fields used by children, crisis center or shelter, care facility, skate park or rink, movie theaters, bowling alley, facilities for children’s clubs e.g. scouting, public recreational areas and trails including conservation areas, jogging trails, hiking trails, walking trails, bicycle trails, Offices for Child Protective Services, place of assembly, and specialized schools for children.
including, but not limited to, tutoring, gymnastics, dance, and music schools.

Subd. 5. Permanent Residence. A place where a person abides, lodges, or resides for 14 or more consecutive days. An ownership interest by the person in such residence is not required.

Subd. 6. Place of Assembly. A place of assembly, church, synagogue, temple, mosque or other facility that is used for prayer by persons of similar beliefs or a special purpose building that is designed or particularly adapted for the primary use of conducting, on a regular basis, religious services and associated accessory uses by a religious congregation.

Subd. 7. Public or Private Schools. Establishments primarily engaged in providing instructional services to preschool, elementary or secondary students with a curriculum that complies with state regulations, including public schools governed by an elected school board, private schools and charter schools.

Subd. 8. Temporary Residence. A place where a person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year, and which is not the person’s permanent address or a place where the person routinely abides, lodges, or resides for a period of four or more consecutive or nonconsecutive days in any month, and which is not the person’s permanent residence.

Subd. 9. Shelter. A location provided for victims of domestic violence, assault or sexual assault and children to reside while recovering from or seeking protection from instances of domestic violence, assault or sexual assault.

511.03 Prohibition; Penalties; Exceptions.

Subd. 1. Prohibited location of residence. It is unlawful for any designated predatory offender to establish a permanent residence or temporary residence within 2000 feet of any Care Facility, Facility for Children, or Shelter.

Subd. 2. Prohibited presence in safety zone. It is unlawful for any designated predatory offender to be present within 100 feet of any Care Facility, Facility for Children, or Shelter.

Subd. 3. Prohibited Activity. It is unlawful for any designated predatory offender to participate in a holiday event involving children, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, or wearing an Easter Bunny costume on or preceding Easter. Holiday events in which the offender is the parent or guardian of the children involved, and no non-familial children are present, are exempt from this paragraph.
Subd. 4.  **Measurement of distance.** For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent or temporary residence to the nearest outer property line of the Care Facility, Facility for Children, or Shelter.

Subd. 5.  **Violations.** A designated predatory offender who violates this ordinance shall be deemed guilty of a misdemeanor. Each day a designated predatory offender maintains a residence in violation of this ordinance constitutes a separate violation.

Subd. 6.  **Exceptions.** A designated predatory offender residing within a prohibited location as described herein does not commit a violation of this ordinance if any of the following apply:

A. The designated predatory offender established the permanent residence and reported and registered the residence pursuant to Minnesota Statutes sections 243.166 and 243.167, or a successor statute, prior to the adoption of this ordinance. Time spent in the Becker County Jail, Psychiatric or Chemical Dependency Treatment Center, Hospital, Half-way House, or other facility shall not constitute prior permanent residency.

B. The Care Facility, Facility for Children, or Shelter within 2,000 feet of the designated predatory offender’s permanent residence was opened after the designated predatory offender established the permanent residence and reported and registered the residence pursuant to Minnesota Statutes sections 243.166 and 243.167, or a successor statute.

C. The residence is a property purchased, leased, or contracted with and licensed by the State of Minnesota as a Chemical Dependency Treatment facility which has onsite staffing 24 hours a day, as well as the Becker County Jail.

*(Ordinance No. 411, Adopted 6/13/2017)*
600 - Licenses

601. Licensing Procedures

601.01 Scope. The provisions of 601 shall apply to all licenses and permits issued under this chapter, unless an exception is specifically provided by ordinance.

601.02 Applications. Every application for a license shall be made to the city administrator on forms supplied by the city. The application shall state the applicant’s name, address, and telephone number, the name of the business, if different, the address and telephone number of the premises on or from which the business is to be conducted, any other business operated on or from the same premises, the type of license applied for, and such other information as may be required by this code or by the council. All applications shall be accompanied by payment in full of the license fee. No person shall knowingly make a false statement in any license application.

601.03 Term. All licenses shall expire December 31 of each year. Except as necessary to coordinate expiration dates, all licenses shall be for a one-year term. When a license is issued for less than a full year, the fee shall be prorated at the rate of one-twelfth of the annual fee for each month or fraction of a month remaining in the year.

601.04 Fees. Fees for licenses issued under this chapter are as set forth in Section 210.

601.05 Prior Convictions. No person shall be denied a license because of a prior conviction unless that conviction has been determined by the council to be related to the business for which a license is sought, as provided by Minnesota Statutes, Chapter 364. The listing in this chapter of offenses deemed to be related to a particular business shall not preclude a finding by the council that other offenses are also related to that business. No person shall be denied a license because of an arrest or arrests not followed by conviction or admission of guilt.

601.06 Suspension and Revocation. The council may suspend for a period not to exceed sixty days or revoke any license for violation of any provision of this chapter or any applicable state law or regulation. Except as provided by this section, no license shall be suspended or revoked unless the licensee has been given written notice and a public hearing by the council or a committee of the council. The notice shall be given at least ten days in advance of the hearing, and shall state the time and place of the hearing and the nature of the charges against the licensee. The council may, without any advance notice or hearing, suspend any license for a period not exceeding ten days, pending a hearing on revocation.
601.07 **Where allowed.** No license shall be issued for any premises unless the business for which the license is sought is in compliance with the applicable zoning, building, and health ordinances, laws and regulations.

601.08 **Transfers.** No license shall be transferable, unless specifically provided for by this code.

601.09 **Background Investigations.** The Detroit Lakes Police Department shall conduct criminal history background investigations on applicants for various licensure under this section. For purposes of conducting this investigation and subject to present and future limitations on the use of the information imposed by the Minnesota Bureau of Criminal Apprehension and the Federal Bureau of Investigation, the Detroit Lakes Police Department shall access the Criminal Justice Data Network administered by the Minnesota Bureau of Criminal Apprehension. Information obtained from this source and used for these background investigations may include but is not limited to: driver’s license information and records of arrest and/or conviction in this state alone. Access to FBI data for purposes of this section is prohibited. The signed consent of the applicant is required and the grounds and reasons for determining denial will be relayed to the applicant upon denial by the city administrator’s office. In situations involving questioned identity, it is appropriate for the police department to use finger print verification to clarify the accuracy of a record disputed by an applicant. *(Ordinance No. 269, Adopted 4/5/2005)*
602. Massage Parlors

(Repealed Pursuant to Ordinance No. 365, Adopted 8/7/2012)
603. Pawnbrokers

603.01 License Required. No person shall conduct a pawnbroker business unless the person has a pawnbroker's license pursuant to this section.

603.02 Application. In addition to the information required by 601.02, each application shall include the names of all partners or shareholders owning a ten percent or more interest in the business.

603.03 Records. Every pawnbroker shall keep a written record of the name, address and driver's license or state identification number of persons pawning articles, a description of the pawned article or articles, including serial numbers, if any, and the date pawned.
604. Transient Merchants, Peddlers, Hawkers, Solicitors

604.01 Purpose. This section is not intended to in any way hinder, delay or interfere with legitimate business or organizational activities. This section is to assure that transient merchants, hawkers, peddlers and solicitors do not use public streets and their direct contact with residents of the City for the illegitimate solicitation practices of harassment, nuisance, theft, deceit, or menacing, troublesome or unlawful activities. This section is intended to ferret out and control: (1) businesses and organizations using solicitation as a means of concealing unlawful activities; and, (2) businesses and organizations which, though its activities be lawful or even commendable, use such illegitimate practices in solicitation; and (3) individual natural persons who, though they represent lawful businesses and organizations, use such illegitimate solicitation practices.

604.02 Definitions.

Subd. 1. Transient Merchant. Any person selling any merchandise, either as principal or agent, from a building or lot which he occupies as a tenant at will, or under a lease for a shorter term than six months, or from a railroad car, a truck, watercraft, or any other vehicle, or any person engaged in selling ice cream, ice cream products, popcorn, or soft drinks in booths or stands or in a temporary building.

Subd. 2. Hawker and Peddler. Any person selling any goods or products from a vehicle, or pack, going about from place to place carrying said goods or products for the purpose of sale and delivery, if the goods or products be edible, is a hawker; if the goods be nonedible, such a person is a peddler.

Subd. 3. Solicitor. Any person selling goods by sample or taking orders for future delivery and accepting a deposit or advance payment is a solicitor, provided, any person taking orders to be filled by goods delivered to the purchaser from other states in the original package shall not be included.

604.03 License Required. No transient merchant, hawker, peddler or solicitor shall sell or offer for sale any merchandise or attempt to do any business in the City and all surface water more than one-half surrounded by the City without first having obtained a license to do so.

604.04 Fees. All fees for such license is as set forth in Chapter 210.

604.05 County License Required. (Repealed Ordinance No. 219, Adopted 11/5/2002)

604.06 Application. In addition to the information required by 601.02, each application shall show the names of all persons associated with the applicant in his
business; the length of time for which a license is desired; a general description of the
thing or things to be sold; the place or places of residence of the applicant for the most
recent five years and the applicant’s Minnesota sales tax permit number. Every
application shall bear the written approval of the Chief of Police after an investigation.
All applications will be submitted to the City Council and a license will be issued by the
City Administrator upon City Council approval.

604.07 **Bond Required.** No transient merchant, hawker, peddler or solicitor
license shall be issued unless and until the applicant shall have filed with the City a
corporate surety bond in the penal sum of $2,000.00, or such greater amount as may be
determined by the Council, with sufficient sureties and in favor of the City, but for the
benefit of any residents who may sustain individual loss by means of fraud, artifice, trick
or other means of theft practiced by the licensee on such resident. Provided, however,
that a certificate evidencing such bond coverage and the availability of the penalty for the
uses and purposes herein expressed, shall be sufficient to satisfy this section without a
separate bond, in order that the applicant might be spared the necessity for duplicate
bonding.

604.08 **Duration of License.** Each license shall be valid only for the period
specified therein and no license will extend for a period longer than six months. No
license may extend beyond the 31st day of December of each year.

604.09 **License Not Transferable.** Licenses issued under this section shall be
non-transferable. No refunds shall be made on unused portions of licenses. Each person
engaged in the business of vending, hawking, or peddling goods must secure a separate
license.

604.10 **License to be Carried.** All licenses under this section shall be carried by
the licensee or conspicuously posted in his place of business and such licensee shall
whenever requested show said license to any officer or citizen who demands to see the
same.

604.11 **Person in Charge of Premises.** The owner or person in charge of any
premises within the City of Detroit Lakes who enters into an agreement with a transient
merchant or solicitor as defined herein to operate or temporarily conduct a transient
merchant business on such premises shall be responsible for the conduct of such business
upon his premises, including the application for and obtaining of a license for such
transient merchant business as provided in this Section.

604.12 **Exemptions.** This section shall not apply to the following persons or
organizations if the following procedure has been accomplished:

600-6
1. Sworn application has been made to the City Administrator showing name or organization, address, period of solicitation, location of solicitation and items to be sold.

2. The City Administrator has investigated and found such statements to be true and for charitable purpose and therefore issued a permit without charge.

3. If the use of City property is requested, Council approval shall be required.

   Subd. 1. Persons duly licensed or specifically exempted from licensing under the Constitution and laws of the State of Minnesota, or the City Code, at such times as such persons are conducting only the activity described by said laws.

   Subd. 2. Persons making an initial uninvited call upon the householders of the City as preliminary to the subsequent establishment of a regular route service for the sale and delivery to customers of the daily necessities of life which are perishable or subject to spoiling within a reasonable period of time.

   Subd. 3. Charitable organizations, and representatives thereof, duly registered under the laws of Minnesota as set forth in Minnesota Statutes, Sections 309.50-309.61 or those specifically exempted from registration under the provisions thereof, including but not limited to schools, scouts, organized youth athletic leagues, social, fraternal, educational or related organizations and their representatives.

   Subd. 4. Farmers or truck gardeners who offer for sale or sell, or who peddle from house to house or in the markets, vegetables, butter, eggs, or other farm or garden products produced and raised by said farmer or truck gardener from lands occupied and cultivated. Provided, that every such farmer or truck gardener claiming the exemption from the license requirements of this Section shall upon request of the City Administrator, present satisfactory proof by means of sworn statements or otherwise, that such farmer or truck gardener is entitled to such license, exemptions; provided further that whoever shall execute a false sworn statement or make any false representations which shall induce the City to grant such exemption, shall upon conviction thereof, be deemed to be guilty of a misdemeanor.

604.13 Prohibited Solicitation Practices. It is unlawful for any transient merchant, hawker, peddler or solicitor to:

1. engage in solicitation for any unlawful business or organizational purpose or activity;

2. practice harassment; nuisance, theft, deceit, or menacing, troublesome or otherwise unlawful activities during the course of solicitation;
3. solicit to residential premises displaying at such entrance a sign with the words "Peddlers and Solicitors Prohibited" or "Solicitors Prohibited";

4. refuse to leave premises when requested by owner, lessee, or person in charge thereof;

5. call attention to his business or to his merchandise by crying out, by blowing a horn, by a ringing a bell, or by any loud or unusual noise;

6. displaying merchandise, parking vehicle or placing temporary structure in such place or position as to prohibit or interfere with the movement of traffic or restrict the view of traffic on any City sidewalk, street or highway;

7. displaying or selling merchandise on any right-of-way or public property.

**604.14 Criminal Penalty.** Each violation of this City Code Chapter shall be a misdemeanor. *(Ordinance No. 341, Adopted 6/22/2010)*
605. Plumbers

605.01 Definition. Plumbing means the making of any connection with the water pipes, water mains, branch sewers, main sewers, drains or other service pipes of the city, or making any repairs, additions, or alterations of any pipe, tap, stopcock, water closet, or any other fixture connection with or designed to be connected with the water works or sewer system of the city.

605.02 License Required.

Subd. 1. Generally except as provided in Subd. 2, no person shall carry on the business of plumbing in the city without having a city plumber's license.

Subd. 2. Exception. No city employee or city contractor in city work on maintenance, repair, or extension of the city water or sewer system shall be required to be licensed under this section.

605.03 Requirements.

Subd. 1. State License. A city plumber's license shall not be issued to anyone who does not possess current master or journeyman plumber's license issued by the state health department.

Subd. 2. Bond. Before a plumbing license may be granted, the applicant shall furnish to the City evidence of a $25,000.00 code compliance bond. The bond must be filed with the Department of Labor and Industry. The bond shall be conditioned that the applicant shall in all respects well and faithfully perform all things by him undertaken in the making of connections, repairs, or taps of any kind with the water mains or pipes connected with the water works system of the city, and shall save the said city harmless of and from all accidents and damages consequent thereto or by reason of any opening in any street, lane or avenue made by him or by any person in his employ, for the purpose of putting down service pipes connecting with the water works of said city, and that he will restore all streets excavated by him to their former good condition and will keep and maintain the street and sidewalk in good condition, to the satisfaction of the street commissioner for a period of one year next thereafter, and that he will pay all fines and penalties that may be imposed upon him by law. Amended: 09/08/09 Ord. 338

605.04 Refunds. No refund of any portion of the license fee shall be made for any reason.
605.05 **Standards.** All plumbing shall be performed in accordance with the provisions of the Minnesota State Plumbing Code. A current copy of the code and amendments shall be filed in the city administrator's office.

605.06 **Enforcement.** It shall be the duty of the plumbing inspector designated by the council to enforce the plumbing provisions of this section. All plumbing work shall be inspected, and if found not to be in accordance with the code, shall be corrected. If, after written notice to the person installing work requiring the correction thereof, such person neglects or refuses to conform to such order, the city or any duly appointed inspector may remove such work and charge the cost thereof to the person installing it. No person shall cover any work without it being duly inspected. Refusal to correct a violation when ordered to do so by the plumbing inspector, shall be a violation of this section.
606. Solid Waste Collectors

606.01 License Required. Any persons, firm, or corporation desiring to conduct the business of collecting garbage, rubbish, and recyclables or slid waste in the City of Detroit Lakes shall first obtain a license to do so. (Ordinance No. 68, Adopted 11/5/1991)
607. Cigarette Sales

607.01 License Required. No person shall directly or indirectly or by means of any devise keep for retail sale, sell at retail, or otherwise dispose of any cigarettes or cigarette wrappers unless he has been issued a cigarette sales license.

607.02 Requirements. No license shall be issued for sale of cigarettes at any place other than an established place of business. No license shall be issued for the sale of cigarettes at a movable place of business.

607.03 Display. Every cigarette sales license shall be conspicuously posted on the premises for which the license is issued, and shall be exhibited to any person upon request.

607.04 Minors. No person shall sell or give away any cigarette, cigarette paper or cigarette wrapper to any person under the age of eighteen years.
608. Tourist Park

(Repealed Pursuant to Ordinance No. 364, Adopted 8/7/2012)
609. Building Moving

609.01 Permit Required. No person shall move a building on or across any street which the city has jurisdiction without first obtaining a permit from the city administrator.

609.02 Application. In addition to the information required by 601.02, each application for a permit to move a building shall show the dimensions and weight of the structure to be moved; the method and equipment to be used; the route to be followed; the time movement will commence; the expected duration and speed of movement; the places of origin and destination.

609.03 Eligibility. No permit shall be issued to any person who does not hold a current building mover's license issued pursuant to Minnesota Statutes 221.81.

609.04 Utilities. Prior to removal of any building, the permittee shall disconnect all water, sewer, steam, and gas service lines. All gas service lines shall be disconnected and plugged at the main. If the public utilities superintendent determines that the water, sewer or steam service line is in satisfactory condition, those lines may be disconnected and plugged at the property line. If the water, sewer or steam service line is not in satisfactory condition, the line shall be disconnected and plugged at the main. All disconnections shall be at the expense of the owner.

609.05 Issuance. No permit shall be issued by the city administrator unless it is approved by the police chief and the street commissioner. No permit shall be issued unless the building and utility service lines have first been inspected. The permit shall be subject to reasonable conditions concerning route, time of day, and safety precautions. Any decision or condition imposed may be appealed to the council by the permittee within fourteen days.

609.06 Violations. Violation of any condition attached to a building moving permit shall constitute a violation of this section.
610. Taxi License

610.01 License Required. No person shall engage in the business of carrying passengers for pay, wages, hire, or remuneration in any vehicle without first having obtained a license to do so.

610.02 Application. In addition to the information required by 601.02, each application shall state the number of vehicles to be operated; the license number of each vehicle; and the names and driver's license number of each person who will drive a vehicle for hire.

610.03 Drivers. No person shall serve as the driver of a vehicle for hire who has been convicted of any alcohol-related traffic offense within the prior five years or more than one traffic misdemeanor of any other sort within the previous twelve months. (Ordinance No. 180, Adopted 6/1/1999)

610.04 Conditions. The council may impose reasonable additional conditions and requirements upon licensees. Such conditions and requirements may be in the form of an ordinance granting a nonexclusive franchise to operate motor vehicles for hire.
611. Dance Permits

611.01 Definitions. For the purpose of this Ordinance, the following definitions shall apply:

Subd. 1. Public Dancing Place. Any room, place, or space open to public patronage in which dancing, wherein the public may participate, is carried on and to which admission may be had by the public by payment, directly or indirectly, of an admission fee or price for dancing.

Subd. 2. Public Dance. Any dance wherein the public may participate by payment, directly or indirectly, of an admission fee or price for dancing and shall include any manner of holding a dance which may be participated in by the public through the payment of money or other compensation, directly or indirectly.

611.02 Permit Required. It shall be unlawful for any person to give, hold, or conduct a public dance unless the owner, lessee or proprietor of the public dancing place, or the person giving the same or in charge thereof, shall first have procured a permit to hold, give, and conduct such public dance as hereinafter provided.

Subd. 1. A permit must be procured from the City Administrator's Office. Such permit may be issued for one or more public dances or for a period of time not exceeding one year. The permit shall be issued for such fee and under such conditions as the City Council may prescribe by resolution.

611.03 Application. Application for a dance permit shall be made by filing with the City Administrator, a verified application form setting forth the name, address and telephone number of the persons, committee, or organization who are to give, hold, and conduct the same, the time and place where such public dance is to be held, and the security arrangements which will be used at the dance. The City Administrator shall refer the application to the Chief of Police for investigation and approval before the permit is granted. The application and Chief of Police report shall be presented to the City Council at its next meeting for action. The City Council may either grant or reject the same. In case the same is granted, the City Council shall direct the City Administrator to issue the same upon the payment of any required fee and upon the payment of investigation expenses incurred by the City in reviewing the application. The permit shall specify the names and addresses of the persons or organization to whom issued, the amount paid therefor, and the time and place where the public dance is to be held. The permit shall be posted in a public place in the dance hall described therein during the time the public dance mentioned therein is being given, and the persons named in the permit shall be responsible under the law for the manner in which the public dance is being held and conducted.
611.04 **Security for Public Dances.** The person and organization to whom such permit is issued shall have security personnel present at every public dance to be given or held thereunder during all the time the public dance is being held as required by the permit. Such security personnel shall be approved by the Chief of Police. In all cases the fees and expenses of such security personnel shall be paid by the person or organization to whom the permit has been issued. The person or organization to whom the permit has been issued shall be responsible for the action of the security personnel.

611.05 **Hours.** No public dance shall be held or conducted between the hours of 1:00 AM and 6:00 AM, of any day. The City Council may, if they so desire, fix the hours within which public dances may be held, not inconsistent herewith, and shall also have authority, by motion, to regulate or to prohibit the same on Sunday.

611.06 **Exceptions.**

Subd. 1. No permit shall be required by organizations of Independent School District #22 for dances to be held on school property and under the supervision of school district officials.

Subd. 2. A public dancing place which is licensed as an establishment for the sale of liquor by a regular on-sale, Sunday on-sale, club, or wine license as provided by Chapter 702 is exempt from the permit requirement of this Chapter.

611.07 **Revocations of Permit.** The City Council may at any time revoke the permit and shall revoke any such permit held by any person convicted of violating any of the provisions of this ordinance. *(Ordinance No. 37, Adopted 9/5/1989)*
612. Rental Unit Registration

612.01 Purpose and Findings.

Subd. 1. The City Council of the City of Detroit Lakes finds that there is a need for periodic municipal inspection of residential rental units in the City to ensure that such units meet City and State safety, health, fire and zoning codes and to promote the public health, safety and welfare of the community at large and the residents of rental units within this City.

Subd. 2. The City Council of the City of Detroit Lakes finds that a municipal registration program is appropriate to effectively enforce residential rental unit maintenance standards and correct or prevent law violations, nuisances and other disturbances and disorders involving residential rental units within this City.

Subd. 3. The City Council of the City of Detroit Lakes finds that an effective means of implementing the foregoing findings is registration of all residential rental units within the City and inspection of such units from time to time as determined appropriate in the exercise of discretion by staff and personnel of the City and in response to complaints involving such units.

612.02 Definitions. For purposes of this Ordinance, the following definitions shall apply:

Subd. 1. Rental Unit / Residential Rental Unit. Any house, apartment, condominium, townhouse, room, or group of rooms, constituting or located within, a dwelling and forming a single habitable unit.

Subd. 2. Dwelling. Any building or other permanent or temporary structure, including a manufactured or mobile home which is wholly or partly used, or intended to be used, for living or sleeping by human occupants.

Subd. 3. Rent, Lease, Let or Sublet. The leasing of a rental unit to a non-owner for a fixed or non-fixed period of time, and shall include lease to buy, contract for deed, installment sales, purchases, and other similar arrangements whereby nonpayment of a periodic payment means the occupants may be evicted without the necessity of either a statutory mortgage foreclosure procedure, a statutory termination of contract for deed procedure, or a statutory repossession procedure.

Subd. 4. Shall and must as used in this Ordinance are each mandatory.
Subd. 5. Should and may as used in this Ordinance are each permissive or directory.

Subd. 6. Administrator or City Administrator. The Detroit Lakes City Administrator, or the Deputy Detroit Lakes City Administrator in the absence of the City Administrator, or such person as the City Administrator designates, in writing, to carry out the responsibilities of the City Administrator as provided by this Ordinance.

Subd. 7. Registration Holder. A person or entity to whom registration for a rental unit is issued under this ordinance.

Subd. 8. Local Property Manager. A natural person residing within 30 miles of the City of Detroit Lakes who is authorized by the rental unit owner to make decisions for the owner about rental, occupancy and maintenance of the rental unit.

612.03 Registration Requirements.

Subd. 1. No person or entity may hereafter occupy, allow to be occupied or rent, lease, let or sub-let a rental unit, to another person or entity for occupancy unless that rental unit is registered for occupancy pursuant to a valid and current rental unit registration issued by the Detroit Lakes City Administrator.

Subd. 2. Each rental unit must have an owner, or Local Property Manager designated by the owner, who resides within 30 miles of the City of Detroit Lakes.

Subd. 3. Any person or entity desiring to rent, let, lease or sub-let any rental unit shall apply for registration by using forms furnished by the City for that purpose. The forms must provide information required by the City Administrator, including the following:

A. Name, address, phone number (and FAX number, if owner has one) of the property owner.

B. Name, address, phone number (and FAX number, if manager has one) of a designated Local Property Manager.

C. The street address of the rental property.

D. The number and types of units within the rental property (dwelling units or sleeping rooms).
E. The maximum number of occupants permitted for each dwelling unit or sleeping room.

F. The name, phone number, FAX number and address of the person authorized to make, or order, made repairs or services for the property if in violation of City or State codes, if the person is different than the owner or Local Property Manager.

612.04 **Exemptions.** This Ordinance does not apply to campus dormitory and campus residence units owned, operated or managed by a governmental entity or agency, hospital units or rooms, nursing homes, retirement homes or other similar rental space which is otherwise registered by the State of Minnesota or the City of Detroit Lakes.

612.05 **Manner of Registration Renewal.** Registration shall be required each calendar year and may be issued on a calendar year basis prior to January 1 of each successive year. The City will annually mail registration renewal forms to rental unit owners or their designated Local Property Managers on or about October 1 of each year. Registration renewal forms must be delivered to the City Administrator no later than the 15th day of November each year. Failure of the City to mail renewal forms and failure of an owner or Local Property Manager to receive a renewal form, does not excuse or waive the registration required by this Ordinance.

612.06 **Transfer of Property.** Every new owner of a rental unit, whether fee owner or contract purchaser, shall furnish to the City Administrator the new owner's name, address, phone number and fax number and the name, address, phone number and fax number of the new owner's designated Local Property Manager before taking possession of the rental property upon closing of the transaction. No new registration fee is be required of the new owner during the year in which such possession takes place, provided that the previous owner has paid all registration fees and has complied with all requirements of this Ordinance and any violations of health, zoning, fire or safety codes of the City. If any change in the type of occupancy as originally registered is contemplated by the new owner, a new registration application will be required.

612.07 **Posting of Registration.** Each rental unit registration holder must post the rental unit registration in a conspicuous spot near the front entry to the rental unit in a public corridor, hallway or lobby. Failure to post the registration and keep the registration posted is a misdemeanor, but is not grounds for termination of registration.

612.08 **Fees.** The fees for rental unit registration, registration renewal, late fees and inspection may be set by resolution of the City Council adopted from time to time.

612.09 **Maintenance of Records.** All records, files and documents pertaining to rental unit registration and rental unit inspections may be maintained by the City.
Administrator and will be available to the public as allowed, permitted or required by State Law or City Ordinance.

612.10 **Maintenance of Standards.** Every rental unit must be maintained in compliance with the building code, dwelling maintenance standards, nuisance ordinance and noise ordinance of the City of Detroit Lakes as set forth in Detroit Lakes City Code Chapters 1004, 1002, 900 and 505, respectively as now in force and hereafter amended, revised or replaced, and in compliance with all other standards, ordinances, laws and regulations governing use, occupancy, construction and maintenance of property and conduct of persons in or on that property.

612.11 **Inspections and Investigations.**

Subd. 1. Fire Department personnel, police officers, the City Health Officer, City Building Inspector, City Administrator and their respective designees and representatives, are hereby authorized to make inspections reasonably necessary to the enforcement of this Ordinance.

Subd. 2. All persons authorized herein to inspect shall have the authority to enter, at all reasonable times, any rental unit or structure containing a rental unit, registered or required to be registered, for the purpose of enforcing this Ordinance.

Subd. 3. Written notice of a violation of this ordinance may be given to the Registration Holder by certified mail directed to the address of the Registration Holder as shown by the Administrator's registration application file. Said notice may contain a Compliance Order stating that compliance with this ordinance shall be made immediately and, in that case, the notice shall advise the Registration Holder that the property may be re-inspected in not less than fifteen (15) days, unless extended by the Administrator, based on good cause.

Subd. 4. A Registration Holder may appeal to the City Administrator the requirements of any Compliance Order by filing a written appeal with the office of the City Administrator no later than ten (10) days after the date of issuance of the compliance order. The City Administrator should schedule a hearing within ten (10) days after filing of the Notice of Appeal. Enforcement of the Compliance Order shall be stayed pending the decision of the City Administrator on the appeal. The City Administrator may reschedule the hearing as the Administrator determines is necessary.

612.12 **Conduct on Registered Premises**

Subd. 1. It is the responsibility of the Registration Holder to require and ensure that occupants of the registered premises conduct themselves in such a manner as to not cause the premises to be disorderly or to be used, occupied or
maintained in violation of law or ordinance. For purposes of this section, a rental unit is disorderly and in violation of law or ordinance when any of the following activities occur in, on or at the registered premises:

A. Conduct which constitutes a violation of Chapter 900 of the Detroit Lakes City Code relating to nuisances as it now exists or as hereafter amended.

B. Conduct which constitutes a violation of Detroit Lakes City Code 505, the noise ordinances as it now exists or as hereafter amended.

C. Conduct which constitutes disorderly conduct in violation of Minnesota Statutes 609.72 as it now exists or as hereafter amended.

D. Conduct which constitutes a violation of laws relating to possession of controlled substances pursuant to Minnesota Statutes Chapter 152 as it now exists or as hereafter amended.

E. Conduct which constitutes a violation of any City ordinance or State law relating to minors possessing or consuming alcohol, or relating to providing, furnishing or serving alcohol to minors, or relating to sale of alcoholic beverages.

F. Conduct which constitutes a violation of State laws or City ordinances relating to prostitution, indecent exposure or acts related to prostitution as defined by State law.

G. Conduct which constitutes a violation of City ordinances and State laws relating to weapons or fire arms.

H. Conduct which constitutes a violation of City ordinances or State laws relating to assault, specifically including domestic assaults and criminal sexual conduct.

I. Conduct which constitutes a violation of ordinances or laws relating to contributing to the need for protection, services or delinquency of a minor as defined in Minnesota Statute 260.315 as it now exists or as hereafter amended.

J. Conduct which constitutes a violation of any other federal, state or local ordinance or regulation and which is reasonably likely to
threaten, annoy or harass tenants or visitors to rental units, or to residents, visitors or occupants of neighboring properties.

Subd. 2. The City Administrator shall administer this section of the Ordinance and may delegate administration to a designee authorized in writing by the City Administrator.

Subd. 3. If the Administrator determines that a violation of this section has occurred, then the Administrator will give notice of the violation to the Registration Holder and the renters of the rental unit, if known, and will direct that the Registration Holder take steps to prevent further violations.

Subd. 4. If another violation of this section occurs within ninety (90) days of the incident for which notice was given as provided in Subdivision 3 above, then the City Administrator will give notice of the violation to the Registration Holder and the renters of the rental unit, if known, and will direct that the Registration Holder take steps to prevent further violations. The City Administrator will also, at that time, request that the Registration Holder submit to the City Administrator, within ten (10) days of the City Administrator's mailing of the notice of violation provided in this section, a report itemizing all actions taken by the Registration Holder in response to all notices of violations as to the rental unit within the preceding ninety (90) days.

Subd. 5. If a third violation of this section occurs within ninety (90) days after the last of any two or more previous violations for which notices were given pursuant to this section, and the Registration Holder has not sufficiently taken action to prevent further violations, then the rental unit registration for the premises may be denied, revoked, suspended or not renewed.

A. Action to deny, revoke, suspend or not renew a rental unit registration may be initiated by the City Administrator who shall give to the Registration Holder a written notice of hearing before the City Administrator to consider such denial, revocation, suspension or non-renewal.

B. A notice of intent to deny, revoke, suspend or not renew registration shall specify all violations of this section and shall state the date, time, place and purpose of the hearing provided by this subdivision.

C. The hearing held pursuant to this subdivision shall occur no later than 30 days after notice.
D. Following the hearing, the City Administrator may deny, revoke, suspend or not renew registration for all or any part of the registered premises or may grant conditional registration upon such terms and conditions as the Administrator finds necessary to accomplish the purpose of this Ordinance.

Subd. 6. No adverse registration action may be imposed where the violation of this section occurred during the pendency of unlawful detainer eviction proceedings brought under Minnesota Statute Chapter 566 or within thirty (30) days of notice given by the Registration Holder to a tenant to vacate the premises at which the violation occurred. Unlawful detainer eviction proceedings or a notice to vacate the premises, will not, however, bar adverse registration action unless diligently pursued by the Registration Holder. Action to deny, revoke, suspend or not renew registration for violation of this section may be postponed or dismissed by the City Administrator at any time if it appears to the Administrator that the Registration Holder has taken appropriate remedial action.

Subd. 7. The standard of proof to be used in determinations by the City Administrator as to conduct constituting violations under this section is a fair preponderance of evidence in support of such a determination. It is not necessary that criminal charges be brought to support a determination of violation of this section or a determination that conduct constituting a violation of this section has occurred. It is necessary, in determining a violation of this section, that law enforcement officers be called to the rental unit in response to a complaint and that a police report and investigation of the same be prepared.

Subd. 8. For the purpose of this ordinance, a violation under this section includes violations by the rental unit renters or occupants, or by their visitors or guests, in or at the rental unit of the renters or tenants, or in, at or upon its curtilage, including anywhere on the property grounds and premises of an apartment building, home or mobile home park at which the rental unit is situated.

Subd. 9. Failure of a Registration Holder to respond to notices provided in this section is not, by itself alone, a violation of this Ordinance.

612.13 Failure to Grant Registration, Revocation, Suspension or Failure to Renew Registration.

Subd. 1. The City reserves the right to not register a rental unit unless it complies with the requirements of this Ordinance.

Subd. 2. Any registration issued under this Ordinance is subject to the right, which is hereby expressly reserved by the City, to deny, suspend, revoke or not
renew the same should the Registration Holder or their agents, employees, representatives or lessees directly or indirectly operate or maintain the rental dwellings contrary to the provisions of this Ordinance or any other ordinance of the City or any special permit issued by the City, or the laws of the State of Minnesota. Provided, however, registration shall not be denied, suspended, revoked or not renewed if the Registration Holder complies with a compliance order or orders in a reasonably timely manner as determined by the City Administrator.

Subd. 3. The City Administrator shall notify the applicant that registration has been denied, or the Registration Holder that registration is being suspended, revoked or not-renewed. The suspension, revocation or non-renewal shall occur thirty-five (35) days after the date of the notification order, or at such later date as set out in the notification.

Subd. 4. A determination by the City Administrator to deny, suspend, revoke or not-renew registration of a rental unit may be appealed to the City Council by filing with the City Administrator a written notice of appeal within fifteen (15) days of the date on which the City Administrator mails such determination to the applicant or Registration Holder. In that event, the appeal will be heard by the City Council at its next meeting occurring at least fifteen (15) days after the filing of the Notice of Appeal.

Subd. 5. At any appeal of a determination by the City Administrator under this Ordinance, the Registration Holder or applicant, Local Property Manager for the Registration Holder or applicant, or an attorney representing them, may appear and make a presentation to the City Council. The City Administrator shall present to the City Council the basis for the determination being appealed. After the hearing, the Council may uphold, reverse or modify the decision of the City Administrator based upon the provisions of this Ordinance and upon the protection of the public health, sanitation, safety or general welfare of the community at large or the residents of rental units within the City. The City Council shall issue written findings and determination within thirty-one (31) days of the hearing, unless the Council extends that time for good cause.

Subd. 6. A decision of the City Council made as provided in this section may be appealed by Writ of Certiorari to the Court of Appeals of the State of Minnesota pursuant to its Rules of Civil Appellate Procedure.

612.14 Summary Action.

Subd. 1. As a condition of receiving rental unit registration, each Registration Holder is presumed to agree and consent that when the conduct of any Registration Holder or Registration Holder’s agent, representative, employee or lessee, or the condition of their rental unit, or the property in or on which it is located, is
detrimental to the public health, sanitation, safety and general welfare of the community at large, or residents of the rental units so as to constitute a nuisance, fire hazard, or other unsafe or dangerous condition and thus give rise to an emergency, the City Administrator shall have the authority to summarily condemn or close individual rental units or such areas of the rental dwelling as the Administrator deems necessary. Notice of summary condemnation shall be posted at the units or areas affected and shall describe the units or areas affected. No person shall remove the posted notice, other than the Fire Marshall, City Administrator, or their designated representative. Any person aggrieved by the decision or the action of the City Administrator or Fire Marshall set out in this Subdivision, may appeal the decision following the procedures set out in this Ordinance. The hearing shall be conducted in the same manner as provided in this Ordinance, however, the date of the hearing may be expedited with the consent of the Registration Holder.

Subd. 2. The decision of the City Administrator set forth in this Subdivision is not voided by the filing of such appeal. Only after the hearing by the City Council has been held will the decision or action of the City Administrator be affected.

612.15 Applicable Laws. Registration Holders are subject to all of the ordinances of the City and State of Minnesota relating to rental dwellings, and this Ordinance shall not be construed or interpreted to supersede or limit any other applicable ordinance or law.

612.16 Violations, Injunctive Relief.

Subd. 1. Nothing in this Ordinance prevents the City from taking enforcement action under any of its fire, housing, zoning, health safety or other codes, ordinances and State laws for violations thereof, or to seek injunctive relief and criminal prosecution for violations of any ordinance, code or law. Nothing contained in this Ordinance prevents the City from seeking injunctive relief against a property owner or designated property manager who fails to comply with the terms and conditions of this Ordinance or to obtain an order closing such rental units until violations of this particular Ordinance have been remedied by the property owner or designated property manager.

Subd. 2. Violation of this Ordinance is a misdemeanor. Each separate day on which a continuing violation occurs is a separate violation.

612.17 Written Notices. Notices from the City required by this ordinance shall be effective if personally delivered or if mailed to the addressee by certified mail, return receipt requested, to the address shown in the City file pertaining to the rental unit involved in the notice.
612.18 **Effective Date.** This Ordinance is effective upon its adoption pursuant to the Detroit Lakes City Charter. Provided, however, that the initial registration provisions of this Ordinance do not become effective until August 1, 1996 to allow rental unit owners to complete the process of registration. The initial registration covers a period of time from the date of issue through December 31, 1997.

612.19 **Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect validity of the remaining portions of this Ordinance.
613. Adult Uses

613.01 Preamble. The findings of the City Council of the City of Detroit Lakes set forth in Section 500.51, 3A.02 of the Detroit Lakes City Code are hereby adopted as part of this Ordinance.

613.02 Conclusions. Based upon the foregoing findings, the City Council of the City of Detroit Lakes, Minnesota concludes that:

1. the City has real and substantial responsibilities for preservation and promotion of public health, safety and welfare in the City;

2. it is in the best interests of the public health, safety and general welfare of the people of the City of Detroit Lakes that this Ordinance be enacted.

613.03 Definitions adopted by reference. For the purpose of this Ordinance, the definitions set forth in Section 501.51, 3A.04 as they now exist or are hereafter amended are adopted and incorporated as part of this Ordinance.

613.04 Definitions specific to this Ordinance. For the purpose of this Ordinance, the following terms shall have the following definitions:

Subd. 1. Booths, Stalls or Partitioned Portions of a Room or Individual Room:

A. enclosures specifically offered to persons for a fee or as an incident to performing high-risk sexual conduct; or

B. enclosures which are part of a business operated on the premises which offers movies or other entertainment to be viewed within the enclosure, including enclosures wherein movies or other entertainment is dispensed for a fee.

The phrase booths, stalls, or partitioned portions of a room or individual rooms does not mean enclosures which are private offices used by the owners, managers or persons employed by the premises for attending to the tasks of their employment, and which are not held out to the public or members of the establishment for hire or for a fee or for the purpose of viewing movies or other entertainment for a fee, and are not open to any persons other than employees.

Subd. 2. Clean. The absence of dirt, grease, rubbish, garbage, semen, body secretions and other offensive, unsightly or extraneous matter.
Subd. 3. **Doors, Curtains or Portal Partitions.** Full, complete, nontransparent closure devices through which one cannot see or view activity taking place within the enclosure.

Subd. 4. **Good Repair.** Free or corrosion, breaks, cracks, chips, pitting, excessive wear and tear, leaks, obstructions, and similar defects so as to constitute a good and sound condition.

Subd. 5. **Health Inspectors.** Inspectors, including building inspectors, fire inspectors, fire marshals, and health officers, whether employed or appointed by the City of Detroit Lakes or other governmental entity having authority within the City of Detroit Lakes, and their designees, representatives or agents, if any.

Subd. 6. **Issuing Authority.** The City Council of the City of Detroit Lakes.

Subd. 7. **Open to an Adjacent Public Room so that the Area Inside is Visible to Persons in the Adjacent Public Room.** Either the absence of any entire door, curtain or portal partition or a door or other device which is made of clear, transparent material such as glass, plexi-glass or other similar material meeting building code and safety standards, which permits the activity inside the enclosure to be entirely viewed or seen by persons outside the enclosure.

Subd. 8. **Person.** One or more natural persons; a partnership, including a limited partnership; a corporation, including a foreign, domestic, or nonprofit corporation; a trust; a political subdivision of the State; or any other business organization, enterprise or establishment whether operated for profit or not.

**613.05 License Required.** No person shall own or operate a sexually-oriented business within the City unless such person is currently licensed under this Code.

**613.06 License Application.** The application for a license under this Code shall be made on a form supplied by the City Administrator and shall request the following information:

Subd. 1. For all applicants:

A. Whether the applicant is a natural person, corporation, partnership or other form of organization.

B. The legal description of the premises to be licensed, along with a floor plan of the premises. The floor plan of the premises shall detail all internal operations and activities, including a statement of
the total floor space occupied by the business. The floor plan need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.

C. The name and street address of the business. If the business is to be conducted under a designation, name or style other than the name of the applicant, a certified copy of the certificate required by Minnesota Statues, Section 33.01 shall be submitted.

Subd. 2. If the applicant is a natural person:

A. The name, place and date of birth, street and city address and phone number of the applicant.

B. Whether the applicant has ever used or has been known by a name other than the applicant's name, and if so, the name or names used and information concerning dates and places where used.

C. The street and city address at which the applicant has lived during the preceding two (2) years.

D. The type, name and location of every business or in which the applicant has been engaged during the preceding two (2) years and the name(s) and address(e) of the applicant's employer(s) and partner(s), if any, for the preceding two (2) years.

E. Whether the applicant has ever been convicted of a felony, crime or violation of any ordinance other than a petty misdemeanor or traffic ordinance. If so, the applicant shall furnish information as to the time, place and offense for which convictions were had.

Subd. 3 If the applicant is a partnership:

A. The name(s) and address(es) of all general partners and all of the information concerning each general partner that is required of applicants in sub-part (2) of this Section.

B. The names(s) of the managing partner(s) and the interest of each partner in the business.

C. A true copy of the partnership agreement shall be submitted with the application. If the partnership is required to file a certificate as
to a trade name pursuant to Minnesota Statutes, Chapter 333, a copy of such certificate shall be attached to the application.

Subd. 4. If the applicant is a corporation or other organization:

A. The name of the corporation or business form, and if incorporated, the state of incorporation.

B. A true copy of the Certificate of Incorporation, Articles of Incorporation or Association Agreement and By-laws shall be attached to the application. If the applicant is a foreign corporation, a Certificate of Authority as required by Minnesota Statutes, Chapter 303, shall be attached.

C. The name of the manager(s), proprietor(s), or other agent(s) in charge of the business and all of the information concerning each manager, proprietor, or agent that is required of applicants in subpart (2) of this Section.

613.07 Application Execution. If the application is that of a natural person, the application shall be signed and sworn to by that person; if of a corporation, by an officer thereof; if of a partnership, by one of the general partners; if of an unincorporated association, by the manager or managing officer thereof.

613.08 Application Verification. Applications for licenses under this Article shall be submitted to the City Administrator. Within sixty (60) calendar days after receipt of a completed application form by the City Administrator, the City Administrator shall verify all information requested of the applicant in the application, including obtaining criminal background checks, and with the assistance of the police department, health officer, building inspector and any other appropriate personnel, shall conduct any necessary investigation to assure compliance with this ordinance.

613.09 Application Consideration. At the next regularly scheduled meeting of the City Council following completion of the application verification as provided in this ordinance, the application and any investigation and recommendations shall be presented to the City Council for determination of whether the application and investigation are sufficient. Upon review by the City Council, the Council may direct that the City Administrator conduct further investigations to be returned to the City Council at its next regularly scheduled meeting. If the City Council finds that the application has been verified by the City Administrator and that any necessary investigation is complete, the Council shall schedule a public hearing to be held at its next regularly scheduled meeting for the purpose of considering whether a license should be issued to the applicant. If an application is granted for a location where a building is under construction or not ready
for occupancy, the license shall not be delivered to the licensee until a certificate of occupancy has been issued for the licensed premises by the city building inspector. During the application consideration process described herein, an applicant operating a business not previously subject to the license provisions of this ordinance, may continue operating pending the outcome of the application.

613.10 Renewal Application.

Subd. 1. All licenses issued under this Ordinance shall be effective for only one (1) year commencing with the date of approval by the City Council. An application for the renewal of an existing license shall be submitted to the City Administrator at least sixty (60) calendar days prior to the expiration of the license.

Subd. 2. Within twenty (20) calendar days of receipt by the City Administrator of a fully completed renewal application, the City Administrator shall verify any and all of the information requested of the applicant in the renewal application, including the ordering of criminal background checks, and shall conduct any necessary investigation to assure compliance with this Code. No later than ten (10) calendar days after the completion of the renewal application verification and investigation by the City Administration, as prescribed herein, the City Administrator shall issue a renewal license unless one (1) or more of the following conditions exist:

A. The applicant is a minor at the time the application is submitted;

B. The applicant failed to supply all of the information requested on the renewal application;

C. The applicant gave false, fraudulent, or untruthful information on the renewal application;

D. The sexually-oriented business was found in the immediately preceding license year to have violated the license prescribed in Sections 612.09; 612.09; 612.10; 612.11; 612.12; or 612.13;

E. The sexually-oriented business does meet the zoning requirements prescribed in the Detroit Lakes City Code, including Ordinance 500.51 as it presently exists or is hereafter amended or replaced.

F. The premises licensed as a sexually-oriented business is currently licensed by the City as a tanning facility, tattoo establishment, pawnshop, therapeutic massage enterprise, or an establishment licensed to sell alcoholic beverages.
G. The applicant has had a conviction of any crime making the applicant and/or location ineligible for a license as provided by this ordinance.

H. The applicant has had a sexually-oriented license revoked within a one (1) year period immediately preceding the date the application was submitted.

Subd. 3. If the City Administrator denies a renewal application, the City Administrator shall notify the applicant of that determination in writing, and that notification shall be mailed by certified and regular mail to the applicant at the address provided on the application form. The notice shall inform the applicant that the applicant has a right, within twenty (20) calendar days of the mailing of the notice by the City Administrator, to request an appeal to the City Council of the City Administrator's determination. The notice shall, in addition, state the grounds for denial. If an appeal to the City Council is timely received by the City Administrator, a hearing before the City Council shall take place within thirty (30) calendar days of the receipt of the appeal by the City Administrator who shall give prior notice of that hearing by publication. If the City Council sustains the City Administrator's denial of a renewal of the license under this ordinance, then the applicant shall not be issued a license under this ordinance for one (1) year from the date of the denial. If, subsequent to the denial, the City finds that the basis for this denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date on which the denial became final.

613.11 Fees.

Subd. 1. License Fee.

A. The fee for the license provided in this ordinance shall be $1000.00. The unused portion of any license fee may, in the discretion of the City Council, be refunded if the business for which the license fee is paid ceases operation.

B. The license fee shall be paid in full at the time an application for license is submitted to the City. All license fees paid to the City Administrator deposited into the general fund of the City. Upon rejection of any application for a license, upon withdrawal of application prior to approval by the City Council or City Administrator as provided by this ordinance, the license fee shall be refunded to the applicant.
C. When the license is for premises where the building is not ready for occupancy, the time fixed for computation of the license fee for the initial license period shall be ninety (90) days after approval of the license by the issuing authority or upon the date an occupancy permit is issued for the building.

Subd. 2. Investigation Fee.

A. An applicant for any license under this ordinance shall deposit with the City Administrator, at the time an original application is submitted, $500.00 to cover the costs involved in verifying the license application and to cover the expense of any investigation needed to assure compliance with this ordinance.

B. An applicant for any license renewal under this ordinance shall deposit with the City Administrator, at the time the renewal application is submitted, $250.00 to cover the costs involved in verifying the license renewal application and to cover the expense of any investigation needed to assure compliance with this ordinance.

C. Investigation fees for original licenses or renewal licenses shall be non-refundable.

613.12 Persons and Locations Ineligible for a License.

Subd. 1. A license under this Ordinance shall not be issued if one (1) or more of the following conditions exist:

A. The applicant is a minor at the time the application is submitted.

B. The applicant failed to supply all of the information requested on the license application;

C. The applicant gives false, fraudulent or untruthful information on the license application;

D. The applicant has had a sexually-oriented license revoked within a one (1) year period immediately preceding the date the application was submitted;
E. The applicant has had a conviction of a felony or gross misdemeanor or misdemeanor relating to sex offenses, obscenity offenses, or adult uses in the past five (5) years;

F. The sexually-oriented business does not meet all of the zoning requirements prescribed in the Detroit Lakes City Code, including Ordinance 500.51 as it presently exists or is hereafter amended or replaced;

G. The premises to be licensed as a sexually-oriented business is currently licensed by the City as a tanning facility, tattoo establishment, pawnshop, therapeutic massage enterprise, or an establishment licensed to sell alcoholic beverages;

H. The applicant has not paid the license and investigation fees required by this Ordinance;

I. The premises to be licensed are not a compact and contiguous space within the confines of a building.

613.13 General License Restrictions.

Subd. 1. Posting of License. A license issued under this Ordinance must be posted in a conspicuous place in the premises for which it used.

Subd. 2. Effect of License. A license issued under this Ordinance is only effective for the compact and contiguous space specified in the approved license application.

Subd. 3. Maintenance of Order. A licensee under this Ordinance shall be responsible for the conduct of the business being operated and shall not allow any illegal activity to take place on or near the licensed premises, including but not limited to prostitution, public indecency, indecent exposure, disorderly conduct, or the sale or use of illegal drugs. Every act or omission by an employee or independent contractor of the licensee constituting a violation of this Ordinance shall be deemed the act or omission of the licensee if such act or omission occurs either with the authorization, knowledge, or approval of the licensee, or as a result of the licensee's negligent failure to supervise the employee's or independent contractor's conduct.

Subd. 4. Distance Requirement for Live Adult Entertainment. All performers, dances and persons providing live entertainment distinguished or characterized by an emphasis on matters depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas in the licensed facility or in areas
adjoining the licensed facility where such entertainment can be seen by patrons of the licensed facility shall remain at all times a minimum distance of ten (10) feet from all patrons, customers or spectators and shall dance or provide such entertainment on a platform intended for that purpose, which shall be raised at least two (2) feet from the level of the floor on which patrons or spectators are located.

Subd. 5. Interaction with Patrons. No dancer, performer or person providing live entertainment distinguished or characterized by an emphasis on matters depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas in the licensed facility or in areas adjoining the licensed facility where the entertainment can be seen by patrons of the licensed facility shall fondle or caress any spectator or patron.

Subd. 6. Gratuity Prohibition. No customers, spectator or patron of a licensed facility shall directly pay or give any gratuity to any dancer or performer and no dancer or performer shall solicit any pay or gratuity from any patron or spectator.

Subd. 7. Adult Car Wash Requirements. Sexually-oriented businesses that are adult car washes shall meet the requirements of the Detroit Lakes City Code, including Ordinance 500.51 as it presently exists or is hereafter amended or replaced, and shall not allow agents, employees, independent contractors, customers or persons on the licensed premises to violate the Detroit Lakes City Code.

613.14 Restrictions Regarding License Transfer.

Subd. 1. The license granted under this Code is for the person and the premises named on the approved license application. No transfer of a license shall be permitted from place to place or from person to person without complying with the original application.

Subd. 2. When a sexually-oriented business licensed under this Code is sold or transferred, the existing licensee shall immediately notify the issuing authority of the sale or transfer. If the new owner or operator is to continue operating the sexually-oriented business, the new owner or operator must immediately apply for a license under this Code.

613.15 Restrictions Regarding Hours of Operations. A licensee shall not be open for business to the public or for private functions before 9:00 AM nor after 11:00 PM, Monday through Sunday.

613.16 Restrictions Regarding Minors. No licensee shall allow minors to enter the licensed premises. The licensee shall request proof of age of all persons the licensee believes to be under the age of eighteen (18) years. Proof of age may be established only
by: a valid driver's license or identification card issued by Minnesota, another state; or a province of Canada, and including the photographs and date of birth of the licensed person; a valid military identification card issued by the United States Department of Defense; or in the case of a foreign national from a nation other than Canada, a valid passport.

613.17 Restrictions Regarding Sanitation and Health.

Subd. 1. Partitions Facilitating Sexual Activity. A licensee under this Code shall not allow any partition between a subdivision, portion, or part of the licensed premises having any aperture which is designed or constructed to facilitate sexual intercourse, sodomy or fondling or other erotic touching of human genitals, pubic region or pubic hair, buttocks, or female breast between persons on either side of the partition.

Subd. 2. Restrictions on Booth, Stalls and Partitions. A licensee under this Code shall not allow or have on the licensed premises or adjoining areas any booths, stalls or partitions used for the viewing of motion pictures or other forms of entertainment that have doors, curtains or portal partitions, unless such booths, stalls or partitions have at least one side open to an adjacent public room so that the area inside is visible to persons in the adjacent public room. Such areas shall be lighted in a manner that the persons in the area used for viewing motion pictures or other forms of entertainment are visible from the adjacent public rooms. Seating or reclining surfaces inside any booths, stalls or partitions used for the viewing of motion pictures or other forms of entertainment including, but not limited to live entertainment shall be prohibited.

Subd. 3. Authority of Health Inspectors. The City Administrator, building inspectors, police officers and health officers shall have the authority to inspect or cause to be inspected the licensed premises and adjoining areas in order to ascertain the source of infection or reduce the spread of communicable diseases. Such officials shall have the authority to issue appropriate orders to the licensee regarding health and sanitation.

Subd. 4. Limitation on Number of Persons in Partitioned Areas. Any booths, stalls or partitioned portions of a room or individual rooms used for the viewing of motion pictures or other forms of entertainment including, but not limited to, live entertainment shall not be occupied by more than one (1) person at a time.

Subd. 5. Adult Sauna Regulations. Adult saunas shall comply with the following health requirements:

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a. All steam rooms and bathrooms shall be constructed of materials which are impervious to moisture, bacteria, mold or fungus growth. The floor-to-wall and wall-to-wall joints shall be constructed to provide a sanitary cover with a minimum radius of one inch.

b. The rest rooms shall be provided with mechanical ventilation with two (2) cm per square foot of floor area; a minimum of 15-foot candles of illumination; a hand washing sink equipped with hot and cold running water under pressure; and a sanitary towel dispenser.

c. Floors, walls, ceilings, water closets, hand washing sinks, and urinals shall be in good repair and maintained in a clean sanitary condition at all times. Sanitary hand cleaning agents, sanitary towels, and toilet tissue shall be provided at all times.

d. Adequate refuse receptacles shall be provided and shall be emptied as required.

Subd. 6. General Sanitation Requirements. All sexually-oriented businesses shall at all times be kept clean as defined herein and in state of good repair as defined herein.

Subd. 7. Duty to Supervise. The licensee shall not permit specified sexual activities as defined herein to take place on the premises and shall have an affirmative duty to supervise the licensed premises and prevent such activities.

613.18 Civil Sanctions for License Violations.

Subd. 1. Suspension. The City Council may suspend a license for up to ninety (90) days if the City Council determined that a licensee has:

A. violated or not in compliance with any provisions of this Ordinance or other provisions of the Detroit Lakes City Code; or

B. knowingly permitted gambling by any person on the licensed premises.

Subd. 2. Revocation. The City Council may revoke a license if the City Council determines that:

A. the licensee's license was suspended in the preceding fourteen (14) months and an additional cause for suspension as detailed in (a)
above is found by the City Council to have occurred within the fourteen (14) month period;

B. the licensee gave false or misleading information in the material submitted to the City during the application process;

C. a licensee or an employee or independent contractor of the licensee has knowingly allowed possession, use or sale of controlled substances on the premises;

D. a licensee or an employee or independent contractor has knowing allowed prostitution on the premises;

E. a licensee violated any of the provisions of Minnesota Statutes Section 617.241-617.299 relating to the illegal distribution, possession or sale of obscene materials;

F. a licensee or employee knowing operated the sexually-oriented business during a period of time when the licensee's license was suspended;

G. a licensee has been convicted of an offense listed in Section 612.09 of the Detroit Lakes City Code for which the time period required has not elapsed;

H. on two or more occasions within a 12-month period, a person or persons committed an offense occurring in or on the licensed premises of a crime listed in Section 508.09 of the Detroit Lakes City Code for which a conviction has been obtained, and the person or persons were employees or independent contractors of the licensee at the time the offenses were committed:

I. a licensee or an employee or independent contractor of the licensee has knowingly allowed specified sexual activities to occur in or on the licensed premises; or

J. a licensee is delinquent in payment to the City, County, State or Federal Governments for hotel occupancy taxes, ad valorem taxes, sales taxes, or other financial obligations.

Subd. 3. Hearing Procedures. A revocation or suspension shall be preceded by written notice to the licensee and a public hearing and shall state the nature of the charges against the licensee. The notice shall be mailed to the licensee at the most
recent addresses listed on the application and shall be effective upon mailing by certified mail, return receipt requested.

613.19 **Criminal Penalty.** A violation of this article shall be a misdemeanor under the Minnesota law.

613.20 **Severability.** If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause, phrase or word thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words be declared invalid.

*(Ordinance No. 148, Adopted 9/3/1996)*
614. Public Gatherings

614.01 Purpose.

Subd. 1. The City Council of the City of Detroit Lakes intends to regulate assemblies of large numbers of people for the protection of the health, safety and welfare of residents and visitors.

Subd. 2. All sections and provisions of this Ordinance have an independent existence. Any section or provision declared invalid or unconstitutional by a court of competent jurisdiction shall be severable from, and shall not affect the validity of, the remainder of the Ordinance.

614.02 Definitions. The following terms when used in this Ordinance have the following definitions:

Subd. 1. Administrator. The City Administrator or designee of the City Administrator.

Subd. 2. Assembly. Persons gathered at a location for any purpose whether in conjunction with an established bonafide business or not, but not including the normal activities of a business.

Subd. 3. Public Gathering. An actual or reasonably anticipated Assembly of 100 or more persons that exists, is planned to exist, or can be reasonably anticipated to exist, for three continuous hours or more.

Subd. 4. Person. Any individual natural human being, partnership, corporation, firm, company, association, society, group or other entity.

614.03 License Required.

Subd. 1. No Public Gathering shall be held except as authorized by license under this ordinance unless specifically excepted from licensing by this ordinance.

Subd. 2. Licenses for Public Gatherings of 100 through 200 people may be approved and issued by the City Administrator.

Subd. 3. Licenses for Public Gatherings of more than 200 people must be approved by the City Council and issued by the City Administrator.
Subd. 4. Application for a license must be made at least 30 days in advance of the Public Gathering.

Subd. 5. A license shall permit any person to engage in lawful activity at a Public Gathering.

Subd. 6. The fee for a Public Gathering License shall be established by City Council Resolution.

**614.04 Exceptions.** This Ordinance does not apply to:

1. events conducted within the licensed premises of a licensed liquor establishment when an Assembly does not exceed the maximum legal capacity of the structure or premises in which the assembly is gathered;

2. a regularly established and permanent place of worship, school activity, stadium, athletic field, arena, auditorium, coliseum, or other similar permanently established place of assembly when an Assembly does not exceed the maximum legal capacity of the structure in which the Assembly is gathered;

3. events held in the Becker County Fair Grounds as a part of the Becker County Fair; or

4. activities conducted with prior approval of the City on property owned or controlled by the City; however, when granting the approval, the City shall establish appropriate conditions to assure compliance with the intent of the Ordinance.

**614.05 Conditions for Issuing Licenses.** Before a license may be issued, the applicant must comply with the following conditions.

Subd. 1. Determine the estimated maximum number of people who will gather at or be admitted to the location of the Assembly. This maximum number must not exceed the largest number of people reasonably expected to gather at the location of the assembly considering the nature of the assembly.

Subd. 2. Provide a detailed plan for the operation and conduct of the assembly, which shall meet the following minimum requirements:

A. Sufficient parking shall be provided for the estimated maximum number of people to be assembled.
B. Sufficient precautions shall be taken to assure that the sound of the Public Gathering will not carry unreasonably beyond the property boundaries of the location of the assembly.

C. The City hereby adopts and incorporates by reference the regulations of the Minnesota Pollution Control Agency, Noise Pollution Control Section dated November 27, 1974 and Amendments thereafter. Sound from the licensed activity, which exceeds the standards set for the protection of household or residential units, is prohibited.

Subd. 3. Submit, with the Application for License, certified copies of all necessary Minnesota State licenses and permits.

Subd. 4. Submit an acceptable and complete Application as required by this ordinance.

614.06 Application.

Subd. 1. The Application for a Public Gathering License shall be in writing and delivered to the Administrator's Office at least 30 days before the proposed Public Gathering.

Subd. 2. The Application shall contain a statement made upon oath or affirmation that the statements and information contained therein are true and correct to the best knowledge of the Applicant and shall be signed and sworn to or affirmed or reaffirmed by the individual making application in the case of a corporation, by all partners in the case of a partnership or by all officers of an unincorporated association, society or group, or, if there are no officers, by all members of such association, society, or group.

Subd. 3. The Application shall include and disclose the following information:

A. Name, residence, and mailing address of all persons required to sign the application as provided above.

B. The Applicant's plan to meet the Conditions set forth above.

C. The address and legal description of all property upon which the Assembly will occur together with the name, residence, and mailing address of the record owner(s) of all such property.
D. Proof of ownership of all property upon which the Assembly is to be held or a statement made upon oath or affirmation by the record owner(s) of all such property that the applicant has permission to use such property.

E. The nature or purpose of the Assembly.

F. The total number of days and/or hours during which the Assembly is to last.

G. The maximum number of persons that the Applicant shall permit to assemble at any time, not to exceed the maximum number which can reasonably assemble at the location of the Assembly, in consideration of the nature of the assembly.

H. The maximum number of tickets to be sold, if any.

I. Plans of the Applicant to limit the maximum number of people permitted to assemble.

J. Plans for fencing the location of the Assembly, if necessary, and the location of gates contained in such fence.

K. Plans for parking vehicles including size and location of lots, points of highway assess and interior roads including routes between highway access and parking lots.

L. Plans for any security, if any, including the number of guards, their deployment, and their names, addresses, credentials and hours of availability.

M. Plans for sound control and sound amplification, if any, including number, location, and power of amplifiers and speakers.

N. Plans for food concessions and concessionaires who will be allowed to operate on the grounds including the names and addresses of all concessionaires and their license or permit numbers.

O. Plans for the direction and control of pedestrians and vehicle traffic for safety and to prevent trespass on adjoining properties.
P. Plans for area traffic control for egress from and exit onto public roads or highways.

Q. The plans for the prevention and clean-up of litter and waste.

R. Disclose whether the Applicant or any signer of the application has been charged with or convicted of any civil or criminal offense arising out of a Public Gathering.

S. Disclose whether the Applicant, or any signer of an application, has been denied a permit or license for a Public Gathering of any type, and state fully the details of that denial.

Subd. 4. The application shall include a non-refundable license fee.

Subd. 5. The City Administrator shall refer the application to the Chief of Police for investigation and approval before the permit is granted.

614.07 Issuance. The Application shall be processed within 30 days of receipt and shall be issued if all conditions are complied with, provided that:

Subd. 1. The City may deny an License to any Applicant if the Application fails to adequately provide for the conduct of the Assembly in a safe manner and healthy manner, or otherwise fails to provide for the health, safety, and welfare of the persons attending or expected to attend the Public Gathering, or for the residents or visitors to the City, or to adequately assure that the Public Gathering will not be or otherwise create a public nuisance.

Subd. 2. The City may deny a License if an Applicant or any signer of an Application has:

   A. had a Public Gathering License or similar license revoked or suspended within the previous five (5) years.

   B. committed any civil or criminal violation arising out of a Public Gathering or similar event within the previous (five) 5 years.

Subd. 3. The City may deny a license if an Application fails to assure that the Public Gathering will not be or result in a public nuisance.

614.08 Revocation.
Subd. 1. The City may revoke the license at any time if any of the conditions necessary for the issuing of or contained in the license are not complied with or if any condition previously met ceases to be complied with. Subd. 4. Each License issued under this ordinance is subject to the authority of the City's Chief of Police, or the Chief's designee, to order immediate suspension of such License when the Chief or the Chief's designee determines that suspension is reasonably necessary to protect the safety or welfare of any resident or visitor to the City. In case of such a suspension, a License Holder may request that the City Council conduct a prompt emergency review of the Chief's suspension.

614.09 Violations.

Subd. 1. No person may permit, maintain, promote, conduct, advertise, act as entrepreneur for, undertake, organize, manage, sells or gives tickets to a Public Gathering whether on public or private property without first obtaining the Public Gathering License provided by this ordinance.

Subd. 2. No Public Gathering may be held without the license provided by this ordinance.

Subd. 3. No person shall remain at an unlicensed Public Gathering after being ordered by a law enforcement officer to disperse from the site of the Public Gathering.

Subd. 4. A Public Gathering licensee shall not sell tickets to, nor permit at the licensed location, more than the maximum number of people authorized by the license.

Subd. 5. The licensee shall not permit sound generated by the assembly to carry unreasonably beyond the property boundaries of the location of the assembly.

Subd. 6. The licensee shall not permit the patrons to remain upon the licensed location later than the time set in the license.

Subd. 7. The licensee shall not permit the Public Gathering to exceed the PCA noise standards set forth above.

614.10 Enforcement.

Subd. 1. The provisions of this Ordinance may be enforced by injunction in any court of competent jurisdiction.
Subd. 2. The holding of an assembly in violation of any provision or condition contained in this Ordinance shall be deemed a public nuisance and may be abated as such.

Subd. 3. Any violation of this Ordinance within the City of Detroit Lakes, shall be a misdemeanor. Each separate day of violation shall be considered a separate offense.

614.11 Variances. By a 3/5 vote, the City Council may grant a variance from the strict application of the conditions of this ordinance where the variance does not deter from the intent and purpose of this ordinance. (Ordinance No. 192, Adopted 12/7/1999)
615. Regulation of Fireworks

615.01 Illegal Fireworks Prohibited. Except as otherwise provided by Minn. Stat. Sections 624.20 to 624.25, no person shall offer for sale, expose for sale, sell at retail or wholesale, possess, advertise, use or explode any fireworks, as that term is defined in Minn. Stat. Section 624.20, Subd. 1.

615.02 Legal Fireworks. The term "Legal Fireworks" in this chapter means those items excluded by Minn. Stat. 624.20 Subd. 1(c) from the term "fireworks" as defined in Minn. Stat. 624.20.

615.03 License Required for Legal Fireworks. No person or entity shall offer for sale, expose or display for sale, sell at retail or wholesale, or advertise for the sale of any Legal Fireworks unless without first obtaining a license to do so from the City issued in the manner set forth hereafter and unless such person or entity complies with this chapter and the terms and conditions of that license.

615.04 Application for Legal Fireworks License.

Subd. 1. Each applicant for a Legal Fireworks License must file a written and signed application with the City Administrator together with the license fee required by the City.

Subd. 2. The application for a permit license to sell Legal Fireworks shall contain the following information:

A. name, address, and telephone number of applicant;

B. name, address and telephone number of the premises at which the Legal Fireworks will be sold;

C. type of Legal Fireworks to be stored at the licensed site;

D. estimated maximum quantity of Legal Fireworks that will be stored on the licensed premises;

E. a statement that the applicant understands that persons selling and buying Legal Fireworks must be at least 18 years old; and

F. a statement that the applicant understands what constitutes Legal Fireworks under the City Code and what fireworks are illegal under state law.
615.05 **Processing Application.**

Subd. 1. City Administration will refer the application to the Fire Department for property inspection and fire code compliance; to the Planning Department for zoning compliance review; and to the Police Department for review of compliance with state and local laws.

Subd. 2. The City Administrator shall issue a license to the applicant if the Planning Department approves zoning compliance, the Fire Department approves fire code compliance, the Police Department approves law compliance and the other conditions of this chapter are satisfied. The City will notify the applicant in writing if the application is denied.

Subd. 3. The applicant may appeal a denial to the City Council by filing a written notice of appeal with the City Administrator within 10 days of the date of the notice of denial.

615.06 **Conditions of License.**

Subd 1. The license under this chapter shall be issued subject to all of the following conditions:

A. The license is nontransferable, either to a different person or location;

B. The license must be publicly displayed on the licensed premises;

C. The premises are subject to inspection by City employees including Police, Fire and code enforcement officials, during normal business hours;

D. The sale of Legal Fireworks must comply with all zoning ordinance requirements including sign regulations; and

E. The premises must be and remain in compliance with the State Building Code, State Fire Code, applicable State Laws and Administrative Rules, and local ordinances.

615.07 **License Period.** Licenses shall be issued for a calendar year

615.08 **License Fee.** License fees shall be established by City Council resolution as set forth in Section 210 Fees. Fees shall not be prorated.
615.08 Revocation of License. Following written notice and an opportunity for a hearing, the City Council may revoke a license for violation of this section or state law concerning the sale, use or possession of fireworks. If the violation poses an imminent threat to the public health and safety, the Fire Chief or his/her designee may immediately suspend the license pending hearing and decision on revocation by the City Council. If a license is revoked, neither the applicant nor the licensed premises may obtain another license for twelve (12) months.

700 - Liquor, Wine and Beer

701. Municipal Liquor Stores

701.01 Establishment. There are hereby established municipal liquor dispensaries for the off-sale of intoxicating liquor at such locations as the council may determine.

701.02 Manager.

Subd. 1. Appointment. The municipal liquor dispensaries shall be in the immediate charge of a liquor dispensary manager selected by the council and paid such compensation as the council may determine. He shall, at the option of the council, furnish a surety bond to the municipality, in such sum as the council specified, conditioned upon the faithful discharge of his duties. The premium on such bond shall, at the discretion of the council, be paid by the city or by the manager personally.

Subd. 2. Duties. The manager shall manage and operate the municipal liquor dispensaries.

701.03 Fund. A municipal liquor fund is established into which all revenues received from the operation of the store shall be paid, and from which all operating expenses shall be paid. Any surplus in the municipal liquor fund may be transferred to such other fund as the council may, by resolution, determine, and expended for any municipal purpose. Any transfer of money to the municipal liquor fund from any other fund shall be subject to the provisions of M.S. 426.19. A financial statement for the municipal liquor fund shall be prepared annually in accordance with M.S. 471.6985.

701.04 Regulations. The municipal liquor stores shall not have swinging doors. All windows in front of the municipal liquor stores shall be of clear glass and the public view of the whole interior shall be unobstructed by screens, curtains, or partitions. There shall be no partition, box, stall, screen, curtain, or other device to obstruct the general observation of any part of the room by persons in the room.

701.05 Minors. No minor shall be employed in a municipal liquor dispensary. No minor shall be permitted to remain on the municipal liquor dispensary premises.
702. Liquor and Wine Licensing


702.02 License Required.

Subd. 1. General Requirement. No person, except a wholesaler or manufacturer to the extent authorized under state license, shall directly or indirectly deal in, sell, or keep for sale in the city, any intoxicating liquor without a license to do so as provided in this chapter. Liquor licenses shall be of seven kinds: “on-sale”, “Sunday on-sale”, “club”, “wine”, “on-sale brewer taproom”, “on-sale brew pub malt liquor”, and “off-sale brewer malt liquor”. (Ordinance No. 39, Adopted 2/6/1990)(Ordinance No. 386, Adopted 1/13/2015)

Subd. 2. On-Sale Liquor Licenses. “On-sale” liquor licenses shall be issued only to hotels, motels, restaurants and bowling centers, and shall permit “on-sale” of liquor only. Any restaurant licensed hereunder must have a minimum seating capacity of 90 in its formal dining area. Any hotel-motel licensed hereunder must have a minimum seating capacity of 90 in its formal dining area and have at least 60 rooms available for guests. (Ordinance No. 14, Adopted 11/5/1986)

Subd. 3. On-Sale Wine Licenses. “On-sale wine” licenses shall be issued only to restaurants meeting the qualifications of M.S. 340A.404, Subd. 5, and shall permit only the sale of wine not exceeding fourteen percent (14%) alcohol by volume, for consumption on the licensed premises only, in conjunction with the sale of food. Any restaurant licensed hereunder shall have seating capacity for no fewer than 25 guests at one time.

Subd. 4. Club Licenses. Club licenses shall be issued only to incorporated clubs which have been in existence for fifteen years or more or to congressionally chartered veterans' organizations which have been in existence for ten years.

Subd. 5. Sunday On-Sale. A special license authorizing sales on Sunday in conjunction with the serving of food may be issued to any hotel, motel, or restaurant which has an on-sale license.

Subd. 6. Temporary On-Sale. Temporary on-sale license shall be granted to a club or charitable, religious, or other non-profit organization in existence for at least three years. A temporary license for the on-sale of wine or intoxicating liquor in connection with a social event within the municipality sponsored by the licensee. The license may authorize the on-sale of wine or intoxicating liquor for not more than three consecutive days, and may authorize on-sales on premises other than premises the licensee owns or permanently occupies. The license may provide that the licensee may
contract for intoxicating liquor catering services with the holder of a full-year on-sale intoxicating liquor license.  **(Ordinance No. 109, Adopted 6/7/1994)**

Subd. 7.  **On-Sale Brewer Taproom.** The city may issue an On sale Brewer Taproom license to a brewer licensed to manufacture by the State of Minnesota under Minn. Stat. §340A.301 Subd. 6 clause (c), (l) or (j) for the “on-sale” of malt liquor produced on the licensed premises for consumption on the premises of or adjacent to the brewery location owned by the brewer, subject to the following conditions:

A. The on-sale of malt liquor may only be made during the days and hours that on-sale of liquor may be made, as prescribed by State law and this chapter. Notwithstanding the provisions of Min. Stat. §340A.504 Subd. 3, a taproom may be open and may conduct on-sale business on Sundays if authorized by the City in the license.

B. A brewer may hold only one (1) On-Sale Brewer Taproom license, an may not have an ownership interest in a brew pub.

C. The holder of an On-Sale Brewer Taproom license who also holds an Off sale Brewer Malt Liquor License is permitted to sell malt liquor packaged pursuant to Minn. Stat. §340A.285 in containers with a capacity of up to 64 ounces commonly called “Growlers” or in 750 milliliter bottles for the take-out or off-sale of craft malt liquor. The containers or bottles shall bear a twist-type closure, cork, stopper or plug and at the time of sale must be sealed by a paper or plastic adhesive band strip or sleeve that is applied over the top of the closure of the container or bottle in such a manner that the seal must be broken in order to open the container or bottle. The adhesive band, strip or sleeve shall bear the name and address of the brewer. The containers or bottles shall be identified as malt liquor, contain the name of the malt liquor, and bear the name and address of the brewer selling the malt liquor. A brewer may, but is not required to refill any such container or bottle with malt liquor for off-sale at the request of the customer. A brewer refilling a container or bottle must do so at its licensed premises and the container or bottle must be filled at the tap at the time of sale and sealed and labeled in the manner described in this paragraph.

D. An On-Sale Brewer Taproom license may not be issued to a brewer if the brewer seeking the license, or any person having an economic interest in the brewer seeking the license or exercising control over the brewer seeking the license, is a brewer that brews or produces more than 250,000 barrels of malt liquor annually or a winery that produces more than 250,000 gallons of wine annually, as defined and prescribed by Minn. Stat. §340A.301.
Nothing in this subdivision requires, precludes or prohibits the holder of an On-Sale Brewer Taproom license from also holding a license to operate a restaurant on the premises of the brewery. The City shall, within ten (10) days of the issuance of an On-Sale Brewer Taproom license, inform the commissioner of the licensee’s name, address and trade name and the effective date and expiration date of the license. The City shall also inform the commissioner of a license transfer, cancellation, suspension or revocation during the license period.  (Ordinance No. 386, Adopted 1/13/2015)(Ordinance No. 409, Adopted 3/14/2017)

Subd. 8. On-Sale Brew Pub Malt Liquor. A brewer licensed to manufacture by the State of Minnesota under Minn. Stat. §340A.301 Subd. 6 clause (d) may be issued an On sale Brew Pub Malt Liquor license by the City for the “on-sale” of malt liquor produced on the licensed premises for consumption on the licensed premises owned by the brewer, or for off sale from the licensed premises as permitted in Subd. 9, subject to the following conditions:

A. The holder of an On-Sale Brew Pub Malt Liquor license must operate a restaurant at the licensed premises where the malt liquor is manufactured and sold. The holder of an On-Sale Brew Pub Malt Liquor license may hold or have an interest in other retail on-sale licenses.

B. The on-sale of malt liquor may only be made during the days and hours that “on-sale” of liquor may be made, as prescribed by State law and this chapter. Notwithstanding the provisions of Min. Stat. §340A.504 Subd. 3, a Brew Pub may be open and may conduct on-sale business on Sundays if authorized by the City in the license. The off-sale of malt liquor may only be made during the days and hours of off-sale at the exclusive liquor store in the City, and all malt liquor sold off-sale must be removed from the premises before the applicable off-sale closing time at the City exclusive liquor store, except that malt liquor in “Growlers” only may be sold at off-sale on Sundays if authorized by the City in the license with hours established by the City.

C. The holder of an On sale Brew Pub Malt Liquor license who also holds an Off sale Brewer Malt Liquor License is permitted to sell malt liquor packaged pursuant to Minn. Stat. §340A.285 in containers with a capacity of up to 64 ounces commonly called “Growlers” or in 750 milliliter bottles for the take-out or off-sale of craft malt liquor. The containers or bottles shall bear a twist-type closure, cork, stopper or plug and at the time of sale must be sealed by a paper or plastic adhesive band strip or sleeve that is applied over the top of the closure of the container or bottle in such a manner that the seal must be broken in order to open the
The adhesive band, strip or sleeve shall bear the name and address of the brewer. The containers or bottles shall be identified as malt liquor, contain the name of the malt liquor, and bear the name and address of the brewer selling the malt liquor. A brewer may, but is not required to refill any such container or bottle with malt liquor for off-sale at the request of the customer. A brewer refilling a container or bottle must do so at its licensed premises and the container or bottle must be filled at the tap at the time of sale and sealed and labeled in the manner described in this paragraph.

D. A Brew Pub’s total retail sales at on-sale or off-sale may not exceed 3,500 barrels per year, provided that off-sales may not total more than 500 barrels annually.

(Ordinance No. 386, Adopted 1/13/2015)(Ordinance No. 409, Adopted 3/14/2017)

Subd. 9. Off-Sale Brewer Malt Liquor. A brewer licensed to manufacture by the State of Minnesota under Minn. Stat. §340A.301 Subd. 6 clause (c), (d), (i) or (j) and licensed for “on-sale” by the City under Section 702 Subdivision 7 or Section 702 Subdivision 8 of this ordinance may be issued a Off sale Brewer Malt Liquor license by the City for the “off-sale” of malt liquor produced and packaged by the brewer at the licensed premises, subject to the following conditions:

A. The amount of malt liquor sold at off-sale may not exceed 500 barrels annually.

B. The off-sale of malt liquor may only be made during the days and hours of off-sale at the exclusive liquor store in the City, and all malt liquor sold off-sale must be removed from the premises before the applicable off-sale closing time at the City exclusive liquor store, except that malt liquor in “Growlers” only may be sold at off-sale on Sundays if authorized by the City in the license with hours established by the City.

C. A brewer may hold only one (1) Off-Sale Brewer Malt Liquor license.

D. The holder of an Off sale Brewer Malt Liquor License is permitted to sell malt liquor packaged pursuant to Minn. Stat. §340A.285 in containers with a capacity of up to 64 ounces commonly called “Growlers” or in 750 milliliter bottles for the take-out or off-sale of craft malt liquor. The containers or bottles shall bear a twist-type closure, cork, stopper or plug and at the time of sale must be sealed by a paper or plastic adhesive band strip or sleeve that is applied over the top of the closure of the container or bottle in such...
a manner that the seal must be broken in order to open the container or bottle. The adhesive band, strip or sleeve shall bear the name and address of the brewer. The containers or bottles shall be identified as malt liquor, contain the name of the malt liquor, and bear the name and address of the brewer selling the malt liquor. A brewer may, but is not required to refill any such container or bottle with malt liquor for off-sale at the request of the customer. A brewer refilling a container or bottle must do so at its licensed premises and the container or bottle must be filled at the tap at the time of sale and sealed and labeled in the manner described in this paragraph.

E. An off sale Brewer Malt Liquor license may not be issued to a brewer if the brewer seeking the license, or any person having an economic interest in the brewer seeking the license or exercising control over the brewer seeking the license, is a brewer that brews or produces more than 20,000 barrels of its own brands of malt liquor annually or a winery that produces more than 250,000 gallons of wine annually.

F. The City shall impose a licensing fee for an Off sale Brewer Malt Liquor license subject to the limitations applicable to off sale license fees under Minn. Stat. §340A.408, Subd. 3 (a).

(Ordinance No. 386, Adopted 1/13/2015)(Ordinance No. 409, Adopted 3/14/2017)

702.03 Application.

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

Subd. 2. Financial Responsibility. Applicants for licenses shall comply with M.S. 340A.409, Subd. 1, prior to issuance of a license.

702.04 License Fees.

Subd. 1. Fees. The annual fee for an on-sale liquor license, wine license, club license for clubs having 500 or fewer members, and a club license for clubs
having 501 or more members, on-sale brewer taproom license, on-sale brew pub malt liquor license and off-sale brewer malt liquor license is as set forth in Chapter 210. 
(Ordinance No. 386, Adopted 1/13/2015)

Subd. 2. Payment. Each application for a license shall be accompanied by payment in full of the license fee and the investigation fee required under 702.05, Subd. 1, if any. All fees shall be paid into the general fund. If an application for a license is rejected, the license fee shall be refunded.

Subd. 3. Term. Each license shall be issued for a period of one year except that if the application is made during the license year, a license shall be issued for the remainder of the year, with any unexpired fraction of a month being counted as one month. Liquor license fees and investigative fees shall not be prorated. Every license shall expire on the last day of December. (Ordinance No. 383, Adopted 10/14/2014)

Subd. 4. Refunds. No refund of any fee shall be made. (Ordinance No. 383, Adopted 10/14/2014)

702.05 Granting of License.

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

Subd. 2. Hearing and Issuance. The council liquor control committee shall investigate all facts set out in the application and not investigated in the preliminary background and financial investigation conducted pursuant to Subdivision 1, including a consideration of the building with regard to building and zoning ordinances and proximity to schools and churches. Opportunity shall be given to any person to be heard for or against the granting of the license. After the investigation and hearing, the council shall, in its discretion, grant or refuse the application. No wine license shall become effective until it, together with the security furnished by the applicant, and has been approved by the commissioner of public safety.
Subd. 3. **Person and Premises Licensed; Transfer.** Each license shall be issued only to the applicant and for the premises described in the application. No license may be transferred to another person or place without council approval. Any transfer of stock of a corporate licensee is deemed a transfer of the license and a transfer of stock without prior council approval is a ground for revocation of the license.

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

702.07 **Places Ineligible for License.**

Subd. 1. **General Prohibition.** No license shall be issued for any place or any business ineligible for such a license under state law. No licensed premises shall have swinging doors or opaque windows. No license shall be issued for any premises where a licensee has been convicted of violation of any law or ordinance regulating the sale of liquor, or where any license has been revoked for cause until six months have elapsed after such conviction or revocation.

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

702.08 **Conditions of License.**

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

Subd. 2. **Insurance.** Compliance with financial responsibility requirements of M.S. 340A.409, Subd. 1, and of this chapter is a continuing condition of any license granted pursuant to this chapter.

Subd. 3. **Licensee's Responsibility.** Every licensee is responsible for the conduct of his place of business and the conditions of sobriety and order in it. The act of any employee on the licensed premises authorized to sell intoxicating liquor is deemed the act of the licensee as well, and the licensee shall be liable to all penalties provided by this chapter and the law equally with the employee.

Subd. 4. **Inspections.** Every licensee shall allow any peace officer, health officer, or properly designated officer or employee of the city to enter, inspect, and search the premises of the licensee during business hours without a warrant.

Subd. 5. **Federal Stamps.** No licensee shall possess a Federal wholesale liquor dealer's special tax stamp or a Federal gambling stamp.

702.09 **Suspension and Revocation.**
Subd. 1. **General.** The council may either suspend for a period not to exceed sixty days or revoke any liquor license upon a finding that the licensee has failed to comply with any applicable statute, regulation, or ordinance relating to intoxicating liquor. Except as provided in Subd. 2, and except in the case of a suspension pending a hearing on revocation, revocation or suspension of a license by the council shall be preceded by written notice to the licensee and a public hearing. The notice shall be given at least ten days in advance of the hearing, and shall state the time and place of the hearing and the nature of the charges against the licensee. The council may, without any advance notice or hearing, suspend any license pending a hearing on revocation for a period not exceeding thirty days.

Subd. 2. **Violation of Security Agreement.** Lapse of required dram shop insurance shall effect an immediate suspension of any license issued pursuant to this chapter without further action the council. Notice of cancellation or lapse of a current liquor liability policy shall also constitute notice to the licensee of the impending suspension of the license. Any suspension under this subdivision shall continue until the council determines that the financial responsibility requirements of M.S. 340A.409, Subd. 1, and this chapter have again been met. *(Ordinance No. 39, Adopted 2/6/1990)*

702.10 **Sale of Liquor at Sports or Convention Facilities.**

Subd. 1. **Special License.** Any holder of an on-sale intoxicating liquor license issued by the City or by an adjacent municipality may apply to the council for a Special License to dispense intoxicating liquor at any convention, banquet, conference, meeting or social affair conducted on the premises of a sports, convention or cultural facility owned by the City and located within the City. *(Ordinance No. 376, Adopted 3/11/2014)*

Subd. 2. **Conditions to Granting Special License.** Applicants for such special license must make application for each such convention, banquet, conference, meeting or social affair on forms to be prepared and furnished by the city administrator. The licensee must be engaged to dispense intoxicating liquor at such an event held by a person or organization permitted to use the premises and may dispense intoxicating liquor only to the persons attending the event. The licensee shall not dispense intoxicating liquor to any person attending or participating in any amateur athletic event held on the premises. The dispensing of intoxicating liquor shall be subject to all laws and ordinances governing the dispensing of intoxicating liquor as are not inconsistent herewith. The council may adopt additional uniform terms and conditions for such special licenses and such terms and conditions may include limitations upon the areas within such facility where intoxicating liquor may be dispensed.

Subd. 3. **License Fee.** The applicant shall pay the fee as set forth in Section 210 for each such special license issuance.
Subd. 4. **Insurance.** Prior to receiving such special license the applicant shall furnish proof in such form as required by the city administrator that the insurance required by the provisions of this chapter covers operations on the premises of the sports or convention facility for which application is made.

### 702.11 Sale of Intoxicating Malt Liquor by Holders of a Wine and 3.2 Malt Liquor License.

**Subd. 1.** The holder of an on-sale wine license issued pursuant to Minnesota Statutes 340A.404, Subd. 5(a), who is also licensed to sell 3.2 malt liquors at on-sale pursuant to Minnesota Statutes Section 340A.411 and whose gross receipts are at least 60 percent attributable to the sale of food in a restaurant, may, upon applying for and receiving authorization as provided in this section, sell intoxicating malt liquor at on-sale without an additional license. Such sales shall not be made until such licensee receives written confirmation of authority to make such sales after verification by the Office of the City Administrator of information required to be submitted to the City as provided in this ordinance.

**Subd. 2.** Licensees referred to in Subdivision 1 above who desire to sell intoxicating malt liquor as provided in that Subdivision shall first submit to the City Administrator copies of their Minnesota Sales Tax Returns in such detail as may be required by the City Administrator to verify that 60 percent of the licensee's sales are attributable to sale of food in a restaurant.

**Subd. 3.** The City Administrator, upon receipt of records in sufficient detail to permit the Administrator to verify that a licensee qualifies to sell intoxicating malt liquor pursuant to Subdivision 1, shall provide the licensee written notification of such verification and authorization to sell intoxicating malt liquor.

**Subd. 4.** Wholesale sellers of intoxicating malt liquor shall not sell intoxicating malt liquor to on-sale retailers who have not received written verification and authorization from the City Administrator to sell intoxicating malt liquor at on-sale.

**Subd. 5.** Authorization to sell intoxicating malt liquors at on-sale, as provided in this Section, shall be for the same period of time as is set forth in the licensee's non-intoxicating malt liquor license and may be renewed by application as provided in this Section; provided, however, that such authorization may be revoked by the City upon a determination by it that the licensee no longer meets the qualifications provided in this Section and as otherwise provided by law. The City may, in its discretion and upon an articulable reason therefore, request that a licensee selling intoxicating malt liquor at on-sale as authorized by the City, provide verification that the said licensee continues to meet the requirements provided above. Such verification must be provided to the City within ten (10) days of a request for the same and failure of a licensee to provide such verification on request by the City shall be cause for revocation of authority to sell intoxicating malt liquor at on-sale. *(Ordinance No. 23, Adopted 9/1/1987) (Ordinance No. 25, Adopted 11/3/1987)*
702.12 *Temporary Expansion Permit for Sidewalk Café.*

Subd. 1. The City Council may allow for the issuance of a temporary expansion of premises license (“Temporary Expansion Permit” or "Permit") to a licensee with a valid and pre-existing on-sale intoxicating liquor license.

Subd. 2. **Requirements.** The Temporary Expansion Permit is subject to these requirements:

A. The premises may only be expanded to an area that is compact and contiguous to the permanently licensed premises in a sidewalk café on a part of the public way immediately adjoining the licensed premises (“Expanded Premises”)

B. The Permit is temporary for the time period set by the City Council inclusive without any right to renewal thereafter.

Subd. 3. **Application.** The permit applicant shall provide the following information on forms provided by the City Administrator. Information provided must be complete, sufficient and acceptable to the City Administrator. The application must include:

A. The name and addresses of the on-sale license holder and if the holder is a company, the name and addresses of its owners, officers or partners.

B. A specific description and diagram of the Expanded Premises in which the temporary expansion activity is to occur. This area must be compact and contiguous to the permanently licensed premises, and be surrounded by physical enclosure devices if required by City Council. The diagram shall indicate how the area will be physically enclosed, and show the location of tables, chairs, food and beverage stations, and any other important features.

C. The purpose for which the temporary expansion is sought, and a description of the planned activities including projected attendance, food and beverage service, security plans, parking, and hours of operation.

D. Such other information as the City Council or City Administrator may deem necessary.

Subd. 4. The Temporary Expansion Permit does not allow outdoor music or other outdoor entertainment or noise amplification.
Subd. 5. The City Council may, from time to time, restrict the sale and consumption of alcoholic beverages pursuant to a Temporary Expansion Permit to certain hours after notice to the Permit holder.

Subd. 6. The Permit shall specify the area in which the sidewalk café may be operated provided that no sale or service shall be permitted in any portion of the street designated for vehicular travel and sufficient sidewalk space shall remain open at all times for pedestrian traffic as required by the City Administrator.

Subd. 7. Issuance of the Permit shall not be construed as authorizing any permanent installation to be placed in the public way.

Subd. 8. The Permit does not authorize a sidewalk café in violation of state law.

Subd. 9. No authorized Permit is effective until the applicant has filed with the City Administrator evidence of the following insurance in force:

A. insurance required by Minnesota Statutes Chapter 340A.509;

B. general public liability and property damage insurance with respect to the Expanded Premises in which the limits of public liability, shall be not less than the maximum liability insurance established by Minnesota Statutes 466.04, Subd. 1. The insurance policy shall name the City and any additional person, firms or entities designated by it, as additional insureds, and shall contain a clause providing that the insurer will not cancel or change the insurance without first giving the City at least 10 days prior written notice. The insurance shall be issued by a responsible company qualified to do business in Minnesota, approved by the City, and a copy of the policy or a certificate of insurance shall be delivered to and approved by the City Administrator before the Permit is effective. (Ordinance No. 423, Adopted 3/13/2018)

Subd. 10. The Permit holder shall provide proper containers for the collection of waste and trash and shall be responsible for keeping the outdoor area clean of garbage, trash, or litter associated with the operation of the permitted business and shall be responsible for clean-up and/or repair of the sidewalk caused by the use of the area.

Subd. 11. The Permit holder's products, tables, chairs, equipment and other property:

A. shall be located so that a minimum of (to be set by the City Council) of unobstructed sidewalk is provided for passage of pedestrians, or the minimum required by the City building code or
the Americans with Disabilities Act, whichever requirement is more restrictive;
B. shall not block regulatory signs, crosswalks, intersections, fire hydrants, handicap loading zones, or other public structures or facilities;

C. shall be sufficiently lit during times of low light in order to provide for safe pedestrian passage alongside the areas and shall not impede, endanger or interfere with pedestrian or vehicular traffic;

D. shall be stable and not easily tipped and shall not include sharp edges, protrusions, or other features that may be hazardous to the public;

E. shall not remain in the Expanded Premises when the sidewalk café is not open and being operated;

F. shall be moved inside the adjoining building during inclement weather; and

G. shall be immediately removed from the Temporary Expansion Premises at any time that the Permit is suspended, revoked or expires.

Subd. 12. The Permit holder's staff, agents and employees shall not operate or provide services outside of the Expansion Premises.

Subd. 13. The granting of a permit shall in no way be considered a relinquishment by the City of that portion of said public right of way, or be of any force or effect beyond the time herein provided. Additional conditions may be imposed from time to time to protect the health, safety or welfare of the public or to protect nearby property owners from hardship or damage or to protect other public interests as determined by the City Administrator or Police Chief.

Subd. 14. No Temporary Expansion Permit shall be valid at any time that the insurance required herein is not maintained and evidence of its continuance filed with the City Administrator.

Subd. 15. Suspension and revocation. This Temporary Expansion Permit may be cancelled, suspended or revoked at any time by the City Council for such period as the council shall determine for violation of these restrictions, or any code or law, or for nuisance resulting from the Temporary Expansion Permit.

Subd. 16. Upon the conviction of the Permit holder or the holder's agent, servant or employee for the violation of any City ordinance or state law in connection with the ownership, maintenance, or operation of the sidewalk café or the sale
or service of beer or liquor, this Permit shall automatically become suspended, which suspension shall continue until the council has acted thereon. (Ordinance No. 336, Adopted 8/11/2009)
703. Beer Licensing

703.01 Beer Defined. “Beer” or “3.2 malt liquor” means any malt beverage with an alcoholic content of more than one-half of one percent by volume and not more than three and two-tenths percent by weight.

703.02 License Required.

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

Subd. 2. Regular On-Sale. Regular on-sale licenses shall be granted only to drug stores, restaurants, hotels and bowling centers. On-sale licenses shall permit the sale of beer for consumption on the premises only.

Subd. 3. Temporary On-Sale. Temporary on-sale licenses may be granted to a club or charitable, religious, or nonprofit organization and shall permit the sale of 3.2 malt liquor or beer for consumption on the premises only. Temporary licenses are subject to the terms and conditions set by the City Council. *(Ordinance No. 155, Adopted 6/3/1997)*

Subd. 4. Off-Sale. Off-sale licenses shall permit the sale of beer at retail, in the original package, for consumption off the premises only. Off-sale licenses shall be granted only to persons who have been issued regular on-sale licenses, and to retail food stores having as the principals business the dispensing of groceries and meat products.

703.03 License Applications.

Subd. 1. Form. Every application for a license to sell beer shall be made to the city administrator on a form supplied by the city and containing such information as the city administrator or the council may require. No person shall make any false statement in an application.


703.04 License Fees.

Subd. 1. Payment Required. Each application for a license shall be accompanied by payment in full of the required fee for the license. All fees shall be paid into the general fund of the city. Upon rejection of any application for a license, the fee shall be refunded.
Subd. 2. **Expiration; Pro Rata Fees.** Every license, except a temporary license, shall expire on the last day of December in each year. Each license, except a temporary license, shall be issued for a period of one year, except that if a portion of the license year has elapsed when the license is granted, the license shall be issued for the remainder of the year for a pro rata fee. In computing such fee, any unexpired fraction of a month shall be counted as one month. A temporary license shall be issued for a specific period in which a special event to which the sale is incident is being held and such period shall be stated on the license. Amended, Ord. 27, 1/5/88

Subd. 3. **Fees.** The annual fee for a regular on-sale license, off-sale license when issued with an on-sale license, off-sale license alone, and a temporary on-sale license is as set forth in Section 210.

Subd. 4. **Refunds.** No part of the fee paid for any license issued under this chapter shall be refunded except as permitted under M.S. 340A.408, Subd. 5, upon application to the council within thirty days from the happening of the event. There shall then be refunded a pro rata portion of the fee for the unexpired period of the license, computed on a monthly basis.

703.05 **Granting of License.**

Subd. 1. **Investigation and Hearing.** The council shall investigate all facts set out in the application. Opportunity shall be given to any person to be heard for or against the granting of the license. After such investigation and hearing, the council shall grant or refuse the application in its discretion.

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

703.06 **Persons Ineligible for License.** No license shall be granted to or held by any person who is ineligible for such license under state law.

703.07 **Places Ineligible for License.**

Subd. 1. **Conviction or Revocation.** No license shall be granted for sale on any premises where a licensee has been convicted of the violation of this chapter, or of the state beer or liquor law, or where any license hereunder has been revoked for cause until six months have elapsed after such conviction or revocation.
Subd. 1. **General Conditions.** Every license shall be granted subject to the conditions in the following subdivisions and all other provisions of this chapter and of any other applicable ordinance of the city or state law.

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

Subd. 3. **Sales to Minors or Intoxicated Persons.** No beer shall be sold or served to any intoxicated person or to any minor as described in Minnesota Statutes 340A.502 and 340A.503, Subd. 2.

Subd. 4. **Consumption by Minors.** No minor as described by Minnesota Statutes 340A.503, Subd. 1, shall be permitted to consume any alcoholic beverages unless in the household of their person's parent or guardian and with the consent of the parent or guardian.

Subd. 5. **Employment of Minors.** No minor as described by Minnesota Statutes 340A shall be employed on the licensed premises.

Subd. 6. **Interest of Manufacturers or Wholesalers.** No manufacturer or wholesaler of beer shall have any ownership of or interest in an establishment licensed to sell at retail contrary to the provisions of M.S. 340A.301, Subd. 7. No retail licensee and manufacturer or wholesaler of beer shall be parties to any exclusive purchase contract. No retail licensee shall receive any benefits contrary to law from a manufacturer or wholesaler of beer and no such manufacturer or wholesaler shall confer any benefits contrary to law upon a retail licensee.

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

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

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

Subd. 10. **Licensee Responsibility.** Every licensee shall be responsible for the conduct of his place of business and shall maintain conditions of sobriety and order. The act of any employee on the licensed premises authorized to sell or serve beer shall be deemed the act of the licensee as well and the licensee shall be liable to all penalties provided by this chapter equally with the employee.

**703.09 Closing Hours.** No sale of beer shall be made on any Sunday between the hours of 1:00 AM and 10:00 AM. No sale shall be made between the hours of 2:00 AM and 8:00 AM on any other day.

**703.10 Suspension and Revocation.**

Subd. 1. **General.** The council may either suspend for a period not to exceed sixty days or revoke any beer license upon a finding that the licensee has failed to comply with any applicable statute, regulation, or ordinance relating to beer or intoxicating liquor. Except as provided in Subd. 2, and except in the case of a suspension pending a hearing on revocation, suspension or revocation of a license shall be preceded by written notice to the licensee and a public hearing. The notice shall be given at least ten days in advance of the hearing, and shall state the time and place of the hearing, and the nature of the charges against the licensee. The council may, without any advance notice or hearing, suspend any license pending a hearing on revocation for a period not exceeding thirty days.

Subd 2. **Violation of Security Requirement.** Lapse of required dram shop insurance shall effect an immediate suspension of any beer license without further action of the council. Notice of cancellation or lapse of a required dram shop insurance policy shall also constitute notice to the licensee of impending suspension of the license. Any suspension under this subdivision shall continue until the council determines that the financial responsibility requirements of M.S. 340A.409, Subd. 1, and this chapter have again been met. *(Ordinance No. 23, Adopted 9/1/1987)*
704. Consumption and Possession of Liquor and Beer

**704.01 Regulation of Public Consumption, Possession, Sales, and Service of Intoxicating Liquor and 3.2 Malt Liquor.**

Subd. 1. Except as provided in Subd. 5 of this ordinance, and Minnesota Statute 169. A35, Subd. 6, no person may possess any intoxicating liquor or 3.2 malt liquor in or on any City Beach, City Park, City Pavilion, or Boulevard. Violation of this subdivision shall be a petty misdemeanor. *(Ordinance No. 342, Adopted 6/22/2010)*

Subd. 2. Except provided in Subd. 5 of this ordinance and Minnesota Statute 169.A35, Subd. 6, no person may sell, serve or consume intoxicating liquor or 3.2 malt liquor while in, at, or on any public street, alley, highway, boulevard, sidewalk, vehicle, theatre, picture show, ball park, City Park, cafe, restaurant, hotel dining room, soft drink parlor, City Pavilion, dance hall, City Beach, or any public gathering for amusement or entertainment. This subdivision shall not apply to premises licensed pursuant to 702 or 703, for sales, possession and consumption in accordance with the establishment's license. Violation of this subdivision shall be a misdemeanor. *(Amended 6-22-10 Ord. No. 342)*

Subd. 3. **Alcohol Related Trespass.**

A. **Definition:** The term land owner, as used in this chapter, shall include the actual owner of the land, property or buildings in question, and shall also include the lawful possessor thereof.

B. No person shall, without invitation of the land owner, enter into or upon the land, premises or buildings of another to consume alcohol or controlled substances.

C. No person shall, without the invitation of the land owner, bring a motor vehicle into or upon the land of another to facilitate the consumption of alcohol or controlled substances.

D. Determination of the purpose of an uninvited entry as prohibited in this chapter shall include, but not be limited to, consideration of the following factors:

1) time of day

2) presence of containers intended to contain, or containing alcohol

3) presence of equipment used to dispense alcoholic beverages
4) presence of paraphernalia containing identifiable residues of a controlled substance.

5) noise level

6) lighting

7) identified physiological responses; or

8) conduct of persons in the presence of a peace officer

E. Defenses: Express consent, endorsement, or ratification by a land owner, of an entry into or upon land, premises or buildings, is an absolute defense to charges under this ordinance.

F. Authority: This ordinance is adopted pursuant to Minnesota Laws 1984, Chapter 620.

G. Violation: Any person violating this ordinance is guilty of a misdemeanor.

Subd. 4. Except as provided in Subd. 5 of this ordinance and Minnesota Statute 169.A35, Subd. 6, no person shall possess while in or on any public street, alley, parking lot, highway, boulevard, vehicle, sidewalk, City Park, City Beach, or City Pavilion a bottle or receptacle containing intoxicating liquor or 3.2 malt liquor, which has been opened or the seal broken and the contents of which have been partially removed. Violation of this subdivision shall be a misdemeanor. (Ordinance No. 342, Adopted 6/22/2010)

Subd. 5. Permits. The Council may, in its discretion, permit the service or consumption of intoxicating liquor or 3.2 malt liquor, or both, in the City Pavilion, Freeman Arena, Washington Ball Park or Snappy Softball Complex. Such permit shall be issued only upon written application filed with the City Administrator at least thirty days prior to the date of proposed service or consumption. The Council may, by resolution, further regulate the manner and time of consumption or service and the persons or organizations who may be eligible for such permit. (Ordinance No. 58, Adopted 3/5/1991)(Ordinance No. 153, Adopted 4/1/1997)

704.02 Liquor in Beer Establishments. No person shall possess or consume any intoxicating liquor on premises licensed for the sale of 3.2 malt liquor unless the premises are also licensed for the sale of intoxicating liquor.

704.03 Minors.
Subd. 1. **Misrepresentation of Age.** No minor as described by Minnesota Statutes 340A shall misrepresent his age for the purpose of obtaining intoxicating liquor or 3.2 malt liquor.

Subd. 2. **Inducing Purchase.** No person shall induce a minor as described in Minnesota Statutes 340A to purchase or procure intoxicating liquor or 3.2 malt liquor.

Subd. 3. **Procurement.** No person other than the parent or legal guardian shall procure intoxicating liquor or 3.2 malt liquor for any minor as described in Minnesota Statutes 340A.

Subd. 4. **Possession.** No minor as described by Minnesota Statutes 340A shall have intoxicating liquor or 3.2 malt liquor in his possession with the intent to consume it at a place other than the household of his parent or legal guardian.

Subd. 5. **Consumption.** No minor as described by Minnesota Statutes 340A shall consume intoxicating liquor or 3.2 malt liquor unless in the company of his parent or legal guardian. *(Ordinance No. 23, Adopted 9/1/1987)*
705. Regulating Establishments Licensed for Sale, Service or Consumption of Alcoholic Beverages

705.01 Purpose. The City of Detroit Lakes does hereby ordain that it is in the best interests of the public health, safety and general health of the people of the City of Detroit Lakes that certain types of activities, as set forth in this ordinance, are prohibited upon the premises of licensed liquor, wine and beer establishments so as to best protect and assist the owners, operators and employees of these premises as well as patrons and the public in general. Further, the City does ordain that the standards in this ordinance reflect the prevailing community standards in the City of Detroit Lakes. This ordinance is intended to prevent harm stemming from the physical immediacy, and combination of, alcohol, nudity and sex. This ordinance is further intended to prevent any subliminal endorsement of sexual harassment or activities likely to lead to the possibility of harassment or activities likely to lead to the possibility of various acts of criminal conduct, including, without limitation, prostitution, sexual assault and disorderly conduct.

705.02 Certain Acts Prohibited. It shall be unlawful for any licensee to permit or allow any person or persons from being upon premises licensed by the City of Detroit Lakes for sale, service or consumption of liquor, wine or beer when such person does not have their buttocks, anus, breast and genitals covered with a non-transparent material.

705.03 Violation.

Subd. 1. A violation of this ordinance is a misdemeanor.

Subd. 2. A violation of this ordinance is cause and justification for revocation or suspension of the liquor, wine or beer license of the premises at which the violation occurs. (Ordinance No. 115, Adopted 1/3/1995)
800 - Traffic

801. Traffic

801.01 Definitions. Any term used in 801 and 802 of this code and defined in Minnesota Statutes 169.01, has the meaning given it by that statute.

801.02 Statute Adopted. The regulatory provisions and definitions of Minnesota Statutes, Chapter 168, Chapter 169, and Chapter 171 are adopted by reference, and shall regulate the use of the highways, streets, and alleys of the city and the qualifications of drivers thereon.

801.03 U-Turns. No person shall turn a vehicle on any street so as to reverse its direction.

801.04 Turning Restrictions. The council, by resolution, whenever necessary to preserve a free flow of traffic or to prevent accidents may designate any intersection as one where the turning of vehicles to the left or to the right or both is to be restricted at all times or during specified hours, and shall mark by appropriate signs any intersection so designated. No intersection on a trunk highway shall be so designated until the consent of the commissioner of transportation to such designation is obtained. No person shall turn a vehicle at any intersection so designated contrary to the directions on such signs.

801.05 Through and One-Way Streets. The council, by resolution, may designate any street or portion of a street as a through or a one-way street, and any intersection as a stop intersection where necessary to preserve the free flow of traffic and to prevent accidents, and shall mark by appropriate signs the streets and intersections so designated. No trunk highway shall be designated as a through or one-way street and no intersection or a trunk highway shall be designated as a stop intersection unless the consent of the commissioner of transportation is first secured. No person shall operate a vehicle on any street or intersection so designated contrary to the directions on such signs.

801.06 Truck Restrictions. The council, by resolution, may designate streets on which travel by trucks is prohibited, and shall mark such streets by appropriate signs. No person shall operate a truck on any street so marked.

801.07 Weight Restrictions. The street commissioner may prohibit the operation of vehicles upon any street under his jurisdiction or impose weight restrictions on any such street whenever the street, by reason of deterioration, rain, snow, or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles on the street is prohibited or the permissible weights thereof reduced. He shall erect and maintain signs plainly indicating the prohibition or restriction at each end of that portion of the street affected. No person shall operate a vehicle on posted street in violation of the prohibition or restriction.
801.08 **Exhibition Driving.** No person shall turn, accelerate, decelerate, or otherwise operate a motor vehicle within the city in a manner which causes unnecessary engine noise or backfire, squealing tires, skidding, sliding, swaying, throwing of sand or gravel, or in a manner stimulating a race. Unreasonable squealing or screeching sounds emitted by tires, or the unreasonable throwing of sand or gravel by the tires in prima facie evidence of a violation of this section.

801.09 **Refuse.** No person shall throw or deposit glass, metal, garbage, tin cans, or any other similar substance upon any street, and anyone who drops or throws or permits to be dropped or thrown any such substance shall immediately cause it to be removed. Any wrecked or damaged vehicle on a street shall be removed from the street without unreasonable delay, and pending removal shall be guarded with proper lights equal in intensity to ordinary parking lights, or by red flares; when removed, no glass or injurious substance shall be left upon the street by the person removing the vehicle.

801.10 **Police Duties.** The police department shall enforce the provisions of this section and the state traffic laws. Police officers are authorized to direct all traffic within the city, either in person or by means of visible or audible signal, in conformity with this section and the state traffic laws. During a fire or other emergency or to expedite traffic or safeguard pedestrians, police officers may direct traffic as conditions require notwithstanding the provisions of this section and the state traffic laws. Members of the fire department may direct or assist the police in directing traffic at the scene of a fire or in the immediate vicinity.

801.11 **Vehicle Passengers.**

Subd. 1. **General Rule.** All persons being transported by a passenger vehicle in the City of Detroit Lakes shall be within the passenger compartment of that vehicle at all times while the vehicle is in motion.

Subd. 2. **Definition.** For purposes of this Section, "Passenger Vehicle" shall mean a passenger automobile and a pickup truck, both as defined in Minnesota Statutes 168.011.

Subd. 3. **Exclusions.**

A. “Passenger Vehicle” as used in this Section does not include a van, a farm work truck, authorized emergency vehicle, or special mobile equipment all as defined in Minnesota Statutes Section 168.011, nor shall it include a self-propelled recreational vehicle licensed under Minnesota Statute Chapter 168 for use on public streets or highways, nor shall it include a motorcycle, motorized bicycle, bus, school bus, or vehicle designed exclusively for operation on railroad tracks.
B. This Section shall not apply to any vehicle while taking part in a parade within the City of Detroit Lakes pursuant to a parade permit duly issued by the Detroit Lakes Police Department.

C. This Section shall not apply to vehicles owned and operated by a unit of government in the course and scope of government operations.

D. This Section shall not apply to vehicles operated during the course of a community service project within the City of Detroit Lakes being conducted pursuant to a permit duly issued by the Detroit Lakes Police Department.

Subd. 4. Violation of Law. It shall be unlawful for a person to drive or operate a passenger vehicle in violation of this Section. It shall be unlawful for a person to be transported by a passenger vehicle in violation of this Section. (Ordinance No. 42, Adopted 6/15/1990)
802. Parking Regulations

802.01 Statute Adopted. The definitions and parking restrictions of Minnesota Statutes, Chapter 168 and Chapter 169, are adopted by reference and shall govern the parking of vehicles within the city.

802.02 Angle Parking. The council, by resolution, may designate certain streets for angle parking and shall mark appropriately the streets so designated. On any such street, every vehicle parked shall be parked with the front of such vehicle facing the curb or the edge of the traveled portion of the street at an angle approximately 45 degrees and facing between the painted or other markings on the curb or street indicating the parking space. No vehicle, however, shall be parked at an angle the length of which is more than twenty-two feet. Such vehicles shall park in the city parking lots. On all streets not designated for angle parking, vehicles shall be parked parallel to the curb or edge of the roadway in accordance with law.

802.03 Alley Parking. No vehicle except those used by the city for fire or police work and ambulances used for emergency hospital work shall be parked or let stand in any alley for a period exceeding three minutes, except trucks actually being loaded or unloaded.

802.04 Parking Restrictions.

Subd. 1. Sales. No vehicle shall be parked or let stand on any street or city parking lot for the purpose of displaying or offering it for sale. No automobile dealer shall park or let stand a vehicle in a city parking lot for the purpose of storing it temporarily or permanently.

Subd. 2. Camping. No person shall for overnight camping purposes leave or park a house trailer, motor home, or recreational vehicle on any street.

Subd. 3. Time. No vehicle shall be parked or let stand on any street or city parking lot for a period longer than forty-eight hours.

Subd. 4. Motor Running. No person shall park or let stand on any street a motor vehicle with the motor running.

Subd. 5. Time Limit Residential Districts. In addition to other applicable requirements and restrictions of the Ordinance, no motorized or non-motorized recreational vehicle or trailer shall be let stand on any street or city parking lot in a Residential District for more than 48 hours in any seven (7) day period. Trailers containing materials and equipment being used by licensed contractors and utilities preforming maintenance, repair or construction activities on homes or auxiliary building and facilities in residential districts shall be exempt from these provisions. (Ordinance No. 389, Adopted 6/9/2015)
802.05 **Truck Parking.**

Subd. 1. **No Truck Parking Residential Districts.** No person shall park a semi tractor, trailer, or tractor trailer combination in any residentially zoned district of the City, except that such vehicles may park in a residential district for not more than 30 minutes for the purpose of discharging freight.

Subd. 2. **No Truck Parking Zones.** The Council, by resolution, may establish “no truck parking” zones outside of residential districts and any zones so established shall be marked by appropriate signs. Such zones shall be established in a congested district where heavy traffic by commercial vehicles or other traffic congestion makes parking by commercial vehicles a hazard to safety of vehicles or pedestrians. No person shall park a commercial vehicle of more than one ton capacity for more than thirty minutes and in “no truck parking” zones not to exceed thirty minutes for the purpose of having access to abutting property when such access cannot be conveniently secured from an alley or from a side street where truck parking is not so restricted for the purpose of receiving or discharging freight. The council, by resolution, may establish "no truck parking" zones and any zones so established shall be marked by appropriate signs. Such zones shall be established in a congested district where heavy traffic by commercial vehicles or other traffic congestion makes parking by commercial vehicles a hazard to safety of vehicles or pedestrians. No person shall park a commercial vehicle of more than one ton capacity for more than thirty minutes and in "no truck parking" zones not to exceed thirty minutes for the purposes of having access to abutting property when such access cannot be conveniently secured from an alley or from a side street where truck parking is not so restricted for the purpose of receiving or discharging freight. 

(Ordinance No. 181, Adopted 7/6/1999)

802.06 **Time Limit Zones.** The council, by resolution, may designate certain areas of the city as limited parking or no parking zones and shall mark by appropriate signs any zone so established. Such zones shall be established wherever necessary for the convenience of the public or to minimize traffic hazards and to preserve a free flow of traffic. No person shall park or let stand any vehicle in any limited parking zone between the hours of 8:00 AM and 6:00 PM of any week day for a longer period than is specified on the signs marking such zone. No person shall park or let stand any vehicle in a no parking zone during any period in which parking is prohibited.

802.07 **Loading Zones.** The council, by resolution, may establish in each block in congested districts one or more loading zones and shall mark by appropriate signs any zone so established. Such zones shall be located at places most convenient for the use of the public and with regard to traffic conditions in the block. No person shall, between the hours of 8:00 A.M. and 6:00 P.M. of any week day, park any vehicle in any loading zone except for the purpose of receiving or discharging passengers or freight and then only for a period no longer than necessary for the discharge or receipt of such passengers or freight.
802.08 **Winter Parking.**

Subd. 1. **Snow Emergency.** Whenever, in the opinion of the street commissioner, an emergency exists in the city, or in a section of sections thereof, because of snow, freezing rain, sleet, ice, phenomena, which create or are likely to create hazardous road conditions impending, or likely to impend the free movement of fire, health, police, emergency, or other vehicular traffic, or the safety and welfare of the community, the street commissioner may declare an emergency to exist for a period of seventy-two hours, but the emergency may be sooner terminated if conditions permit. If the street commissioner is absent from the city or is unable to act, the emergency may be declared by the chief of police. Notice of such emergency shall be given by radio, television, or press, which news media shall be requested to cooperate with the city officials and when given such notice shall constitute due and proper notice. The notice shall specify the hour that the emergency commences and there shall be an interval of at least two hours between the first time that notice is given and the commencement of the emergency.

Subd. 2. **Parking Prohibited.** During the period of emergency, no vehicle shall be parked or left standing on any portion of the following streets from 1:00 AM to 7:00 AM: Frazee Street, Lincoln Avenue, Rossman Avenue, Willow Street to West Main Street, West Lake Drive, Main Street, Holmes Street, Washington Avenue, Lake Avenue, Summit Avenue, Willow Street, Roosevelt Avenue, Pioneer Street, Front Street, Soo Line tracks to Highway No. 10. The parking of vehicles directly in front of all night eating establishments on the above described streets during an emergency between the hours of 1:00 AM and 7:00 AM will not be prohibited if the owner or operator of the vehicle is inside the eating establishment while parked and is available to move the vehicle if it is hindering snow removal or street cleaning operations. If the owner or operator does not remove his vehicle when requested by a police officer or a city employee engaged in removing snow or cleaning streets, the vehicle may be removed as provided in Section 802.10.

Subd. 3. **Resumption of Parking.** Parking may be resumed on individual streets in this area as soon as the snow removal or street cleaning operation is completed except as may be otherwise restricted by ordinance. Where parking is normally permitted only one side of the street, vehicles parked pursuant to the aforesaid provisions may be parked on that side of the street only.

Subd. 4. **Other Streets.** The parking of vehicles on streets other than those listed in Subd. 2 shall not be prohibited during the period of an emergency unless the vehicle is hindering snow removal or street cleaning operations.

802.09 **Prima Facie Evidence.** The operation, parking or use of a motor vehicle in violation of the provisions of Chapter 802 of this code shall be prima facie evidence that said motor vehicle was, at the time of such violation, driven, operated, parked, and used by the registered owner thereof.

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802.10  Impoundment and Towing of Vehicles.

Subd. 1.  Impoundment.  A police officer may impound any vehicle operated, standing, or parked in violation of ordinances of the City of Detroit Lakes or statutes of the State of Minnesota. In deciding whether to impound such vehicle, a police officer shall make a discretionary determination as to the necessity for impoundment and removal of such vehicle.

Subd. 2.  Towing.  Any vehicle impounded by a police officer may be summarily towed and removed by officers of the Police Department or persons employed or designated by the Department. No notice need be given to the owner or operator of the impounded vehicle prior to its towing and removal. An impounded vehicle may be stored in any location available to the Police Department. The City shall not be responsible for any damage to impounded vehicles removed in accordance with provisions of this ordinance. An impounded vehicle will not be released until the fees for towing and storage are paid in addition to any fine imposed for the violation of law which caused the impoundment of the vehicle.  (Ordinance No. 43, Adopted 6/15/1990)

802.11  Double Parking Prohibited.  Except where angle parking is specifically allowed and indicated by curb marking or sign posting, any vehicle stopped or let stand upon a two-way roadway, where there is an adjacent curb, shall be stopped or let stand with the right hand wheels of the vehicle parallel with, and within 18 inches of, the right hand curb; provided that upon a one-way roadway, all vehicles shall be parked either as set forth above, or with the left hand wheels of said vehicle parallel with and 18 inches from the left hand curb. In either case, the vehicle shall be so parked that the front of the vehicle, with respect to the remainder of the vehicle, shall coincide with the direction of flow of traffic upon the street and the lane adjoining the curb along which the vehicle is parked.

802.12  Violations and Fines.  Violation of any provision of Chapter 802 shall be a petty misdemeanor for which the penalty fines are set forth in Section 210 - Fees of the City Code. If such fine is not paid within thirty days of the violation, any person found guilty of the violation shall be punished as and for a petty misdemeanor. In the event a fine is paid within thirty days of the violation, as specified above, it may be paid by depositing the same in courtesy boxes provided for that purpose at such locations as may be designated by the chief of police, or in the alternative, the same may be mailed to the traffic violations bureau maintained at the office of the Detroit Lakes Police Department.  (Ordinance No. 399, Adopted 10/11/2016)

802.13  Parking Lot Fees.  The Council, may, by resolution establish fees for parking in Municipal Parking Lots 1, 2 and at the Detroit Lakes Library. Fees for such permits issued under this chapter are as set forth in Section 210. No person may park a vehicle in Municipal Parking Lots 1, 2 and at the Detroit Lakes Library for a period longer than two hours without first obtaining a parking permit and the same to be displayed on the right side of the rear window.  (Ordinance No. 6, Adopted 12/3/1985)
803. Snowmobiles

803.01 Definitions.

Subd. 1. **Snowmobile.** A self-propelled vehicle designed for travel on snow or ice or a natural terrain steered by wheels, skis, or runners.

Subd. 2. **Operate.** To control the operation of a snowmobile.

Subd. 3. **Operator.** A person who operates or is in actual control of a snowmobile.

803.02 Restrictions. It shall be unlawful for any person to operate a snowmobile under the following circumstances:

1. On private property of another without the express permission to do so by the owner or occupant of said property.

2. On public school grounds, park property, playgrounds, recreational areas and skating rinks when prohibited by the proper public authority.

3. In a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.

4. In a careless, reckless, or negligent manner so as to endanger the safety of any person or the property of any other person.

5. Without having such snowmobile registered as provided in Minnesota Statutes 84.81 through 84.88.

6. If fourteen years of age but less than eighteen years of age without having in his possession a valid snowmobile safety certificate issued pursuant to the provisions of Minnesota Statutes 84.86.

7. While under the influence of intoxicating beverages or narcotics or habit forming drugs.

8. Without a lighted head and tail light when required for safety.

9. If under the age of fourteen years, on public property, including, but not limited to, streets, alleys, and highway within the city.

803.03 Use in Parks. Notwithstanding the prohibitions of this section, the park board of the city shall have authority to supervise and regulate events or programs in which snowmobiles are used. The park board shall have the authority to designate city...
parks, playgrounds, recreational and skating rink areas that they shall deem available for
the use of snowmobiles.

803.04 Equipment. All snowmobiles operated within the city shall have the
following equipment:

1. Mufflers which are properly attached and which reduce the noise of
   operation of the vehicle to a minimum, and no person shall use a muffler
cutout, bypass, or similar device on said vehicles.

2. Adequate brakes, head and tail lamps and reflective material as prescribed
   by Minnesota Statutes, Chapter 84, and regulations promulgated thereto.

3. A safety or so-called “dead man” throttle in operating condition: a safety
   or “dead man” throttle is defined as a device which, when pressure is
   removed from the accelerator or throttle causes the motor to be disengaged
   from the driving track.

803.05 Parking.

Subd. 1. Manner. No owner or operator shall leave or allow a
snowmobile to be or remain on public property when the motor is running or when the
key is in the ignition switch.

Subd. 2. Location. No person shall park a snowmobile on a
boulevard, street, alley or highway within the city.

803.06 Sidewalks. No person shall operate a snowmobile on a sidewalk or
boulevard except to make a right angle crossing.
804. Bicycles

804.01 Registration Required. No person shall ride a bicycle upon any street, sidewalk, highway or other public property in the city unless such bicycle shall have been registered or licensed by the city prior to March 1, 1977, or shall be registered with the state on or after that date.

804.02 Regulations.

Subd. 1. Riding Double. No persons shall ride or propel a bicycle on a street or other public highway of the city with another person on the handlebars or in any position in front of the operator.

Subd. 2. Speed. No bicycle shall be ridden faster than is reasonable and proper, but every bicycle shall be operated with reasonable regard to the safety of the operator and other persons upon the sidewalks, streets and other public highways of the city.

Subd. 3. Traffic Signs. Persons riding bicycles shall observe all signs and shall stop at all stop signs.

Subd. 4. Lights. No bicycle shall be permitted on any sidewalk, street or other public highway of the city between thirty minutes after sunset and thirty minutes before sunrise, without a headlight visible under normal atmospheric conditions from the front thereof for not less than three hundred feet indicating the approach or presence of the bicycle, firmly attached to such bicycle and properly lighted, or without a yellow or red light reflector attached to and visible from two hundred feet from the rear thereof. The said headlight shall give a clear white light.

Subd. 5. Riding Abreast. No person shall ride or propel a bicycle upon any street or other public highway in the city abreast of more than one other person riding or propelling a bicycle.

Subd. 6. Traffic Laws. Every person riding or propelling a bicycle upon any street or other public highway in the city shall observe all traffic rules and regulations applicable thereto, and shall turn only at intersections, signal for all turns, ride at the right hand side of the sidewalk, street or highway, pass to the left when passing overtaken vehicles and individuals that are slower moving and shall pass vehicles to the right when meeting.

Subd. 7. Business District. No person shall ride or propel a bicycle on the sidewalk in that part of the city known as the business district and described as follows, to-wit: On Washington Avenue from Frazee Street to Grant Street.

804.03 Headphones. No person, while riding a bicycle as defined in Chapter 169 of Minnesota Statutes in a public right-of-way, shall wear headphones or earphones.
which may be used in both ears simultaneously for purposes of receiving or listening to broadcasts or reproductions from radios, tape decks, or other sound producing or transmitting devices. For the purposes of this section the term "public right-of-way" shall include, without limitation, streets, highways, alleys, sidewalks, footpaths and parking lots commonly open to the public.
805. Skateboards

805.01 Purpose. The purpose of this ordinance is to protect public health and safety relative to the use of skateboards, roller skates, roller blades, roller skis, scooters, and similar items within the City, the City Council having found that the use of such items requires regulation as a result of an increase in the unregulated use of said devices accompanied by an increase in complaints as to their use in congested areas.

805.02 Definitions. For the purpose of this ordinance, the following terms shall have the following meanings:

Subd. 1. Protected District. That area of the City bounded by the following streets together with the street rights-of-way and sidewalks adjoining the following described area: commencing at the intersection of Washington Avenue and Union Street proceeding south on Washington Avenue to Highway 10; thence west to Lake Avenue; thence south on Lake Avenue to Front Street; thence west along Front Street to Minnesota Avenue; thence south along Minnesota Avenue to Holmes Street; thence east along Holmes Street to Lake Avenue, thence south along Lake Avenue to Frazee Street; thence east along Frazee Street to Highway 10 including the Detroit Lakes Public Library property; thence northwesterly along Highway 10 to the intersection of Washington Avenue and Highway 10.

Subd. 2 Roller Skates. A form of skate with small wheels or rollers designed to be attached to the foot or shoe or worn through an attached shoe, including those devices commonly referred to as roller skates and roller blades.

Subc. 3. Skateboard. A wheeled, non-motorized device designed to transport a rider, usually in a standing position, which device is not otherwise secured to a rider's feet or shoes, and including those devices commonly referred to as skateboards and scooters. The term skateboard does not include bicycles, wheelchairs, or vehicles licensed by the State.

805.03 Regulation. No person shall ride or propel a skateboard, or roller skates upon any public street, public street right-of-way, public sidewalk, public parking lot, private parking lot, public alley, or in any public or private parking structure, situated in the protected district.

805.04 Amendment. The Council of the City of Detroit Lakes may expand, amend, or modify the Protected District by resolution. Ord. No. 36, 8/1/89
806. Bridges

806.01 Use of Bridges. No person shall use any part of, nor be upon, nor stand on, any public or private street or highway, vehicular or pedestrian bridge or railroad bridge, for the purpose of diving, jumping, entering into water or swimming therefrom.

806.02 Trespass to Bridge Structure. No person shall climb or sit upon any guardrail, girder, piling or support structure for a vehicular, pedestrian or railroad bridge, nor shall any person travel upon any portion of such bridge other than the upper surface of the bridge deck.

(Ordinance No. 69, Adopted 11/5/1991)
807. Motorized Golf Carts

807.01 Authorization. Motorized golf carts may be operated on designated streets within the City only pursuant to a permit issued under this ordinance.

807.02 Definitions. For the purpose of this ordinance, the following terms have the following definitions:

Subd. 1. Authorized Operator. A person listed on an institutional permit as authorized to operate a motorized golf cart for an institution.

Subd. 2. Designated Streets. The streets, designated by resolution of the City Council, on which motorized golf carts may be operated by permit.

Subd. 3. Person. A natural person.

Subd. 4. Institution. A nursing home licensed by the State of Minnesota and located within the City.

Subd. 5. Motorized Golf Cart. A self-propelled vehicle of the type and style designated for and commonly used by patrons of golf courses, but excluding vehicles commonly known as all-terrain vehicles or ATV’s.

Subd. 6. Permit. A permit issued under this ordinance by the City of Detroit Lakes and allowing the operation of a motorized golf cart on designated streets in the City.

807.03 Permit Required. Motorized golf carts shall not be operated on streets in the City except by an authorized operator pursuant to a valid permit.

Subd. 1. Only those persons identified on a permit as an authorized operator may operate a motorized golf cart pursuant to that permit.

807.04 Permit Application Forms. Applications forms for permits shall be obtained from the Office of the City Administrator.

Subd. 1. Applications. All applications shall include at least the following information and documentation:

A. Date of application;

B. Full name of Institutional applicant;

C. Official capacity of the person signing the application for the institution;
D. Full name and address of the owner of the motorized golf cart, if other than the applicant;

E. Make, model and identification or serial number of the motorized golf cart to be operated under permit;

F. The designated streets or part thereof on which the motorized golf cart will be operated under permit;

G. The times of operation of the motorized golf cart;

H. A satisfactory certificate of insurance complying with Minnesota Statute 65B.48, Subd. 5, and with any other insurance required by Minnesota Statute 169.045;

I. The following information as to all persons to be listed as authorized operators:

   1) Full name;

   2) Home and work address;

   3) Home and work telephone numbers;

   4) Minnesota driver’s license number;

   5) Date of birth;

J. Such additional and further information as the City Administrator or City Council may deem necessary or appropriate to process the application.

807.06 Granting or Denying Permits.

Subd. 1. The City Council shall grant a permit to applicants satisfactorily providing all information required by this ordinance. The City Council may deny an application in whole or in part for any of the following reasons:

A. The application or documentation submitted in support of the application is incomplete or contains false, fraudulent or deceptive statements;

B. An authorized operator for the applicant does not have a valid Minnesota driver’s license;
C. An authorized operator for the applicant cannot safely operate a motorized golf cart on streets in the City;

D. Information or documentation required by any other applicable law has not been filed with the City Administrator;

E. The applicant does not qualify for a permit.

Subd. 2. The City Council may issue a permit subject to special conditions if the Council determines that the applicant does not otherwise qualify for a permit, or that such conditions are necessary to ensure public safety.

Subd. 3. For public safety considerations, a permit issued under this ordinance also may:

   A. Limit operation of the motorized golf cart to use on only specific streets within the group of designated streets;

   B. Prohibit operation on certain designated streets during specified times, dates or occasions.

807.07 Possession of Permit. A person operating a motorized golf cart by permit must have the permit in possession when operating the motorized golf cart and shall produce it upon demand of a peace officer.

807.08 Operation Regulations. Motorized golf carts operated pursuant to permit on designated streets must follow these regulations:

   Subd. 1. The operator must have and possess a current, valid, Minnesota driver’s license.

   Subd. 2. The motorized golf cart may be operated only between sunrise and sunset.

   Subd. 3. The motorized golf cart shall not be operated during inclement weather; nor when visibility is impaired by weather, smoke, fog or other conditions; nor at any time when there is insufficient light to clearly see persons in vehicles on the roadway at a distance of 500 feet.

   Subd. 4. The motorized golf cart must display the slow moving vehicle emblem provided by Minnesota Traffic Regulations.

   Subd. 5. The motorized golf cart operator may directly cross any street or highway that intersects a designated street.
Subd. 6. All rights and duties applicable to the driver of any other vehicle shall apply to the motorized golf cart, except those provisions that cannot reasonably be applied to the motorized golf cart. Except for the rear view mirror requirements of Minnesota Statute 169.70, the equipment regulations of Minnesota law do not apply to the motorized golf cart.

Subd. 7. The motorized golf cart shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of the vehicle.

Subd. 8. Motorized golf carts shall not be operated on public sidewalks.

807.09 **Revocation, Suspension or Modification of Permits.**

Subd. 1. Permits may be revoked or temporarily suspended by the City Administrator if there is evidence satisfactory to the Administrator that:

- A. There is no authorized operator for the institution who can safely operate a motorized golf cart on streets in the City;
- B. There is no authorized operator for the institution permit who has a valid Minnesota driver’s license;
- C. The application for permit contained false or misleading information or documentation;
- D. A violation has occurred as provided in Subd. 3 below, regardless of whether the violation resulted in a conviction;
- E. The insurance required by law for a permit is no longer in effect.

Subd. 2. A permit may be modified to delete an authorized operator if there is evidence satisfactory to the Administrator that:

- A. The authorized operator cannot safely operate a motorized golf cart on streets in the City;
- B. The authorized operator does not have valid Minnesota driver’s license;
- C. The application for permit contained false or misleading information or documentation;
- D. A violation has occurred as provided in Subd. 3 below, without regard to whether the same resulted in a criminal conviction.
Subd. 3. The City Administrator may administratively revoke, modify or temporarily suspend a permit if there is evidence satisfactory to the Administrator that a permit holder or authorized operator has committed, permitted or otherwise allowed:

A. A violation of any provision of this ordinance;

B. Conduct constituting a misdemeanor, gross misdemeanor or felony offense involving the operation of a vehicle;

C. A violation of any special conditions of the permit.

Subd. 4. A renovation, modification or suspension shall be effective when notice of the same is personally delivered to the permit holder, or mailed by first class mail to the permit holder at the address stated in the permit application.

807.10 Appeal. Any authorized operator or institution may appeal a revocation, modification or suspension to the City Council by written notice of appeal submitted to the City Administrator within fifteen (15) days of the effective date of the revocation, modification or suspension.

807.11 Permit Term. Permits shall be issued for a period not to exceed one (1) year and may be annually renewed. The Administrator may use a short form application for renewal of existing permits.

807.12 Separability. Should any provision of this ordinance be declared by a court to be invalid, such decision shall not affect the validity of any other part of the ordinance.

807.13 Violations. Violations of this ordinance are a petty misdemeanor, except that violations committed under circumstances that endanger, or that are likely to endanger, persons or property are misdemeanors. A violation of this ordinance within twelve (12) months of a conviction for a prior violation of this ordinance is a misdemeanor.

807.14 Institutional Responsibility for Operator. Any institution which is issued a permit is responsible under this ordinance for the acts of any person operating a motorized golf cart that is under the care, custody or control of the institution. Such institution is liable for penalties under this ordinance which could be imposed upon the operator. (Ordinance No. 149, Adopted 12/3/1996)
900 - Nuisances

901. Nuisance

901.01 Public Nuisance Defined. A nuisance is a thing, act, occupation or use of property which:

Subd. 1. Shall unreasonably annoy, injure or endanger the safety, health, comfort or repose of any considerable number of members of the public;

Subd. 2. Shall offend public decency;

Subd. 3. Shall unlawfully interfere with, obstruct, or tend to obstruct or render dangerous for passage, a lake, navigable river, bay, stream, canal or basin, or a public park, square, street, alley or highway;

Subd. 4. Shall in any way render the public insecure in life or in use of property;

Subd. 5. Is declared by law or ordinance to be a public nuisance and for which no sentence is specifically provided.

901.02 Public Nuisances Affecting Health. The following are hereby declared to be nuisances affecting health:

Subd. 1. All decayed or unwholesome food offered for sale to the public;

Subd. 2. All diseased animals running at large;

Subd. 3. All ponds or pools of stagnant water;

Subd. 4. Milk which is produced by cows which have not been tested and found free of tuberculosis within the year previous to the offering of such milk for sale to the public;

Subd. 5. Carcasses of animals not buried or destroyed within twenty-four hours after death;

Subd. 6. Accumulations of manure or rubbish;

Subd. 7. Privy vaults and garbage cans which are not fly-tight or which are so maintained as to constitute a health hazard or to emit foul or disagreeable odors;
Subd. 8. Pollution of any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes, or other substances;

Subd. 9. All noxious weeds and other rank growths upon public or private property. Exemption: Upon approval by the City Weed Inspector properties with native vegetation are permitted. (Ordinance No. 195, Adopted 4/4/2000)

Subd. 10. Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities;

Subd. 11. Any offensive trade or business as defined by statute not operating under local license;

Subd. 12. All public exposure of persons having a contagious disease;

Subd. 13. The use of a common public drinking cup or roller towel;

Subd. 14. The distribution of samples of medicines or drugs unless such samples are placed in the hands of an adult person.

901.03 Public Nuisances Affecting Morals and Decency. The following are hereby declared as nuisances affecting public morals and decency:

Subd. 1. All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses;

Subd. 2. All indecent or obscene pictures, books, pamphlets, magazines and newspapers;

Subd. 3. Betting, bookmaking, and all apparatus used in such occupations.

901.04 Public Nuisances Affecting Peace and Safety. The following are declared to be nuisances affecting public peace and safety:

Subd. 1. All snow and ice not removed from public sidewalks in front of business houses within twenty-four hours after the snow and ice has ceased to be deposited thereon;

Subd. 2. All trees, hedges, billboards or other obstructions which prevent persons from having a clear view of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle driven at a reasonable speed to a full stop before the intersection is reached;

Subd. 3. All limbs of trees which are less than eight feet above the surface of any public sidewalk, or nine feet above the surface of any street;
Subd. 4. All wires which are strung less than eighteen feet above the surface of any public street, alley or sidewalk;

Subd. 5. All buildings, walls, and other structures which have been damaged by fire, decay or otherwise to an extent exceeding one-half their original value, and which are so situated as to endanger the safety of the public;

Subd. 6. All explosives, inflammable liquids and other dangerous substances stored in any manner or in any amount other than that provided in ordinance or state law;

Subd. 7. All use or display of fireworks, except as provided by state law;

Subd. 8. All unnecessary noises and annoying vibrations;

Subd. 9. Obstruction and excavations affecting the ordinary use by the public of streets, alleys, sidewalks or public grounds except under such conditions as are provided by ordinance;

Subd. 10. All hanging signs, awnings and other similar structures over the streets or sidewalks so situated as to endanger public safety, or not constructed and maintained as provided by ordinance;

Subd. 11. The allowing of rain water, ice or snow to fall from all buildings or structures upon any street or sidewalk or to flow across any sidewalk;

Subd. 12. All barbed wire fences, unless the barbed wire on said fence is at least seven feet above the surface of the ground;

Subd. 13. All dangerous, unguarded machinery, all junked, abandoned or unlicensed automobiles in any public place, or so situated or operated on private property as to attract and endanger or offend the public;

Subd. 14. All other conditions or things which are liable to cause injury to the person or property of anyone;

Subd. 15. The burning of rubbish or other material on any public street, alley or sidewalk or the throwing of rubbish or other material on any public street, alley or sidewalk;

Subd. 16. The casting of paper from billboards on the ground and allowing the same to blow across any public street, alley or sidewalk;

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Subd. 17. Any dirt, paper or filth, the sweepings of any house, store, shop or office, or any ashes, filthy water, offal, straw, wood, stone, earth, manure or rubbish of any kind thrown, deposited or permitted to be thrown, deposited, or allowed to remain on any street, sidewalk, alley, or public grounds.

Subd. 18. The storing of any household furnishings or appliances on public or private property other than in a licensed junk yard, unless housed within a lawfully erected building. (Ordinance No. 131, Adopted 12/5/1995)

901.05 Other Nuisances. The enumeration of particular nuisances in 901.02, 901.03, 901.04, and other sections of this code shall not be deemed to exclude any other nuisances as defined in 901.01.

901.06 Enforcement and Inspection. The officers designated by the council to enforce this chapter shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

901.07 Abatement.

Subd. 1. General. Whenever the officer charged with enforcement determines that a public nuisance is being maintained or exists on premises in the city, the officer shall notify, in writing, the owner or occupant of the premises of such fact and order that the nuisance be terminated and abated.

A. The notice shall be served in person or certified or registered mail. If the premises are not occupied and the owner is unknown, the notice may be served by posting it on the premises. The notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding thirty days, within which the nuisance is to be abated; provided the time for abatement shall not exceed ten days in the case of noxious weeds. If the order is not complied with within the time specified, the enforcing officer shall report that fact forthwith to the council. Thereafter, the council, after notice and hearing, may cause the nuisance to be abated by the city.

Subd. 2. Emergency Abatement. When the officer charged with enforcement determines that a nuisance constitutes a serious and imminent danger to the public health or safety, the officer may summarily abate the nuisance after a reasonable attempt to notify the owner or occupant of the property. The officer shall immediately thereafter notify the owner or occupant of the premises of the action taken. The notice shall be served in person or by registered or certified mail.

Subd. 3. Cost of Abatement. The owner or occupant of premises upon which a nuisance has been abated shall be personally liable for the cost of abatement. The cost of abatement of any health or safety nuisance may be assessed as a
current service against the property upon which the nuisance existed or which created the nuisance.

901.08 **Nuisances Prohibited.** No person, group or entity shall cause, conduct, create, continue, maintain or allow a nuisance, including but not limited to nuisances set forth in this Chapter 901. *(Ordinance No. 197, Adopted 8/1/2000)*

901.09 **Violations.**

    Subd. 1. Violation of this Ordinance is a misdemeanor.

    Subd. 2. Failure to abate a nuisance as directed by notice given in accordance with Section 901.07 is a misdemeanor.

    Subd. 3. Each separate day on which a continuing violation occurs is a separate violation. *(Ordinance No. 197, Adopted 8/1/2000)*

    Subd. 4. The City may charge an administrative penalty a violation of any provision of Section 901 of the City Code. The amount of said penalty shall be set forth in Section 210 – Fees of the City Code. *(Ordinance No. 429, Adopted 7/10/2018)*

901.10 **Nuisances Affecting Property.**

    Subd. 1. **Definitions.** In this section, the following terms are defined to mean:

    A. **Unreasonable State of Partial Construction.** Any unfinished building or other structure of any kind (1) which has been under construction more than one year or where no substantial work has occurred for more than six months and, (2) because of the incomplete construction, exterior finish, or painting the building or structure substantially detracts from the safety or attractiveness, or both, of the immediate neighborhood or otherwise adversely affects neighboring properties,

    B. **Abandoned.** Any building which is in a substantial state of disrepair and has not been occupied for 12 months.

    Subd. 2. **Declaration of Nuisance.** The following are declared to be public nuisances because they (a) are unsightly, (b) decrease adjoining landowners' and occupants' enjoyment of their property and neighborhood, and (c) adversely affect property values and neighborhood patterns, or violate land use regulations that are otherwise difficult to fully enforce by other means:

    A. Buildings that are Abandoned or are in an Unreasonable State of Partial Completion.
B. Other structures that have been so poorly maintained that their physical condition and appearance detract from the surrounding neighborhood.

C. Buildings or other structures or property conditions that do not comply with requirements in City Code Chapters: Chapter 1002 Dwelling Maintenance Code; Chapter 1002A Property Maintenance Regulations, Chapter 1004 Building Code; Chapter 1007 Erosion and Sediment Control; Chapter 612 Rental Unit Registration.

Subd. 3. Enforcement.

A. Actions to remedy nuisances declared in this section shall be as provided in City Code Chapter 901; and also

B. After declaration that a nuisance exists, the City, in its discretion, may obtain such orders, judgments or other relief from the District Court as the City deems necessary to fully remedy the nuisances, and such relief shall include an award to the City of all of its costs and expenses of enforcement which shall be charged against the nuisance property as provided by Minn, Stat. 463.21.

(Ordinance No. 332 Adopted 5/12/2009)
902. Tree Disease

902.01 Purpose. The Council has determined that the health of the trees within the municipal limits is threatened by fatal tree diseases. It is further determined that the loss of trees growing upon public and private property would substantially depreciate the value of the 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 tree disease and this chapter is enacted for that purpose.

902.02 Forester.

Subd. 1. Position Created. The powers and duties of the city forester as provided by this chapter are conferred on the street commissioner.

Subd. 2. Duties. It is the duty of the forester to coordinate, under the direction and control of the council, all activities of the city relating to the control and prevention of tree diseases. The forester shall recommend to the council the details of a program for the control of tree disease, and perform the duties incident to such a program adopted by the council.

902.03 Program. It is the intention of the council to conduct a program of plant pest control pursuant to the authority granted by Minnesota Statutes 18.022. This program is directed specifically at the control and elimination of tree diseases, and is undertaken at the recommendation of the Commissioner of Agriculture. The forester shall act as coordinator between the Commissioner of Agriculture and the council in the conduct of this program.

902.04 Nuisance Declared. The following are declared to be public nuisances whenever they may be found within the city:

Subd. 1. Any living or standing elm tree or part thereof infected to any degree with Dutch Elm Disease fungus, *ceratocystis ulmi* (Buism.) C. Moreau, or which harbors any of the elm bark beetles, *scolytus multistrialus* (eich.) or *hylurgopinus rufipes* (march).

Subd. 2. Any 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.

Subd. 3. Any living or standing oak tree or part thereof infected to any degree with the oak wilt disease fungus *ceraloiyystis fogacearum*.

Subd. 4. Any dead oak trees or part thereof which in the opinion of the forester constitutes a hazard, including, but not limited to, logs, branches, stumps, firewood, or other oak material, which has not been stripped of its bark and burned or sprayed with an effective fungicide.
Subd. 5. Any other shade trees with an epidemic disease.

902.05 Abatement. It is unlawful for any person to permit any public nuisance as defined in 902.04 to remain on any premises owned or controlled by him within the city. Such nuisance may be abated in the manner prescribed by 902.09 - 902.13.

902.06 Inspection and Investigation. The forester shall inspect all premises and places within the city as often as practicable to determine whether any condition described in 902.04 and 902.05 of this chapter exists thereon. He shall investigate all reported incidents of diseased trees.

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

902.08 Diagnosis. The forester shall, upon finding conditions indicating disease 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 of Agriculture. Except as provided in 902.10 through 902.12 no action to remove infected trees or wood shall be taken until positive diagnosis of the disease has been made.

902.09 Abatement of Tree Disease Nuisances. In abating the nuisances defined in 902.04 and 902.05, 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 tree diseases. Such abatement procedures shall be carried out in accordance with current technical and expert opinions and plans as may be designated by the Commissioner of Agriculture.

902.10 Procedures for Removal of Infected Trees and Wood.

Subd. 1. Ordinary Procedure. Whenever the forester finds with reasonable certainty that the infestation defined in 902.04 and 902.05 exists in any tree or wood in any public or private place in the city, he shall proceed as follows:

A. If the forester finds that the danger of infestation of other trees is not imminent because of dormancy, he shall notify the abutting property owner and/or the owner of the property upon which the tree is located, by certified mail that the nuisance will be abated within a specified time, not less than five (5) days from the date of mailing of such notice.

B. The forester shall immediately report such action to the council, and after the expiration of the time limited by the notice, he may abate the nuisance by:
1) Abating the nuisance as a public improvement under Minnesota Statutes, Chapter 429.101; or

2) Abating the nuisance as provided in 902.11.

Subd. 2. Immediate Action. If the forester finds with reasonable certainty that immediate action is required to prevent the spread of the disease, he may proceed to abate the nuisance forthwith. He shall report such action immediately to the council and to the owner of the property where the nuisance is located.

902.11 Council Action. Upon receipt of the forester's report required by 902.10, Subd. 1., the Council shall, by resolution, order the nuisance abated. Before action is taken on such resolution, the council shall publish notice of its intention to meet to consider taking action to abate the nuisance. This notice shall be mailed to affected property owners and published once no less than one week prior to such meeting. The notice shall state the time and place of the meeting, the property affected, action proposed, the estimated cost of the abatement, and the proposed bases of assessment, if any, of costs. At the hearing or adjournment thereof, the council shall hear property owners with reference to the scope and desirability of the proposed project. The council shall thereafter adopt a resolution confirming the original resolution with such modifications as it considers desirable and provide for the doing of the work of day labor or by contract.

902.12 Records. The forester shall keep a record of the costs of abatements done under this section and shall report monthly to the city administrator all work done for which assessments are to be made stating and certifying the description of land, lots, parcels involved and the amount chargeable to each.

902.13 Assessments. On or before September 1 of each year the city administrator 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 429.101 and other pertinent statutes for certification to the county auditor and collection the following year along with current taxes.

902.14 Treatment. Whenever the forester determines that any tree or wood within the city is infected with disease, he may spray or otherwise treat all nearby high value trees, with an effective disease destroying agent. Spraying and other treatment activities authorized by this section shall be conducted in accordance with technical and expert opinions and plans of the Commissioner of Agriculture and under the supervision of the Commissioner and his agents whenever possible. The notice provisions of 902.11 apply to spraying and treatment operations conducted under this section.

902.15 Transporting Wood Prohibited. It is unlawful for any person to transport within the city any diseased wood or any bark-bearing elm or oak wood without first obtaining permission from the forester. The forester shall grant such permission.
only when the purpose of this chapter will be served thereby minimizing the risk of spread of the disease.

**902.16 Interference Prohibited.** It is unlawful for any person to prevent, delay or interfere with the forester or his agents while they are engaged in the performance of duties imposed by 902.01-902.15.
903. Land Maintenance and Nuisances

903.01 Purpose. It is the policy of the City of Detroit Lakes to protect and preserve public health, safety and property values by controlling noxious and/or hazardous weeds and long grasses, while not discouraging native vegetation. (Ordinance No. 195, Adopted 4/4/2000)

903.02 Declaration of Public Nuisance. The following are declared to be public nuisances and shall be subject to the provisions of Chapter 901 of the Detroit Lakes City Code:

Subd. 1. Land within the City having noxious weeds or hazardous plant infestations or more than 25% of its grasses at a height of 6 inches or more, except that properties approved by the City Weed Inspector using native vegetation is a permitted use of property and are not a nuisance. (Ordinance No. 195, Adopted 4/4/2000)

Subd. 2. Land which is a site for the dumping of debris; and

Subd. 3. Land which is a site for dumping of vegetation, garbage, dirt or any other material that alters the normal condition of the land and makes adequate maintenance of said land difficult.

903.03 Inspection and Notice of Violation. The City’s Weed Inspector shall inspect public and private property in the City to determine compliance with this ordinance. When a violation of this ordinance is discovered, the Weed Inspector will proceed with the abatement process provided by Detroit Lakes City Code, Chapter 901, provided that the Weed Inspector may order that violations of this ordinance be corrected within five (5) days after the notice provided by City Code 901.07.

903.04 Exempt Areas. Exempt areas are those areas that, based on the approval of the City Weed Inspector, are managed for native vegetation or when the property cannot reasonably be maintained as required by this ordinance due to rugged terrain, wetland conditions or dense vegetative cover, the Weed Inspector may exempt the property from the provisions of this ordinance after receiving an application for exemption in such form as the City Administrator may require, and inspecting the property. The decision of the Weed Inspector is subject to review, affirmation or modification by the City Administrator. (Ordinance No. 145, Adopted 9/3/1997)(Ordinance No. 195, Adopted 4/4/2000)
904. **Ice and Snow on Public Sidewalks**

### 904.01 Ice and Snow a Nuisance
All snow and ice remaining upon public sidewalks is hereby declared to constitute a public nuisance and shall be abated by the owner or tenant of the abutting private property within 72 hours in a Residential District and 24 hours in a Commercial District after the snow or ice has ceased to be deposited.

### 904.02 City to Remove Snow and Ice
The City may cause to be removed from all public sidewalks, beginning 24 hours in a Commercial District and 72 hours in a Residential District, after snow or ice has ceased to fall, all snow and ice which may be discovered thereon, and it shall keep a record of the cost of the removal and the private property adjacent to which the accumulations were found and removed.

### 904.03 Cost of Removal to be Assessed
The City Administrator shall, upon direction of the Council, and on receipt of the information provided for in the preceding subdivision, extend the cost of the removal of snow or ice as a special assessment against the lots or parcel of ground abutting on walks which were cleared, and the special assessments shall at the time of certifying taxes to the County Auditor be certified for collection as other special assessments are certified and collected.

### 904.04 Civil Suit for Cost of Removal
The City Administrator shall, in the alternative, upon direction of the Council, bring suit in a court of competent jurisdiction to recover from the persons owning land adjacent to which sidewalks were cleared, as provided in Subdivision 904.02 hereof, the cost of the clearing and the costs and disbursements of a civil action therefore.

### 904.05 City Administrator to Report Sidewalks Cleared
The City Administrator shall present to the Council at its first meeting after snow or ice has been cleared from the sidewalks as provided in Subdivision 904.02 hereof the report of the City thereon, and shall request the Council to determine by resolution the manner of collection to be used as provided in Subdivisions 904.03 and 904.04.

### 904.06 Placing Snow or Ice in Public Street or on Other City Property
It is unlawful for any person, not acting under a specific contract with the City, to remove snow from private or public property and place the same on a public street in the quantity, or in the manner, as to cause a hazard to travel, without adequate arrangements for the immediate removal thereof. It is also unlawful for any person not acting under a contract with the City to dump snow on other City property.

*(Ordinance No. 323, Adopted 6/10/2008)*
1000 - Land Use

1001A. City Beach

1001A.01 Preamble and Findings.

Subd. 1. The City of Detroit Lakes, using public funds, constructed a City Beach adjoining West Lake Drive from Washington Avenue to Legion Road.

Subd. 2. The City intended that the City Beach be maintained, used and operated as a public use City Park.

Subd. 3. The City Beach and the Beach Waters that adjoin it are now used by large numbers of people of all capabilities and ages for recreational purposes, including but not limited to swimming, boating and general park activities.

Subd. 4. Use of the City Beach and Beach Waters by swimmers and boaters at the same time can create public health and safety concerns.

Subd. 5. After the original City Beach construction, direct and indirect commercial use has crept into the City Beach and Beach Waters, contrary to the City's original intent.

Subd. 6. The City Council intends that the City Beach remain a public use park, free of commercial activity except for limited commercial use specifically permitted by the City in writing.

Subd. 7. The City has a strong interest in protecting public health and safety at the City Beach and in Beach Waters and in preventing unnecessary interference or conflict with public use.

Subd. 8. The waters of Detroit Lake adjoining the City Beach are within the City limits and the City will exercise control of those waters for the limited purposes set forth in this Ordinance.

Subd. 9. Public health, safety, and welfare and the preservation and enjoyment of the City Beach as a public park require that Docks be regulated by the City. The Council finds that this can best be accomplished by allowing one Commercial Dock and regulating the number, size and use of other docks.

Subd. 10. Public health, safety and welfare, preservation and enjoyment of the City Beach require that commercial use of the City Beach and Beach Waters be regulated by the City.

Subd. 11. The City can best serve the public interest by regulating: location and erection of Docks; installation of Boat Lifts, Boat Slips or other storage
devices; beaching of watercraft on or at the shore; placement of buoys; storage of boats; conduct of commercial activity on and at the City Beach and Beach Waters; and related activities as set forth in this Ordinance.

1001A.02 Conclusions. Based upon the foregoing Preamble and Findings, the City Council of the City of Detroit Lakes, Minnesota concludes that:

1. The City has real and substantial responsibilities for preservation and promotion of public health, safety and welfare in the City which includes making provision for appropriate use of the City Beach and Beach Waters;

2. It is in the best interests of the public health, safety and general welfare of the people of the City of Detroit Lakes that this chapter of the City Code be enacted.

1001A.03 General Definitions. The following words and terms when used in this Ordinance shall have the following meanings unless the context clearly indicates otherwise.

Subd. 1. Beach Waters. The waters of Detroit Lake within 300 feet of the City Beach.

Subd. 2. Beach Residence. A free-standing single family dwelling that has frontage on West Lake Drive where it adjoins the City Beach.

Subd. 3. Beach Residence Owner. The fee owner or contract purchaser of Beach Residence as shown by the tax parcel taxation maintained by Becker County.

Subd. 4. Boat Lift or Boat Slip. Any apparatus, equipment, machine or device designed, used, or intended to hold, enclose, move, raise, berth, store, or moor watercraft.

Subd. 5. City Beach. The land area located between West Lake Drive and the waters of Detroit Lake and bounded on the East by a southerly extension of the East line of Washington Avenue and bounded on the West by a southeasterly extension of the West line of Legion Road.

Subd. 6. Dock. A structure placed in or extending into Beach Waters providing a surface on which persons can walk or stand and adjoining space at which to berth, moor or keep watercraft in slips or on lifts as allowed by this chapter.

Subd. 7. Dock License. A license to erect and maintain a Dock as provided by this chapter.
Subd. 8. **Lodging Establishment.** A lodging house, cabin court, motel or hotel situated upon property having frontage on West Lake Drive where it adjoins the Detroit Lakes City Beach, and furnishing paid overnight sleeping accommodations for registered transient guests.

Subd. 9. **Lodging Establishment Property Owner.** The fee owner, or contract for deed purchaser of real property on which a Lodging Establishment is located, as shown by the tax parcel records maintained by Becker County.

Subd. 10. **Non-Conforming Structure or Use.** A structure or use that does not conform to the applicable requirements of this ordinance, but that did conform to the applicable ordinances in effect immediately prior to adoption of this ordinance.

Subd. 11. **Non-Rental Watercraft.** A watercraft which is not a Rental Watercraft as defined in this chapter.

Subd. 12. **Rental Watercraft.** A watercraft of any kind that is available, kept, offered, or used by the owner or possessor of the watercraft for rental, lease, hire, or charter to others for a direct or indirect charge or fee, or only in connection with payment for other goods or services.

**1001A.04 Dock Definitions, Licenses and Regulations.**

Subd. 1. **Commercial Dock.** A dock providing a pedestrian walking area and space to dock, moor or keep in slips or on lifts, Rental Watercraft rented to the public by the license holder or belonging to persons other than the license holder. The Commercial Dock shall be at a location generally described as the southerly extension of Washington Avenue to the waters of Detroit Lake.

Subd. 2. **Semi-Commercial Dock.** A Dock Licensed to a Lodging Establishment Owner for the Lodging Establishment.

A. A Semi-Commercial Dock may be used only as follows:

1) to temporarily fasten, dock or moor watercraft owned and operated by registered guests of the licensed Lodging Establishment who pay standard room rental rates for overnight accommodations; and

2) to fasten, moor, dock and keep a Non-rental Watercraft for personal operation by the Lodging Establishment Property Owner, and family of said Owner. Such watercraft shall not be rented to, or used by, guests of the Lodging Establishment or by the public.
B. A Semi-Commercial Dock licensee shall not rent watercraft directly or indirectly.

C. A Semi-Commercial Dock shall not be used to rent, or to aid or assist rental of, watercraft directly or indirectly.

D. The applicant for such a license shall be the Lodging Establishment's Owner.

Subd. 3. Private Dock. A Dock licensed to a Beach Residence Owner for use at the Beach Residence of the Owner. A Private Dock may be used only for personal and private use of the licensee and the licensee's family and personal guests and not in connection with any company, business, or other entity of any kind or nature.

Subd. 4. Public Dock. A Dock licensed to a unit of government or a governmental agency and installed for non-commercial by the public use. Public Docks shall not be used to keep, moor, or store watercraft, or to directly or indirectly facilitate watercraft rental. Public Docks may be used on a temporary and periodic basis to assist the loading or unloading of trailers only for Non-rental Watercraft, and to load or unload passengers only of Non-rental Watercraft.

1001A.05 Dock Licenses Required. No person shall erect, construct, enlarge or alter any Dock, wharf, pier, causeway, building or other structure, devise, equipment or apparatus under, upon or abutting the City Beach without a Dock License issued by the City.

1001A.06 Dock License Application.

Subd. 1. Form. Application forms for Dock Licenses provided by this chapter shall be obtained from the City Administrator.

Subd. 2. Content. The application form shall include:

A. the full name, residential and mailing addresses, and telephone numbers of applicant;

B. a description of the proposed structure and its proposed location;

C. the intended use of the proposed structure;

D. the legal description, tax parcel number, and ownership of the property for which the license is applied; and

E. such other information as may be required by the City Administrator to act upon the application.
Subd. 3. **Filing.** The application, when completed, shall be submitted to the City Administrator with the appropriate fee. The Administrator shall review applications and issue Dock Licenses after appropriate inspection.

Subd. 4. **Liability Insurance Required.**

A. During the entire Dock License term, the Licensee shall keep in full force and effect at Licensee's own expense, a policy of public liability and property damage insurance with respect to the Licensed Dock in which the limits of public liability for bodily injury, death, and property damage, shall be not less than the maximum liability insurance established by Minnesota Statutes 466.04, Subd. 1. The insurance policy shall name the City and any additional person, firms or entities designated by it, as additional insured, and shall contain a clause providing that the insurer will not cancel or change the insurance without first giving the City at least thirty (30) days prior written notice. The insurance shall be issued by a responsible company qualified to do business in Minnesota, approved by the City, and a copy of the policy or a certificate of insurance shall be delivered to the City.

*(Ordinance No. 422, Adopted 3/13/2018)*

B. No Dock License shall be issued to an Applicant until the Applicant delivers to the City proof of the insurance required in this Ordinance.

C. Any Dock License issued under this Ordinance shall immediately and automatically terminate if the required insurance is not in full force and effect.

Subd. 5. **Signage.** The Licensed Dock shall, at all times during its installation in or over the waters of Detroit Lake, be posted with a 12” x 8” sign both in written English and Universal symbols indicating no diving.

Subd. 6. **Indemnification and Waiver of Liability.**

A. **Indemnification.** As a condition of the issuance of the Dock License, or its transfer if permitted under this ordinance, the Licensee and any permitted Transferee shall indemnify and hold the City of Detroit Lakes harmless from any loss, damage, expense and liability for injuries to persons or damage property arising directly or indirectly from the use or existence of the Licensed Dock.

B. **Waiver of Liability.** As a condition of the issuance of the Dock License, or its transfer if permitted under this ordinance, the
Licensee and any permitted Transferee waives the right to make claims, or to bring legal actions, of any kind or nature against the City, its agents, employees, elected officials or representatives for any loss, damage, expense and liability for injuries to persons or damage property arising directly or indirectly from the use or existence of the Licensed Dock.

C. The Licensee's obligations and agreements under this section shall survive the termination, cancellation, revocation or expiration of the Dock License.

Subd. 7. Liability Agreement.

A. Before issuing a dock license, the City Administrator shall require that the Applicant execute an Agreement of indemnification and waiver in substantially the Form of Agreement set forth below.

B. If an Applicant does not execute such an Agreement, then the Form of Agreement set forth below shall be part of the Dock License as if the language of the Form of Agreement were fully set forth in the Dock License and shall be binding upon the Licensee as a condition of the License.

C. Form of Agreement:

Dock License Liability Agreement

I have applied for a Dock License to be issued by the City of Detroit Lakes. As a condition of receiving a Dock License from the City, I represent and agree as follows:

1. I will indemnify and hold the City of Detroit Lakes harmless from any claims, liability or damages, including but not limited to its costs and attorney fees, arising directly or indirectly the use, installation or existence of my Licensed Dock.

2. I waive any right to make claims, or bring legal actions, of any kind or nature against the City, its agents, employees, elected officials and representatives for any loss, damage, expense and liability for injuries to persons or damage property arising directly or indirectly from the use, installation or existence of my licensed dock.

3. I agree that my obligations under this Agreement will survive the termination, cancellation, revocation or expiration of my Dock License.
This agreement does not apply to injuries or damage resulting from willfully negligent or intentional misconduct of the City. My application for, and acceptance of, a Dock License is voluntary. I read this agreement before signing below. I understand this agreement and have received a copy of it.

Dated: __________
Printed Name: ______________________________
Address:  ______________________________
Signature: _____________________________

(Ordinance No. 205, Adopted 11/8/2000)

1001A.07 Dock License Term. Each Dock License shall be for the period from April 1 to November 1. License fees shall not be prorated. All license applications shall be accompanied by the required fee as indicated hereinafter.

1001A.08 Dock Licenses - Allowed Number. The Licensed Docks, Boat Slips or Boat Lifts allowed at the City Beach are as follows:

Subd. 1. Commercial Docks. There shall be no more than one Commercial Dock License in effect at any one time.

Subd. 2. Semi-Commercial Docks. Such a license shall be issued only to a Lodging Establishment Property Owner. A Lodging Establishment’s Property may be licensed for only one dock. One Dock and one Boat Lift is permitted with a Semi-Commercial Dock License.

Subd. 3. Private Docks. Such a license shall be issued to other than the holder of a Commercial Dock License. One dock and one Boat Lift is permitted for each Private Dock License. (Ordinance No. 205, Adopted 11/8/2000)

1001A.09 Dock License Transfers.

Subd. 1. Semi-Commercial and Private Dock Licenses shall not be transferred.

Subd. 2. Commercial Dock Licenses are transferable upon sale of the business operated as the Commercial Dock. The license holder or transferee shall submit a request for license transfer to the City Administrator which shall include the full name, address and telephone number of the transferee and the reason for the transfer request.

1001A.10 Dock License Revocation.
Subd. 1. **Violation Notice.** If any Licensed Dock is not used, constructed, located, operated, kept, repaired or maintained in accordance with this chapter, or with the application for a license issued under this chapter, the City Administrator shall forthwith notify the licensee thereof in writing delivered to the addressee or mailed by first class mail to the licensee's last address. The notice shall specify the nature of the violation and instruct the licensee to correct the violation within ten days of the date of delivery or mailing. If the licensee does not correct the violation within that ten days, the City Administrator shall revoke the license unless, within that ten days, the City Administrator receives from the licensee a written request for hearing signed by the licensee.

Subd. 2. **Hearing.** Any hearing requested by the licensee shall be conducted in accordance with City Code 101.05. If, after such hearing, the City Council determines that the license holder is in violation of this chapter, then the Council may revoke the license or take such other action as it determines appropriate. If the license is revoked, the City Administrator shall provide the licensee a written notice of revocation.

1001A.11 Dock, Boat or Slip Location. The City Council shall approve the location of each Licensed Dock, and each Boat Lift or Slip. Such structures shall be constructed and maintained midway between the intersections of the opposite side lines of the real property of the license holder, as extended to the shore of Detroit Lake. Variations of location may be permitted by the City Council when it determines that it is impracticable to locate a structure as provided above, and where it also determines that such proposed structure will not interfere unreasonably with the use or enjoyment of said waters of Detroit Lake by the public or other adjoining lot owners.

1001A.12 Construction and Repair.

Subd. 1. **Materials.** All Docks, Boat Lift and Boat Slips shall be constructed of such materials and of such type of construction as will not render the same unsafe or apt to endanger the public enjoyment of the City Beach or Beach Waters. The same shall be constructed so as not to be unsightly or offensive to the public use and enjoyment of such waters and shall be in accordance with any and all provisions of the building code of the City.

Subd. 2. **Length and Shape.**

A. **Private Docks.** A Private Dock may be up to 32 feet long as measured in a straight line, and up to 4 feet wide. A Private Dock must be shaped as a straight line with no side projections. A Private Dock must be placed with its longitudinal axis perpendicular to the shoreline. *(Ordinance No. 311, Adopted 6/12/2007)*

B. **Semi-Commercial Docks.** A Semi-Commercial Dock may be up to 40 feet long as measured in a straight line, and up to 4 feet wide.
A Semi-Commercial Dock must be placed with its longitudinal axis perpendicular to the shoreline.

C. **Commercial Docks.** The main stem of the Commercial Dock may extend 250 feet into the water of Detroit Lake as measured on its longitudinal axis which shall be perpendicular to the shore. A Commercial Dock may have extensions perpendicular to the main stem and parallel to the shore line; such extensions shall not extend more than 150 feet either side of the main stem of the Dock when measured from its center line.

D. **Non-Interference with Waters.** Licensed Docks shall not be configured so as to enclose open water to the exclusion of the open and free enjoyment by the public of the navigable waters of Detroit Lake. Licensed Docks shall not unreasonably interfere with, or infringe upon, the rights of access to said navigable waters by adjoining properties.

**Subd. 3. Maximum Length.** Regardless of the length allowed for Licensed Docks, no Licensed Dock, Boat Lift or Boat Slip, other than a Commercial Dock and its Boat Lifts and Slips, shall extend further into the waters of Detroit Lake than is reasonably necessary to accommodate the docking of craft customarily used upon the waters of Detroit Lake nor beyond the point of navigation as such point has been or shall be established by lawful authority.

**1001A.13 Boat Lifts and Boat Slips Regulated.**

**Subd. 1. City Beach.** No Boat Lift or Boat Slip may be placed on the City Beach. No structure, equipment, apparatus, trailer, or other transportation devise or aid may be placed on the City Beach except that Licensed Docks may be placed on the City Beach only to the extent necessary to access the Dock without walking through water.

**Subd. 2. Beach Waters.** No structure, equipment, apparatus, trailer, or other transportation devise or aid shall be placed in Beach Waters, except as specifically allowed by this chapter.

**Subd. 3. Boat Lift with Dock License.** The holder of a Dock License may install or place a Boat Lift in Beach Waters at a location immediately adjacent to the Licensed Dock during the term of the license. The number of Boat Lifts that may be installed or placed by a license holder is limited as provided by this chapter.

**1001A.14 General Regulations.**
Subd. 1. **Inspection.** The City Administrator, the City Administrator's designee, and any City law police officer may at any reasonable time inspect any structure or watercraft located on the City Beach or in Beach Waters.

Subd. 2. **Boat Storage.** All boats must be kept or stored so as to not create a fire hazard.

Subd. 3. **Gasoline.** Any gasoline offered for sale, placed or kept on Licensed Dock premises shall be placed in such tanks or containers as required by the City. Such tanks or containers shall be stored underground or such distance from the stored boats and persons as will not create a fire or explosive hazard.

Subd. 4. **Buoys.** No buoy or mooring shall be placed or installed in Beach Waters except by the City, Becker County, or the State of Minnesota and shall not be moved without written consent of the entity that placed or installed it.

Subd. 5. **Dock Upkeep.** Licensed Docks shall at all times be maintained in a neat and orderly manner. No watercraft shall be stored on Dock surfaces. Dock surfaces shall be kept free and clear of any hazards or obstructions.

Subd. 6. **Boat Occupancy.** No watercraft or other floating structure moored, anchored, tied up or connected to any Licensed Dock or in Beach Waters may be used as a permanent, temporary, overnight, or seasonal residence.

Subd. 7. **Unattended Watercraft.** Rental Watercraft shall not be left unattended on the shore of the City Beach for the purpose of offering the watercraft for rent.

Subd. 8. **Restricted Areas.** Watercraft may not enter areas marked as swimming areas. Watercraft must keep a reasonable and safe distance from persons swimming or playing in Beach Waters and shall yield the right of way to such persons.

Subd. 9. No watercraft, aircraft, or other motorized or non-motorized vehicle may be parked or moored at or upon the City Beach or in or upon Beach Waters for more than 24 hours consecutively except as allowed by City Code at a duly licensed Dock. *(Ordinance No. 299, Adopted 10/10/2006)*

**1001A.15 No Commercial Use.** Except as specifically permitted by this chapter, there shall be no direct or indirect commercial or business, endeavor, enterprise, operation, project, venture, activity or use of any kind or nature carried out, undertaken or conducted in, on, or at the City Beach or Beach Waters by any person or entity, including without limitation any non-profit entity.

Subd. 1. **Water Carnival Exception.** The City Council may issue written permits for commercial use of the City Beach in connection with the Detroit Lakes Water Carnival.
Subd. 2. **Non-Profit Event Exception.** The City Council may issue written permits for commercial use of the City Beach in connection with an event held by a non-profit organization.

Subd. 3. Commercial use under an exception provided above shall be only as specified in a written permit issued by the City, subject to reasonable terms and conditions as required in the discretion of the City Council.

1001A.16 **Discharges.**

Subd. 1. **Toilets.** No person or entity shall discharge, or allow any other person on a vessel under his control or command to discharge, any human or animal excreta from any head, toilet or similar facility into the waters of Detroit Lake.

Subd. 2. **Refuse.** No trash or refuse matter of any kind or description may be thrown, placed, discharged, deposited, or abandoned into or upon the waters of Detroit Lake, the City Beach, or Beach Waters, nor upon the shore of Detroit Lake or any other navigable water within the City.

Subd. 3. **Oil.** No oil, spirits, flammable liquid, rubbish, refuse matter or articles of any offensive character may be dumped or discharged into the waters of Detroit Lake, or upon any Dock on or in such lake or any street leading to such lake.

Subd. 4. **Decaying Matter.** No person shall throw, place or leave any dead animal or putrefying matter into or in the waters of Detroit Lake, or on or along the shore thereof or the shore of waters within the city.

1001A.17 **Variances.** An applicant may apply for a variance from the strict application of this Ordinance. The process for application, consideration, issuance or denial of such a variance shall be as provided for consideration of variance requests under the City Zoning Ordinance. The final decision on whether to grant the variance shall be made by the City Council. In addition to the considerations for variance set forth in the Zoning Ordinance, there must also be a determination that the variance as requested will not interfere with the public use or enjoyment of the City Beach, Beach Waters, streets and commons of the city.

1001A.18 **Notices.** All notices to licensees as provided by this chapter shall be in writing and are sufficient if delivered to the licensee or mailed to the last known address of the licensee as shown in the City license records.

1001A.19 **Fees.** A license fee in the amount set by City Code Section 210 shall be paid when a license application is submitted to the City Administrator. If the application is denied, the entire fee will be refunded.
1001A.20 Remedies. In addition to all other penalties and remedies provided by this code, the council may remove, or cause to be removed, any structure for which no license has been secured, or for which one has been revoked. Costs of removal shall be a current service under Section 305.01 and liability for costs may be assessed under 305.05 and 305.06.

1001A.21 Non-Conforming Structure or Use. The holder of any Dock License issued in 1997 may apply for and receive a Dock License of the same class for use as provided under and limited by the former Ordinance 1001, as a non-conforming structure or use. Such non-conforming use shall no longer be permitted after the occurrence of any of the following: (1) the property for which the License is issued is conveyed to a new owner as shown by the records of Becker County; (2) a Semi-Commercial Dock License no longer meets the definition of a Lodging Establishment Property Owner; or (3) the expiration of five years from the effective date of this ordinance. (Ordinance No. 205, Adopted 11/8/2000)

1001A.23 Ordinance Prevails. The provisions of this chapter shall be controlling and shall prevail in the event that this chapter conflicts with a license issued under this chapter, or with the content of any application for such license. Titles or headings used in this chapter are for convenience only and are not controlling when interpreting this chapter. (Ordinance No. 161, Adopted 1/6/1998)
1001B. No Wake Zones

1001B.01 Preamble.

Subd. 1. Detroit Lake is a great natural feature that needs to be protected and preserved for ourselves and future generations.

Subd. 2. The waters of Detroit Lake are used by large numbers of people for fishing, swimming, boating and general activities.

Subd. 3. The use of these waters by large numbers of people for a variety of activities can create public health and safety concerns.

Subd. 4. The waters of Detroit Lake are within the city limits and the City will exercise control of those waters for the limited purpose set forth in this Ordinance.

Subd. 5. Public health, safety, welfare, preservation, and enjoyment of Detroit Lake require that the waters be regulated at this time as provided by this ordinance.

Subd. 6. The City can best serve the public at this time by regulating certain areas on the waters of Detroit Lake as no wake zones.

1001B.02 Conclusions.

Subd. 1. Based upon the foregoing preamble, the City Council of the City of Detroit Lakes concludes that:

A. The City has a real and substantial interest in the preservation and promotion of public health, safety and welfare in the City.

B. At this time, it is in the best interest of the public health, safety and general welfare of the people of Detroit Lakes and boaters on Detroit Lake that this chapter of the City Code is enacted.

1001B.03 Definitions. The following words and terms shall have the following meaning unless the context clearly indicates otherwise.

Subd. 1. Slow-No Wake. Operation of a watercraft at the slowest possible speed to maintain steerage and in no case, greater than five mph.

Subd. 2. Watercraft. Any contrivance used or designed for navigation on water.
1001B.04 Surface Zoning Of Detroit Lake By Restricting Speeds In Certain Areas. A slow-no wake zone is established 24 hours a day, year-round in the following locations:

Subd. 1. City Beach Zone. The area of Detroit Lake that is within 150 feet of the water's edge of the lake from a southerly extension of the westerly property line of Edgewater Condominiums to a southeasterly extension of the westerly line of Legion Road;

Subd. 2. Long Bridge Zone. The area of Deadshot Bay and Detroit Lake that is located between a line 150 feet westerly of Long Bridge and the narrows that separates the bay from Detroit Lake.

Subd. 3. Pelican River Outlet Zone. An area 800 feet west of Township Road #21 and 300 feet on either side of the easterly extension of the river channel and extending westerly down the Pelican River channel to the City Limits.

Subd. 4. The Designated Channel Between Big and Little Detroit Lake. An area approximately 50 feet on either side of the centerline of the designated channel between Big and Little Detroit Lake.

The City requests that the Pelican River Watershed District place markers defining this area on behalf of the City.

Subd. 5. The City Council can establish or amend no wake zones by resolution.

1001B.05 Watercraft Operations In No Wake Zones. No person shall operate a watercraft in a marked slow no wake zone at a speed in excess of 5 miles per hour or at a speed which results in more than a minimum wake.

1001B.06 Enforcement. It is the intent of the City of Detroit Lakes that the primary responsibility for enforcement of this Ordinance shall rest with the Becker County Sheriff’s Department. This, however, shall not preclude enforcement by other licensed peace officers.

1001B.07 Notification. The City shall post advisory information signs at each public watercraft access and shall place or provide for placement of marker buoys or signs identifying the control zones established by this ordinance or by resolution of the Council.

1001B.08 Exemptions.

1. All authorized resource management, emergency, and enforcement personnel, while acting in the performance of their assigned duty are exempt from the foregoing restrictions.
2. Exhibitions or competitions authorized by the City Council of the City of Detroit Lakes are exempt from the foregoing restrictions.

3. Operations of a watercraft that is reasonably required to avoid injury to persons or property are exempt from the foregoing restrictions.

1001B.09 Penalties. A violation of this ordinance is a misdemeanor.

(Ordinance No. 185, Adopted 7/6/1999)
1002. Dwelling Maintenance Code

1002.01 Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter:

Subd. 1. Basement. The portion of a building located partly underground and below street grade.

Subd. 2. Dwelling. Any building which is wholly or partly used or intended to be used for living or sleeping by human occupants; provided that temporary housing as hereinafter defined shall not be regarded as a dwelling.

Subd. 3. Dwelling Unit. Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating.

Subd. 4. Extermination. The control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the health officer.

Subd. 5. Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

Subd. 6. Habitable Room. A room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, or communicating corridors, closets and storage space.

Subd. 7. Health Officer. The legally designated health officer of the city, or his authorized representative.

Subd. 8. Infestation. The presence, within or around a dwelling, of insects, rodents, or other pests.

Subd. 9. Multiple Dwelling. Any dwelling containing more than two dwelling units.

Subd. 10. Occupant. Any person, over one year of age, living, sleeping, cooking, or eating in, or having actual possession of a dwelling unit or rooming unit.

Subd. 11. Operator. Any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.
Subd. 12. **Ordinary Minimum Winter Conditions.** The temperature 15 degrees F. above the lowest recorded temperature for the previous ten year period.

Subd. 13. **Owner.** Any person who alone or jointly or severally with others:

A. Shall have legal title to any dwelling or dwelling units, with or without accompanying actual possession thereof; or

B. Shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter, and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

Subd. 14. **Plumbing.** Shall mean and include all of the following supplied facilities and equipment; gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.

Subd. 15. **Rooming Unit.** Any room or group of rooms forming a single habitable unit or intended to be used for living and sleeping, but not for cooking or eating purposes.

Subd. 16. **Rooming House.** Any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

Subd. 17. **Rubbish.** Combustible and non-combustible waste materials, except garbage; and the term shall include the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery and dust.

Subd. 18. **Supplied.** Shall mean paid for, furnished, or provided by, or under the control of the owner or operator.

Subd. 19. **Temporary Housing.** Any tent, trailer, or other structure used for human shelter, which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than thirty consecutive days.
Whenever the words “dwelling”, “dwelling unit”, “rooming house”, “rooming unit”, “premises” are used in this chapter, they shall be construed as though they were followed by the words “or any part thereof”.

1002.02 Inspection of Dwellings, Dwelling Units, Rooming Units and Premises. The building inspector and/or health officer is hereby authorized and directed to make inspection to determine the condition of dwellings, dwelling units, rooming units, and premises located within the city, in order that he may perform his duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections, the building inspector and/or health officer is hereby authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units, and premises. The owner or occupant of every dwelling, dwelling unit and rooming unit, or the person in charge thereof, shall give the building inspector and/or health officer free access to such dwelling, dwelling unit or rooming unit and its premises at all reasonable times for the purpose of such inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee access to any part of such dwelling, or dwelling unit, or its premises, at all reasonable times, for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this chapter.

1002.03 Enforcement.

Subd. 1. Service of Notices and Orders. Whenever the building inspector and/or health officer determines that there are reasonable grounds to believe that there has been a violation of any provisions of this chapter or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefor, as hereinafter provided.

A. Such notice shall:

1) Be put in writing.

2) Include a statement of the reasons why it is being issued.

3) Allow a responsible time for the performance of any act it requires.

4) Be served upon the owner or his agent or the occupant, as the case may require; provided that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon him personally; or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice; or if
he is served with such notice by any other method authorized or required under the laws of this state.

B. Such notice may:

1) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter and with rules and regulations adopted pursuant thereto.

Subd. 2. Hearings. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this chapter, or of any rule or regulation adopted pursuant thereto, any request and shall be granted a hearing on the matter before the council. After such hearing, the council shall sustain, modify or withdraw the notice, depending upon its findings as to whether the provisions of this chapter and of the rules and regulations adopted pursuant thereto have been complied with. If the council sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to 1002.03, Subdivision 1, shall automatically become an order if a written petition for a hearing is not filed in the office of the city administrator within ten days after such notice is served. After a hearing in the case of any notice suspending any permit required by this chapter or by any rule or regulation adopted pursuant thereto, when such notice has been sustained by the council, the permit shall be deemed to have been revoked. Any such permit which has been suspended by a notice shall be deemed to be automatically revoked if a petition for hearing is not filed in the office of the city administrator within ten days after such notice is served.

Subd. 3. Emergencies. Whenever the building inspector and/or health officer finds that an emergency exists which requires immediate action to protect the public health, he may, without notice of hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the council, shall be afforded a hearing as soon as possible. After such hearing, depending upon its findings as to whether the provisions of this chapter and of the rules and regulations adopted pursuant thereto have been complied with, the council shall continue such order in effect, or modify it, or revoke it.

1002.04 Adoption of Rules and Regulations by the Board of Health.
(Repealed by Ordinance No. 156, Adopted 6/3/1997)

1002.05 Minimum Standards For Basic Equipment and Facilities. No person shall occupy as owner/occupant or let to another for occupancy and dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:
Subd. 1. Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to a water and sewer system approved by the building inspector and/or health officer.

Subd. 2. Every dwelling unit shall contain a room which affords privacy to a person within said room and which is equipped with a flush water closet and a lavatory basin in good working condition and properly connected to a water and sewer system approved by the building inspector and/or health officer.

Subd. 3. Every dwelling unit shall contain, within a room which affords privacy to a person within said room a bathtub or shower in good working condition and properly connected to a water and sewer system approved by the building inspector and/or health officer.

Subd. 4. Every kitchen sink, lavatory basin and bathtub or shower required under the provisions of Subd. 1., Subd. 2, and Subd. 3. above, shall be properly connected with both hot and cold water lines.

Subd. 5. Every dwelling unit shall be supplied with adequate rubbish storage facilities, type and location of which are approved by the building inspector and/or health officer.

Subd. 6. Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers, type and location of which are approved by the building inspector and/or health officer.

Subd. 7. Every dwelling unit shall have supplied water-heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required under the provisions of Subd. 4. above, and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120 degrees F. Such supplied water-heating facilities shall be capable of meeting the requirements of this paragraph when the dwelling or dwelling unit heating facilities required under the provisions of Subd. 5. Of Section 1002.06 are not in operation.

Subd. 8. Every dwelling unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by laws of this state and the city.

Subd. 9. Any rented dwelling unit above ground level shall have access to more than one exit or egress to and from said unit. This regulation shall not apply to any rental unit being rented as a unit prior to July 1, 1969.

1002.06 Minimum Standards For Light, Ventilation and Heating. No person shall occupy as owner/occupant or let to another for occupancy any dwelling or dwelling
unit, for the purpose of living therein, which does not comply with the following requirements:

Subd. 1. Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be ten percent of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light-obstruction structures are located less than three feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight type window in the top of such room, the total window area of such skylight shall equal at least ten percent of the total floor area of such room.

Subd. 2. Every habitable room shall have at least one window or skylight which can easily be opened, or such other device as will adequately ventilate the room. The total of openable window area in every habitable room shall be equal to at least forty-five percent of the minimum window area size or minimum skylight type window size, as required in Subd. 1. above, except where there is supplied some other device affording adequate ventilation and approved by the building inspector and/or health officer.

Subd. 3. Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in Subd. 1. and Subd. 2 above, except that no window or skylight shall be required in adequately ventilated bathrooms and water closet compartments equipped with a ventilation system which is kept in continuous operation and approved by the building inspector and/or health officer.

Subd. 4. Where there is electric service available from power lines which are not more than three hundred feet away from a dwelling, every habitable room of such dwelling shall contain at least two separate floor or wall-type electric convenience outlets, or one such convenience outlet and one supplied ceiling-type electric light fixture; and every water closet compartment, bathroom, laundry room, furnace room and public hall shall contain at least one supplied ceiling or wall-type electric light fixture. Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working condition and shall be connected to the source of electric power in a safe manner.

Subd. 5. Every dwelling shall have heating facilities which are properly installed, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit located therein to a temperature of at least 70 degrees F., at a distance of three feet above floor level, under ordinary minimum winter conditions.
Subd. 6. Every public hall stairway in every multiple dwelling containing five or more dwelling units shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four dwelling units may be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.

Subd. 7. During that portion of each year when the health officer deems it necessary for protection against mosquitoes, flies and other insects, every door opening directly from a dwelling unit to outdoor space shall have supplied screens and a self-closing device; and every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with screens; provided that such screens shall not be required during such period in rooms deemed by the health officer to be located high enough in the upper stores of buildings as to be free from such insects and in rooms located in areas of the city which are deemed by the health officer of have so few such insects as to render screens unnecessary.

Subd. 8. Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be supplied with a screen or such other device as will effectively prevent their entrance.

1002.07 General Requirements Relating to the Safe and Sanitary Maintenance of Parts of Dwellings and Dwelling Units. No person shall occupy as owner/occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

Subd. 1. Every foundation, floor, wall, ceiling, and roof shall be reasonably weather tight, watertight, and rodent proof; shall be capable of affording privacy; and shall be kept in good repair.

Subd. 2. Every window, exterior door, and basement hatchway shall be reasonably weather tight, watertight, and rodent proof; and shall be kept in sound working condition and good repair.

Subd. 3. Every inside and outside stair, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.

Subd. 4. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks, and obstructions.

Subd. 5. Every water closet compartment, floor surface and bathroom floor surface shall be constructed and maintained so as to be reasonably

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impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

Subd. 6. Every supplied facility, piece of equipment, or utility which is required under this chapter shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition.

Subd. 7. No owner, operator, or occupant shall cause any service, facility, equipment or utility which is required under this chapter to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him except for such temporary interruptions as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the building inspector and/or health officer.

Subd. 8. No owner shall occupy or let to any other occupant any vacant dwelling unit unless it is clean, sanitary, and fit for human occupancy.

1002.08 Minimum Space, Use and Location Requirements. No person shall occupy or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

Subd. 1. Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 75 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.

Subd. 2. In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 60 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 30 square feet of floor space for each occupant thereof.

Subd. 3. No dwelling or dwelling unit occupied by more than one family and containing two or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment.

Subd. 4. At least one-half of the floor area of every habitable room shall have a ceiling height of at least 7 feet; and the floor area of that part of any room where the ceiling height is less than 5 feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

Subd. 5. No basement space shall be used as a habitable room or dwelling unit unless approved by the building inspector and/or health officer or unless:
A. The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.

B. There is adequate window space sufficient for ventilation and escape.

1002.09 Responsibilities of Owners and Occupants. Owners/occupants shall be responsible for the following:

Subd. 1. Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

Subd. 2. Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he occupies and controls.

Subd. 3. Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish containers required by Section 1002.05.

Subd. 4. Every occupant of a dwelling or dwelling unit shall dispose of all his garbage and any other organic waste which might provide food for rodents, in a clean and sanitary manner, by placing it in the garbage disposal facilities or garbage storage containers required by Section 1002.05. It shall be the responsibility of the owner to supply such facilities or containers for all dwelling units in a dwelling containing more than four dwelling units and for all dwelling units located on premises where more than four dwelling units share the same premises. In all other cases, it shall be the responsibility of the occupant to furnish such facilities or containers.

Subd. 5. Every occupant of a dwelling or dwelling unit shall be responsible for hanging all screens and double or storm doors and windows whenever the same are required under the provisions of this chapter or of any rule or regulation adopted pursuant thereto, except where the owner has agreed to supply such service.

Subd. 6. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises, and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a rat proof or reasonably insect proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.
Subd. 7. Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

1002.10 Rooming Houses.

Subd. 1. Standards Applicable. No person shall operate or occupy a rooming house or a room within a rooming house unless the rooming house and the room (dwelling units) within the house comply with all provisions of this chapter.

Subd. 2. Permit Required. No person shall operate a rooming house unless he holds a valid rooming house permit issued by the building inspector and/or health officer, in the name of the operator and for the specific dwelling or dwelling unit. The operator shall apply to the building inspector and/or health officer for such permit, which shall be issued by the building inspector and/or health officer upon compliance by the operator with applicable provisions of this chapter and of any rules and regulations adopted pursuant thereto. This permit shall be displayed in a conspicuous place within the rooming house, at all times. No such permit shall be transferable. Every person holding such a permit shall give notice in writing to the building inspector and/or health officer within twenty-four hours after having sold, transferred, given away, or otherwise disposed of ownership of, interest in, or control of any rooming house. Such notice shall include the name and address of the person succeeding to the ownership or control of such rooming house. Every rooming house permit shall expire at the end of one year following the date of issuance, unless sooner suspended or revoked as hereinafter provided.

Subd. 3. Hearing on Denial. Any person whose application for a permit to operate a rooming house has been denied may request and shall be granted a hearing on the matter before the building inspector and/or health officer, under the procedure provided by Section 101.05.

Subd. 4. Notice and Suspension. Whenever upon inspection of any rooming house the building inspector and/or health officer finds that conditions or practices exist which are in violation of any provisions of this chapter or of any rule or regulation adopted pursuant thereto, the building inspector and/or health officer shall give notice in writing to the operator of such rooming house that, unless such conditions or practices are corrected within a reasonable period, to be determined by the building inspector and/or health officer, the operator's rooming house permit will be suspended. At the re-inspection of such rooming house, if he finds that such conditions or practices have not been corrected, he shall give notice in writing to the operator that the latter's permit has been suspended. Upon receipt of notice of suspension, such operator shall immediately cease operation of such rooming house, and no person shall occupy for sleeping or living purposes any rooming unit therein.

Subd. 5. Hearing on Suspension. Any person whose permit to operate a rooming house has been suspended or who has received notice from the
building inspector and/or health officer that his permit is to be suspended unless existing conditions or practices at his rooming house are corrected, may request and shall be granted a hearing on the matter before the council, under the procedure provided by Section 101.05; provided that if no petition for such hearing is filed within ten days following the day on which such permit was suspended, such permit shall be deemed to have been automatically revoked.

Subd. 6. **Toilet Facilities.** At least one flush water closet, lavatory basin, and bathtub or shower, properly connected to a water and sewer system approved by the building inspector and/or health officer and in good working condition, shall be supplied for each eight persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of the said facilities; provided that, in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half the required of water closets. All such facilities shall be so located within the dwelling so as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times. No such facility shall be located in a basement except by written approval of the building inspector and/or health officer.

Subd. 7. **Linens.** The operator of every rooming house shall change supplied bed linen and towels therein at least once each week, and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.

Subd. 8. **Minimum Size.** Every room occupied for sleeping purposes by one person shall contain at least 60 square feet of floor space and every room occupied for sleeping purposes by more than one person shall contain at least 30 square feet of floor space for each occupant thereof.

Subd. 9. **Egress.** Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the laws of this state and the city. An alternate exit shall be provided for second floor rentals.

Subd. 10. **Sanitary Conditions.** The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for maintenance of a sanitary condition in every other part of the rooming house; and he shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.

**1002.11 Designation of Unfit Dwellings and Legal Procedure of Condemnation.**

Subd. 1. **Standards.** Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human
habitation and shall be so designated and placarded by the building inspector and/or health officer.

A. One which is so damaged, decayed, dilapidated insanitary, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public.

B. One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public.

C. One which, because of its general condition or location, is insanitary, or otherwise dangerous to the health or safety of the occupants or the public.

Subd. 2. Vacation of Premises. Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and placarded by the building inspector and/or health officer, shall be vacated within a reasonable time as ordered by the building inspector and/or health officer.

Subd. 3. Reuse of Premises. No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall not again be used for human habitation until written approval is secured from, and such placard is removed by the building inspector and/or health officer. The health officer shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

Subd. 4. Removal Prohibited. No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in Subd. 3 above.

Subd. 5. Hearing. Any person affected by any notice or order relating to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation, may request and shall be granted a hearing on the matter before the council, under the procedure set forth in Section 101.05 within five days of posting of notice.

1002.12 Conflict of Regulations. In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of the city, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people, shall prevail.
1002A. Property Maintenance Regulations

1002A.01 Findings and Purpose. The City Council finds that it is in the best interest of the City of Detroit Lakes to protect the public health, safety, and general welfare of its citizens by adoption of these Property Maintenance Regulations. The intent of these regulations is to further the following objectives:

1. To preserve the value of property within the City;
2. To protect the character and stability of property within the City;
3. To provide minimum standards of maintenance for property within the City; and
4. To correct conditions on property that do not comply with the standards of maintenance established herein.

1002A.02 Application & Scope.

Subd. 1. General. All owners and occupants of property shall comply with the provisions set forth in this Section and elsewhere in this Code. This Section applies to all property located within the City of Detroit Lakes.

Subd. 2. Exemption. This section does not apply to undeveloped land, which may be allowed to remain in a natural condition, but shall comply with all other provisions of this Code.

1002A.03 Definitions.

Subd. 1. Accessory Structure. Shall have the meaning stated in the Zoning Regulations.

Subd. 2. Building. Shall have the meaning stated in the Zoning Regulations.

Subd. 3. Manufactured Housing. Shall have the meaning of “dwelling manufactured (mobile) home” as stated in the Zoning Regulations.

Subd. 4. Property. Shall mean developed or undeveloped land, parcel or platted lot, including any buildings, structures, and accessory structures thereon.

Subd. 5. Structure. Shall have the meaning stated in the Zoning Regulations.

1002A.04 Maintenance Requirements. The owner and occupant of a property shall keep and maintain the property in compliance with the following requirements:
Subd. 1. General Requirements. All maintenance shall be completed in a substantially workmanlike manner and of material reasonably suitable for the intended use.

Subd. 2. Exterior Property.

A. Property not covered by buildings or accessory structures shall be kept and maintained in a clean, safe, and sanitary condition.

B. Property not covered by buildings or accessory structures shall be graded and maintained to prevent the erosion of soil and accumulation of water thereon, except in approved water retention areas.

Subd. 3. Exterior of Buildings, Structures and Accessory Structures.

A. General. The exterior of any building, structure, or accessory structure shall be maintained in good repair so as not to pose a threat to the public health, safety, or welfare.

B. Exterior Surfaces. Exterior wood surfaces shall be protected from the elements and decay by maintained paint, stain or other protective covering or treatment. Peeling, flaking and chipped paint shall be removed and the surfaces repainted or otherwise covered by other protective coverings such as wood, vinyl, steel, etc. Joints in siding materials and between siding and other features shall be weather-resistant. Metal surfaces subject to rust or corrosion shall be stabilized and treated to inhibit future rust or corrosion. For purposes of this Section, if fifty percent (50%) or more of a wall or other surface area, such as: fascia, soffits, rake, has the protective coating peeling, flaking, chipping, or deteriorated, then the wall or surface area shall be restored to a protected condition.

C. Exterior Walls. Exterior walls shall be free from holes, breaks, and loose, missing or rotting materials.

D. Roofs and Drainage. The roof and flashing shall be weather resistant so as not to allow moisture to enter the building. Roof drainage systems shall be maintained in good working order to perform the intended function. Roof water shall not be discharged in a manner that creates a public nuisance.

E. Stairways, Decks, Porches, and Balconies. Stairways, decks, porches and balconies and attachments thereto, shall be maintained
in good repair, able to safely perform the intended function, and shall be maintained weather-resistant.

F. Chimneys, Flues, and Vents. Chimneys, flues, vents, and other similar features shall be maintained in good and safe working order. Exposed surfaces of metal or wood shall be maintained and protected from rust or decay according to the requirements of this chapter.

G. Windows, Skylights and Doors. Windows, skylights, and doors of the principal use buildings shall be kept in good and safe working order and shall be weather tight.

1002A.05 Other Code Provisions. The maintenance requirements set forth herein are not exclusive and are in addition to all other provisions of this Code or State Law that regulate the condition or use of property, including, but not limited to: storage of garbage or refuse, junk vehicles, boats, motor homes, or appliances; weed and pest control; building, fire and plumbing code requirements; individual sewage treatment systems; and prescribed public nuisances.

1002A.06 Enforcement and Inspection.

Subd. 1. General. The officers designated by the Council to enforce this chapter shall have the power to inspect private premises to ensure compliance with these Property Maintenance Regulations.

Subd. 2. Required Testing. The property owner is required to present proper evidence that any material or methods used conforms to the requirements of this Code. The officer designated by the Council to enforce this chapter shall have the authority to require test reports or investigations as evidence of compliance. The cost of all tests, reports and investigations shall be paid by the property owner.

1002A.07 Violations & Penalties. Any violation of Chapter 1002A is a misdemeanor. Each day that a violation is permitted to exist shall be a separate violation.

1002A.08 Abatement.

Subd. 1. Notices. Whenever the officer charged with enforcement determines that a violation of the Property Maintenance Regulations exists on a property in the City, the officer shall notify the owner of the property of the violation and order that the owner correct the violation.

Subd. 2. Form of Violation Notice. The Violation Notice prescribed in this section shall be in writing and include a description of the violation and a correction order allowing reasonable time, not to exceed 30 days to make the repairs or
improvements to bring the property, buildings or structures into compliance with this code.

Subd. 3. **Method of Service.** Violation Notices prescribed in this Section shall be deemed properly served if the Violation Notice is

A. Delivered to the property owner personally; or

B. Served by upon the owner of the property by certified mail with return receipt requested, or by regular mail supported by an affidavit of service by mailing, and sent to the address of the owner as shown in the most recent property tax records maintained by Becker County for the property.

Subd. 4. **Abatement Hearing.** If a Maintenance Code Violation is not corrected in the time specified in the notice, the enforcing officer shall report the fact to the City Council. The City Council after serving written notice upon the property owner at least 14 days prior to a hearing in the same manner as service of the Violation Notice provided above, may hold a public hearing and may Order Abatement of the violation and may cause the Maintenance Code Violation to be corrected by the City.

Subd. 5. **Cost of Corrections.** The owner of property, upon which a Maintenance Code Violation has been corrected by or on behalf of the City after an Abatement Hearing resulting in an Order for Abatement, shall be personally liable for the cost of abatement and the cost may be assessed as a current service against the property.

*(Ordinance No. 305, Adopted 2/13/2007)*
1003. Open Burning

1003.01 Definitions.

Subd. 1. **Person.** As defined in Minnesota Statutes 1996, Section 116.06, Subd. (8).

Subd. 2. **Open Fire.** An open fire or open burning means a fire burning in matter, whether concentrated or dispersed, which is not contained within a fully enclosed fire box, structure or vehicle, and from which the products of combustion are emitted directly to the open atmosphere, without passing through a stack, duct or chimney.

Subd. 3. **Camp Fire.** A fire set for cooking, warming or ceremonial purposes, which is not more than three (3) feet in diameter by three (3) feet high, and has had the ground five (5) feet from the base of the fire cleared of all combustible material.

Subd. 4. **Starter Fuels.** Dry, untreated, unpainted wood or charcoal fire starter. Paraffin candles and alcohols are permitted as starter fuels and as aids to ignition only. Propane gas torches or other clean gas burning devices causing minimal pollution may be used to start an open fire.

Subd. 5. **Wood.** Dry, clean fuel only such as twigs, branches, limbs, presto logs, charcoal, cord-wood or untreated dimensional lumber. Wood does not include wood that is green, with leaves or needles, rotted, wet, oil soaked or treated with paint, glue or preservatives. Clean pallets may be used for recreational fires when cut into three (3) foot lengths.

Subd. 6. **Recreational Fire.** Same definition as “Camp Fire”.

1003.02 Open Burning Prohibited. From and after the effective date of this ordinance, except as herein otherwise provided, open burning shall be prohibited within the City of Detroit Lakes.

1003.03 Exemptions. Open burning of the types, and subject to the conditions, as hereinafter stated, shall be exempt from the prohibition of Section 2 of this ordinance.

Subd. 1. **Recreational Fires.**

A. Recreational Fire Site Requirements: An area of no more than a three (3) foot diameter circle (measured from the inside of the fire ring or border); completely surrounded by non-combustible and non-smoke or odor producing material, either of natural rock, cement, brick tile or block of ferrous metal only and which area is depressed below ground, on the ground or on a raised bed. Included are permanent outdoor wood burning fire places.
Recreation fire sites shall be located no closer than 25 feet to any structure.

B. Recreational Fire Burn Requirements: When a campfire is used for recreational purposes, it must be ignited with an approved starter fluid using dry, clean wood; producing little detectable smoke, odor or soot beyond the property line; conducted with an adult tending the fire at all times; extinguished completely before quitting the occasion; and respecting weather conditions, neighbors, burning bans, and air quality so that nuisance health or safety hazards will not be created. Mobile cooking devices such as manufactured hibachis, and charcoal grills, wood smoker and propane or natural gas devices, are not defined as camp or recreational fires.

C. Recreational fires may not be allowed to burn for more than 6 hours and must be extinguished to the point of being cold before being left unattended.

Subd. 2. Burning of Leaves.

A. The burning of dried leaves, trees brush and vegetative matter is not permitted within the corporate limits of the City of Detroit Lakes unless the Fire Chief has issued a permit for such purpose.

B. No person shall kindle or maintain any fire permitted by this section or authorize such fire to be ignited or maintained if the material to be burned consists of anything other than dried leaves, trees, brush and vegetative matter.

C. No person shall ignite or burn any dried leaves, trees, brush or vegetative matter on any publicly owned or controlled lot or parcel of land, public bridge, street, sidewalk, boulevard or other public place which has not been set aside by public authorities for such purpose.

D. A permit under this section does not excuse a person from the consequences, damages or injuries which may result from nor does it exempt any person from regulations promulgated by the Minnesota Pollution Control Agency or any other governmental unit exercising jurisdiction in matter of pollution or fire hazard regulations.

1003.04 Rules.
Subd. 1. Burning Ban or Air Quality Alert. No burning will be permitted when the City or the Minnesota Department of Natural Resources has officially declared a burning ban due to potential hazardous fire conditions or when Minnesota Pollution Control Agency has declared an Air Quality Alert.

Subd. 2. Attendance of Fires. A competent person shall constantly attend any fire authorized by this ordinance until such fire is completely extinguished. This person shall have a garden hose connected to the water supply, or other fire extinguishing equipment readily available for use.

1003.05 Rules Adopted By Reference. Minnesota Statutes Section 88.01 to 88.22, 88.75 and 88.76 are hereby adopted by reference and made a part of this section as if fully set forth herein.

1003.06 Severability. If any sections, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions on the ordinance.

1003.07 Penalty. Any person violating any provision of this ordinance is guilty of a misdemeanor and upon conviction shall be punished by a fine and or imprisonment in accordance with law.

1003.08 Repeal. All prior burning ordinances of the City of Detroit Lakes, are hereby repealed.

(Ordinance No. 285, Adopted 3/7/2006)
1004. Building Code

1004.01 Building Code.

Subd. 1. The Building Code of the City of Detroit Lakes is the Minnesota State Building Code established and amended from time to time by the State Commissioner of Labor and Industry in accordance with Minnesota Statutes 326B.101 to 326B.194, adopted and hereby incorporated into this Ordinance as if fully set forth herein pursuant to Minnesota Statutes 326B.106 and 326B.121. The Building Code of the City of Detroit Lakes is as set forth in Minnesota Rule 1300.0050 and includes all of the Chapters set forth therein.

1004.02 Application, Administration and Enforcement.

Subd. 1. The Application, Administration and Enforcement of the Building Code shall be as set forth in Minnesota Statute 326B.121 and Minnesota Rules Chapter 1300. The Building Code shall apply and be administered and enforced within the City of Detroit Lakes as provided by Minnesota Statutes 326B.121. All construction, alteration, moving, demolition, repair and use of any building, structure or building service equipment must comply with the Building Code Rule as provided in Minnesota Rules 1300.0040 and 1300.0120.

Subd. 2. The Administrative Authority of the Building Code is the Detroit Lakes City Council. The Building Code shall be enforced by the Building Official designated by the City Council pursuant to Minnesota Statutes 326B.133 Subdivision 1 and certified under Minnesota Statutes 326B.133 Subdivisions 2 and 3 and Minnesota Rule 1300.0070. The Building Official shall have all of the powers, methods and remedies for enforcement set forth in Minnesota Statutes Chapter 326B, including but not limited to those specified in Minnesota Statutes 326B.081 to 326B.085 and Minnesota Rules 1300.0140, 1300.0150 and 1300.0170.

1004.03 Permits and Fees.

Subd. 1. Except as otherwise specified herein, permits for work governed by the Building Code shall be as required by Minnesota Statute 326B.106 and Minnesota Rule 1300.0120.

(Ordinance No. 416, Adopted 12/12/2017)

Subd. 2. Permit fees shall be assessed for work governed by the Building Code in accordance with the fee schedule adopted by the City of Detroit Lakes in City Code Section 210, as authorized by Minnesota Statute 326B.153 and Minnesota Rule 1300.0160. In addition, a Surcharge Fee shall be collected on all permits issued for work governed by the Building Code in accordance with Minnesota Statute 326B. 148 and Minnesota Rule 1300.0160 Subpart 10.

1004.04 Violations and Penalties.

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Subd. 1. The City of Detroit Lakes shall have all powers, methods and remedies for enforcement of the Building Code set forth in Minnesota Statutes Chapter 326B, including but not limited to those specified in Minnesota Statutes 326B.081 to 326B.085, including but not limited to the issuance of Notices of Violation and Administrative Orders and assessment of monetary penalties for violations of the Building Code as described in Minn. Stat. 326B.082 Subd.6, Minn. Stat. 326B.082 Subd.7 and Minn. Stat. 326B.083 Subd. 2 and Minnesota Rule 1300.0140. Violations of the Building Code are misdemeanors under the Building Code as provided by Minn. Stat. 326B.082 Subd. 16 and Minnesota Rule 1300.0150.

(Ordinance No. 314, Adopted 8/14/2007)
(Ordinance No. 362, Adopted 5/15/2012)
1004A. Minnesota Accessibility Code

1004A.01 Application, Administration and Enforcement. The application, administration, and enforcement of the code shall be in accordance with Minnesota rule part 1300.2100 and as modified by Chapter 1305. The code enforcement agency of the City of Detroit Lakes is called the Detroit Lakes Building Official.

1004A.02 Permits and Fees. The issuance of permits and the collection of fees shall be as authorized in Minnesota Statute 16B.62 Subdivision 1 and as provided for in Chapter 1 of the 1997 Uniform Building Code and Minnesota rules part 1305.0106 and 1305.0107. Permit fees shall be assessed for work governed by this code in accordance with Section 210 of the Detroit Lakes City Code and in accordance with Table No. 1A of this ordinance. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota Statute 16B.70.

1004A.03 Violations and Penalties. A violation of the code is a misdemeanor (Minnesota Statute 16B.69).

1004A.04 Building Code for Accessibility. The Minnesota Accessibility Code, established pursuant to Minnesota Statutes 16B.75, is hereby adopted as the building code for accessibility in this municipality. The building code for accessibility is known as Chapter 1341 of the Minnesota Rules.

(Ordinance No. 182, Adopted 7/6/1999)
1005. Residential Rummage Sales, Garage Sales and Similar Occasional Sales

1005.01 Definition of Rummage Sale. An offering or display of goods to the public on a temporary basis by a person or organization on residential premises. The term “rummage sale” encompasses yard sales, garage sales, estate sales, moving sales, block sales and related sales where second hand or other goods are sold or displayed to members of the public on a temporary basis.

1005.02 Restrictions.

Subd. 1. Any rummage sale shall be conducted solely within the property owned or occupied by the owner or occupant who is conducting the sale.

Subd. 2. There shall be no more than three (3) rummage sales conducted at any residence per calendar year.

Subd. 3. No rummage sale shall be conducted during any part of more than three (3) consecutive days.

Subd. 4. No rummage sale may be conducted before 7:00 AM or after 8:00 PM.

1005.03 Limited Open Sales. Residents are allowed on a limited basis to sell motor vehicles, boats, recreation vehicles and equipment subject to the following limitations:

Subd. 1. No more than a total of three items per site can be advertised for sale per calendar year.

Subd. 2. No more than two items can be displayed for sale at any one time per property.

Subd. 3. Individual items may not be displayed for sale in excess of thirty days in the aggregate for all items displayed.

Subd. 4. Items sold are limited to articles owned by residents of the open sales site.

Subd. 5. Sale items may not be placed on the public right of way.

Subd. 6. One sign not exceeding two square feet in area advertising the sale item is allowed, such sign is to be placed within or attached to the sale item.

1005.04 Penalty. Any person violating any provision of this ordinance shall be guilty of a misdemeanor.
(Ordinance No. 243, Adopted 12/2/2003)
1006. Clean-up of Clandestine Drug Lab Sites and Chemical Dump Sites

1006.01 General Provisions.

Subd. 1. Purpose and Findings. The purpose of this article is to reduce public exposure to health risks where law enforcement officers have determined that hazardous chemicals or residue from a suspected clandestine drug lab site or associated dumpsite may exist. Professional reports, based on assessments, testing and investigations, show that chemicals used in the production of illicit drugs can condense, penetrate, and contaminate surfaces, furnishings, and equipment of surrounding structures. The city council finds that such sites, and the personal property within such sites, may contain suspected chemicals and residues that place people, particularly children or adults of child bearing age, at risk when exposed through inhabiting or visiting the site or using or being exposed to contaminated personal property.

Subd. 2. Interpretation and Application. The provisions of this ordinance shall be construed to protect the public health, safety and welfare. Where the conditions imposed by any provision of this article are either more or less restrictive to the public than comparable provisions imposed by any other law, ordinance, statute, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements on the public shall prevail. Should any court of competent jurisdiction declare any section or subpart of this article to be invalid, such decision shall not affect the validity of the article as a whole or any part thereof, other than the provision declared invalid.

1006.02 Definitions. For the purposes of this article, the following terms or words shall be interpreted as follows:

Subd. 1. Child. Any person who is a minor under the laws of the State of Minnesota.

Subd. 2. Chemical Dumpsite. Any place or area where chemicals or other waste materials used in a clandestine drug lab operation have been located.

Subd. 3. City. The City of Detroit Lakes

Subd. 4. Clandestine Drug Lab Operation. The unlawful manufacture or attempt to manufacture a controlled substance.

Subd. 5. Clandestine Drug Lab Site. Any place or area where law enforcement has determined that conditions associated with an unlawful clandestine drug lab operation exist. A clandestine drug lab site may include dwellings, accessory buildings, structures or units, a chemical dump site, a vehicle, boat, trailer or other appliance or any other area or location.
Subd. 6.  **Controlled Substance.** Any drug, substance or immediate precursor in Minn. Stat. § 152.02 Schedules I through V together with any amendments or modifications thereto. The term shall not include distilled spirits, wine, malt beverages, intoxicating liquors or tobacco.

Subd. 7.  **Household Hazardous Waste.** Waste generated from a clandestine drug lab operation.

Subd. 8.  **Manufacture, in places other than a pharmacy.** Shall mean and include the production, cultivation, quality control, and standardization, by mechanical, physical, chemical or pharmaceutical means, and the packing, repacking, tableting, encapsulating, labeling, relabeling, or filling of drugs.

Subd. 9.  **Site.** The property or area declared to be a public health nuisance.

Subd. 10.  **Site Owner.** Any person(s), firm(s), corporation(s) or other entity who or which owns, in whole or in part, the land, building, structure, vehicle, boat, trailer or other location associated with a clandestine drug lab site or chemical dump site.

### 1006.03 Declaration of Site and Contents as a Public Health Nuisance

All dwellings, accessory structures, buildings, vehicles, boats, trailers, personal property, adjacent property or other locations, associated with a clandestine drug lab site or chemical dump site are potentially unsafe due to health hazards and are hereby declared to be a public health nuisance.

### 1006.04 Law Enforcement Action

If law enforcement authorities determine the existence of a clandestine drug lab site or chemical dump ‘site, then the site, and all personal property therein, shall be declared a public health nuisance. Law enforcement authorities who identify conditions associated with a clandestine drug lab site or chemical dump site which may place neighbors, the visiting public, or present and future occupants of the site at risk for exposure to harmful contaminants and other associated conditions are authorized to take the following action:

Subd. 1.  Promptly notify the city building official, child protection, public health authorities and the appropriate enforcement division of the drug enforcement administration of the U.S. Justice Department of the location of the site, and the site owner if known, of the conditions found;

Subd. 2.  Treat, store, transport or dispose of all household hazardous waste found at the site in a manner consistent with state department of health, Minnesota pollution control and county health department rules and regulations;

Subd. 3.  Issue a temporary declaration of public health nuisance for the affected site and post a copy of the declaration on all doorway entrances to the site or, in the case of bare land, post the declaration in several conspicuous places on the
property. This temporary declaration of public health nuisance issued by law enforcement shall expire after the city building official inspects the site and determines the appropriateness of issuing a permanent declaration of public health nuisance;

Subd. 4. Notify all persons occupying the site that a temporary declaration of public health nuisance has been issued;

Subd. 5. Require all persons occupying the site to immediately vacate the site, remove all pets from the site, and not return without written authorization from the city building official;

Subd. 6. Notify all occupants vacating the site that all personal property at the site may be contaminated with dangerous chemical residue; and

Subd. 7. Put locks on each doorway entrance to the site to prohibit people from entering the site without authorization after all occupants of the site have vacated.

The obligation to promptly notify the persons and organizations mentioned above maybe delayed to accomplish appropriate law enforcement objectives, but only to the extent that public health and child protection responsibilities are not unnecessarily compromised.

1006.05 Seizure of Property. When the clandestine drug lab site or chemical dump site is inside a vehicle, boat, trailer or other form of moveable personal property, law enforcement authorities shall immediately seize it and not allow it to be transported except to a more secure location. In such circumstances, all other requirements of this article shall be followed as closely as possible given the specific type of property in which the site is discovered. Law enforcement authorities may delay immediate seizure to accomplish appropriate law enforcement objectives.

1006.06 Action by City Building Official.

Subd. 1. Inspection and Declaration of Nuisance. Within a reasonable time after receiving notification that law enforcement authorities have determined the existence of a clandestine drug lab site or chemical dump site, the city building official shall inspect the site to determine the appropriate scope of a permanent declaration of public health nuisance. Based on the results of the inspection, the city building official may then issue a permanent declaration of public health nuisance and a Do Not Enter--Unsafe to Occupy Order for the Site to replace the temporary declaration issued and posted by law enforcement. A copy of the permanent declaration and order shall be posted on all doorway entrances to the Site or, in the case of bare land, shall be posted in several conspicuous places on the property.

Subd. 2. Abatement Order. After the permanent declaration of public health nuisance has been issued and posted, the city building official shall send
written notice to the Site Owner ordering abatement of the public health nuisance. The abatement order shall include the following information:

A. A copy of the declaration of public health nuisance and Do Not Enter—Unsafe to Occupy Order;

B. Information about the potentially hazardous condition of the site;

C. Notification of suspension of the site’s rental license if applicable;

D. A summary of the Site Owner’s and occupant’s responsibilities under this article; and

E. Information that may help the Site Owner locate appropriate services necessary to abate the public health nuisance.

Subd. 3. Notice to Concerned Parties. The building official shall also mail a copy of the permanent declaration of public health nuisance, a copy of this article, and a notification of the suspension of the Site’s rental licensees, if applicable, to the following concerned parties at their last known address:

A. Occupants or residents of the Site if the identities of such persons are known;

B. Neighbors in proximity to the Site who may be reasonably affected by the conditions found;

C. The City Administrator;

D. The Community Development Director;

E. The City Police Department;

F. The appropriate enforcement division of the drug enforcement administration of the U.S. Justice Department; and

G. Other city, state and local authorities, such as the city water department, the state pollution control agency, the state department of health, and the department of natural resources which are known to have public and protection responsibilities that are applicable to the situation.

Subd. 4. Modification or removal of declaration. The city building official is authorized to modify or remove the declaration of public health nuisance after the building official receives documentation from a city approved environmental hazard testing and cleaning firm stating that the suspected health and safety risks, including
those to neighbors and potential dwelling occupants, either do not exist or have been sufficiently abated or corrected to justify amendment or removal of the declaration.

1006.07 **Site Owner’s Responsibility to Act.** Within ten business days of the date the abatement order is mailed to the Site Owner of the Site, the owner shall accomplish the following:

Subd. 1. Provide the city building official with written notification:

A. That the Site Owner has confirmed that all persons and their pets have vacated the site;

B. Of the name(s) of all children who the Site Owner believes were residing at the site during the time period the clandestine drug lab or chemical dump site is suspected to have been at the Site; and

C. That the Site will remain vacated and secured until the public health nuisance is completely abated as required by this article.

Subd. 2. Contract with one or more city approved environmental hazard testing and cleaning firms to conduct the following work in accordance with the most current state department of health guidelines:

A. A detailed on-site assessment of the extent of contamination at the Site and the contamination of the personal property therein;

B. Soil testing of the Site and testing of all property and soil in proximity to the Site, which the environmental hazard testing and cleaning firm determines may have been affected by the conditions found at the Site

C. A complete clean-up of the site (including but not limited to the clean up or removal of plumbing, ventilation systems, fixtures and contaminated soil) or a demolition of the site and a complete clean-up of the demolished Site;

D. A complete clean-up, or disposal at an approved dump site, of all personal property in the Site;

E. A complete clean-up of all property and soil in proximity to the Site which is found to have been affected by the conditions found at the Site;

F. Remediation testing and follow-up testing, including but not limited to testing of the ventilation system and plumbing, to determine that all health risks are sufficiently reduced, according to
state department of health guidelines, to allow safe human occupancy and use of the Site and use of the personal property therein and of all property and soil in proximity to the Site.

Subd. 3. Provide the city building official with the identity of the testing and cleaning firm with which the Site Owner has contracted for abatement of the public health nuisance as required above; and

Subd. 4. Sign an agreement with the City Building Official establishing a clean-up schedule. The schedule shall establish reasonable deadlines for completing all actions required by this article for abatement of the public health nuisance. In determining appropriate deadlines, the city building official shall consider practical limitations and the availability of contractors in approving the schedule for clean-up.

Subd. 5. The Site Owner must meet all deadlines established on the clean-up schedule. Also, pursuant to the deadlines established by the clean-up schedule, the Site Owner is required to provide the city building official with written documentation of the clean-up process, including a signed statement from a city approved environmental hazard testing and cleaning firm that the Site, all personal property therein and all property and soil in proximity to the Site, is safe for human occupancy and use and that the clean-up was conducted in accordance with the most current state department of health guidelines.

1006.08 Site Owner’s Responsibility for Costs. The Site Owner shall be responsible for all costs, including those of the city, of dealing with and abating the public health nuisance, including contractor’s fees and the city’s costs for services performed in association with the clandestine drug lab site or chemical dump site clean-up. The city’s costs may also include, but shall not be limited to:

1. Posting of the Site;

2. Notification of affected parties;

3. Securing the Site, providing limited access to the Site, and prosecution of unauthorized persons found at the Site;

4. Expenses related to the recovery of costs, including the assessment process;

5. Laboratory fees;

6. Clean-up services;

7. Administrative fees;

8. Legal fees; and
9. Other associated costs.

**1006.09 City Action and Recovery of Costs.**

Subd. 1. If the Site Owner fails to comply with any of the requirements of this article, the city building official is authorized to take all reasonable actions necessary to abate the public health nuisance including, but not limited to, contracting with a city approved environmental hazard testing and cleaning firm to conduct the work outlined in section 1006.06(2) of this article. The building official is also authorized to provide a copy of the declaration of public health nuisance to the lien and/or mortgage holders of the Site to help assure that persons with interest in the Site have access to information about the declaration of public health nuisance.

Subd. 2. If the costs to clean the Site or to clean the personal property at the Site are prohibitively high in relation to the value of the Site or the personal property, the city is authorized to remove or demolish the Site, structure or building and/or dispose of the personal property therein. These actions shall be taken in accordance with the provisions of Minn. Stat. chapter 463 together with any amendments or modifications thereto.

Subd. 3. If the city abates the public health nuisance, in addition to any other legal remedy, the city shall be entitled to recover all of its out of pocket costs plus an additional 25 percent of such costs for administrative and legal expense. The city may recover costs by civil action against the Site Owner of the Site or by assessing such costs as a special charge against the Site as taxes and special assessments are certified and collected pursuant to Minnesota Statutes, § 429.101 or according to the provisions of Minnesota Statutes chapter 463 together with any amendments or modifications thereto.

**1006.10 Recovery of Costs from Persons Causing Damage.** No provisions of this article are intended to limit the Site Owner’s, residents’ or the city’s right to recover costs incurred under this article from persons causing or contributing to the public health nuisance arising from the Clandestine Drug Lab Site or Chemical Dumpsite.

**1006.11 Site Owner and Address.** When the Site declared a public health nuisance under this ordinance is real property and the Site Owner or the address of the Site Owner of the Site is unknown, then the Site Owner and the Site Owner’s address is deemed to be that of the property’s taxpayer’s name and address as that information is maintained by the county auditor’s office. When such Site is a vehicle, boat or trailer and the Site Owner or the address of the Site Owner is unknown, then the Site Owner and the Site Owner’s address is deemed to be that of the person identified as the owner in the current or most recent title records for the vehicle, boat or trailer.

**1006.12 Suspension of Residential Rental License.** Upon issuance of a permanent declaration of public health nuisance, any residential rental license issued by
the city for the Site, or any part thereof, is hereby declared to be immediately suspended pending full compliance with this article.

1006.13 Unauthorized Removal of Postings. It is unlawful for any person, except authorized city personnel, to remove a temporary or permanent declaration of public health nuisance and/or “Do Not Enter--Unsafe to Occupy” Order from a chemical dump site or a clandestine drug lab site.

1006.14 Entry Into or Onto Site. During the time that a declaration of public health nuisance under this ordinance is in effect and has been posted at the Site, no persons are permitted to be inside the Site, or on the Site property without prior written consent of the city building official or as otherwise authorized by this article. To confirm compliance with this article and to execute their duties under this article, law enforcement officers, the city building official, and any persons designated by the building official, may enter onto the Site or enter into the Site at any time while a declaration of public health nuisance is in effect for the Site.

1006.15 Removal of Personal Property from the Site. While a declaration of public health nuisance for an affected Site is in effect and has been posted at the Site, no personal property may be removed from the Site without prior written consent from the city building official. Consent to remove personal property shall only be granted at the reasonable discretion of the building official, and only in cases of hardship after:

Subd. 1. A city approved environmental hazard testing and cleaning firm has advised the city, in writing, that the item(s) of personal property can be sufficiently cleaned to remove all harmful contamination; and

Subd. 2. The owner of the personal property agrees in writing:

A. That the owner is aware of the danger of using the contaminated property;

B. That the owner will thoroughly clean the property to remove all contamination before the property is used; and

C. That the owner releases and agrees to indemnify the city, its staff, and the city council from all liability to the owner and/or third persons for injuries or damages caused, or alleged to have been caused, by the contaminated property.

(Ordinance No. 249, Adopted 3/2/2004)
1007. Stormwater Management

1007.01 Statutory Authorization.

Subd. 1. This chapter is adopted pursuant to the authorization and policies contained in M.S. Ch. 103B and 462; Minn. Rules pts. 6120.2500 - 6120.3900; and Minn. Rules Ch. 8401 and 8420, as amended from time to time.

Subd. 2. This chapter is intended to meet the current construction site erosion and sediment control and post-construction stormwater management regulatory requirements for construction activity and small construction activity (NPDES Permit) as defined in 40 C.F.R. pts. 122.26(b) (14) (x) and (b) (15), respectively.

Subd. 3. This chapter is intended to meet the Minimal Impact Design Standards (MIDS) developed under M.S. § 115.03 Subd. 5c, as amended from time to time.

1007.02 Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Subd. 1. Applicant. Any person or group that applies for a building permit, subdivision approval, or a permit to allow land disturbing activities. Applicant also means that person's agents, employees, and others acting under this person's or group’s direction along with the permit holder or holders and the permit holder’s agents, employees, and others acting under this person's or group’s direction.

Subd. 2. As-Builts. A revised set of drawings submitted by the Applicant upon completion of a project or a particular job that reflect all changes made in the drawings during the construction process, and show as-constructed dimensions, geometry, and location of the work completed.

Subd. 3. Best Management Practices (BMPs). the most effective and practicable means of erosion prevention and sediment control, and water quality management practices that are the most effective and practicable means of to control, prevent, and minimize degradation of surface water, including avoidance of impacts, construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, pollution prevention through good housekeeping, and other management practices published by state or designated area-wide planning agencies. Individual BMPs found in this permit are described in the current versions of Protecting Water Quality in Urban Areas, MPCA and The Minnesota Stormwater Manual, MPCA. BMPs must be adapted to the site and can be adopted from other sources. However, they must be similar in purpose and at least as effective and stringent as MPCA’s BMPs. (Other sources include manufacturers specifications, Storm Water Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices, U.S.

Subd. 4. Buffer. An area as defined by Minnesota Stat. 103F.48 Subd. 1 (c).

Subd. 5. Certified SWPPP Designer, Installer, and/or Inspector/Site Manager. An individual who has completed specific training and obtained subsequent certification to design, install, and/or inspect/manager a SWPPP or components thereof. The training requirements necessary for certification shall be consistent with the current requirements of NPDES/SDS construction stormwater general permit.

Subd. 6. Common Plan of Development or Sale. A contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. One plan is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land-disturbing activities may occur. After completion of the initial Common Plan of Development or for previously developed land, any subsequent development or redevelopment would be regarded as a new Common Plan of Development. Subsequent development or redevelopment (e.g. such as adding new buildings, parking lot(s), or other Impervious Surface) would stand alone as a new Common Plan of Development for purposes of calculating acreage disturbed to determine if a permit is required.

Subd. 7. Construction Activity. Includes construction activity as defined in 40 CFR § 22.26(b)(14)(x) and small construction activity as defined in 40 CFR § 122.26(b)(15) and construction activity as defined by Minn. R. 7090.0080, subp. 4. This includes a disturbance to the land that results in a change in the topography, existing soil cover (both vegetative and non-vegetative), or the existing soil topography that may result in accelerated stormwater runoff, leading to soil erosion and movement of sediment into surface waters or drainage systems. Examples of construction activity may include clearing, grading, filling, and excavating. Construction activity includes the disturbance of less than one acre of total land area that is a part of a larger common plan of development if the larger common plan will ultimately disturb one (1) acre or more. Construction activity does not include a disturbance to the land of less than five (5) acres for the purpose of routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

Subd. 8. Developer. A person, state agency, or political subdivision thereof engaged in a land disturbance activity.

Subd. 9. Development. Any land disturbance activity that changes the site’s runoff characteristics in conjunction with residential, commercial, industrial or institutional construction or alteration.
Subd. 10. Dewatering. The removal of surface or ground water to dry and/or solidify a construction site to enable construction activity. Dewatering may require a Minnesota Department of Natural Resources water appropriation permit and, if dewatering water is contaminated, discharge of such water may require an individual MPCA NPDES/SDS permit.

Subd. 11. Discharge. The release, conveyance, channeling, runoff, or drainage, of Stormwater, including snowmelt, from a construction site.

Subd. 12. Energy Dissipation. Methods employed at pipe outlets to prevent erosion caused by the rapid discharge of water scouring soils. Examples include, but are not limited to: concrete aprons, riprap, splash pads, and gabions that are designed to prevent erosion.

Subd. 13. Erosion. Any process that wears away the surface of the land by the action of water, wind, ice, or gravity. Erosion can be accelerated by the activities of man and nature.

Subd. 14. Erosion Control. Methods employed to prevent erosion. Examples include soil stabilization practices, horizontal slope grading, temporary or permanent cover, and construction phasing.

Subd. 15. Erosion and Sediment Practice Specifications or Practice. The management procedures, techniques, and methods to control soil erosion and sedimentation as officially adopted by either the state, county, city or local watershed group, whichever is more stringent.

Subd. 16. Erosion Prevention. Measures employed to prevent erosion. Examples include but not limited to: soil stabilization practices, limited grading, mulch, temporary erosion protection or permanent cover, and construction phasing.

Subd. 17. Exposed Soil Areas. All areas of the construction site where the vegetation or impervious surface has been removed, thus rendering the soil more prone to erosion. This includes topsoil stockpile areas, borrow areas and disposal areas within the construction site. It does not include temporary stockpiles or surcharge areas of clean sand, gravel, concrete or bituminous, which have less stringent protection. Once soil is exposed, it is considered exposed soil, until it meets the definition of final stabilization.

Subd. 18. Filter Strips. A vegetated section of land designed to treat runoff as overland sheet flow. They may be designed in any natural vegetated form from a grassy meadow to a small forest. Their dense vegetated cover facilitates pollutant removal and infiltration.

Subd. 19. Final Stabilization. All soil disturbing activities at the site have been completed, and that a uniform perennial vegetative cover with a density of
seventy-five percent of the cover for unpaved areas and areas not covered by permanent structures has been established, or equivalent permanent stabilization measures have been employed. Simply sowing grass seed is not considered final stabilization. Where agricultural land is involved, such as when pipelines are built on crop or range land, final stabilization constitutes returning the land to its preconstruction agricultural use.

Subd. 20. **Impervious Surface.** A hard or paved surface or other material that prevents, impedes or retards the infiltration of a gas, air, fluids or water into the soil. Examples include but are not limited to rooftops, streets, compacted gravel, walkways, patios, driveways, parking lots, parking spaces, and/or swimming pools, storage areas and other facilities where concrete bituminous bricks, pavers, plastic or gravel exists or have been installed. Pervious pavers, pervious concrete and pervious bituminous are considered impervious surface.

Subd. 21. **Impaired Waters.** Waters identified as impaired under section 303 (d) of the Federal Clean Water Act for phosphorous, turbidity, dissolved oxygen of aquatic biota.

Subd. 22. **Infeasible.** Not technologically possible or achievable in light of the best industry practices.

Subd. 23. **Initiated Immediately.** Taking an action to commence stabilization as soon as practicable, but no later than the end of the work day, following the day when the earth-disturbing activities have temporarily or permanently ceased, if the Applicant knows that construction work on that portion of the site will be temporarily ceased for 14 or more additional calendar days or 7 calendar days. The following activities can be taken to initiate stabilization:

A. prepping the soil for vegetative or non-vegetative stabilization;

B. applying mulch or other non-vegetative product to the exposed soil area;

C. seeding or planting the exposed area;

D. finalizing arrangements to have stabilization product fully installed in compliance with the applicable deadline for completing stabilization

Subd. 24. **Land Disturbance Permit (LDP).** A Stormwater Permit issued by the City for a Land Disturbance Activity.

Subd. 25. **Land Disturbance Activity.** Land changes that may disturb one acre or more including projects of less than one acre that are part of a larger Common Plan of Development that result in soil erosion from water or wind and the movement of
sediments into or upon waters or lands of the state, including clearing, grading, excavating, transporting and filling of land.

Subd. 26. National Pollution Discharge Elimination System (NPDES). The program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits under the Clean Water Act (Sections 301, 318, 402, and 405) and United States Code of Federal Regulations Title 33, Sections 1317, 1328, 1342, and 1345.

Subd. 27. Native Vegetation. Plant species native to the local region that were not introduced as a result of European settlement or subsequent human introduction.

Subd. 28. Natural Buffer. An unmown, undisturbed natural or enhanced native perennial vegetation area, excluding invasive plants and noxious weeds, that is managed to stabilize and maintain the integrity of upland, shorelines and river or stream channels to reduce the impact of upland sources of water runoff pollution by trapping, filtering and converting sediments, nutrients and other chemicals, stabilizing soils, shores and banks to protect or provide riparian corridors to supply food, cover and thermal protection to fish and other wildlife.

Subd. 29. New Development. Any development that results in the conversion of land that is currently prairie, agriculture, forest, or meadow and has less than 15 percent impervious surface. Land that was previously developed, but now razed and vacant, will not be considered new development.

Subd. 30. Normal Wetted Perimeter. The area of a conveyance, such as a ditch, channel, or pipe that is in contact with water during flow events that are expected to occur from a two-year 24-hour storm event.

Subd. 31. Ordinary High Water Mark. Generally the boundary elevation where the vegetation changes from predominately aquatic to terrestrial. This elevation delineates the highest water level, which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominately aquatic to predominantly terrestrial. Water often reaches this elevation in spring. For rivers and streams the ordinary high water mark is usually the top of the bank. The definition in Minnesota Statute 103G.005, subdivision 14 says that the “...“Ordinary high water level...”means the boundary of water basins, watercourses, public waters, and public waters wetlands, and:

A. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel; and

B. For reservoirs and flowages, the ordinary high water level is the operating elevation of the normal summer pool.
Subd. 32. **Paved Surface.** A constructed hard, smooth surface made of asphalt, concrete or other pavement material. Examples include, but are not limited to, roads, sidewalks, driveways and parking lots. Hard surfaces designed or manufactured with the intent to transmit stormwater runoff vertically through the pavement section (e.g. pervious pavers, concreate, or bituminous) are considered to be impervious and included within the definition of Paved Surface.

Subd. 33. **Permanent Cover.** Surface types that will prevent soil failure under erosive conditions. Examples include: gravel, asphalt, concrete, rip rap, roof tops, perennial cover, or other landscaped material that will permanently arrest soil erosion. A uniform perennial vegetative cover (i.e. evenly distributed, without large bare areas) with a density of 70 percent of the native background vegetative cover for the area must be established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures. Permanent cover does not include the practices listed under temporary erosion protection.

Subd. 34. **Permanent Stormwater Maintenance Plan.** Detailed description of inspection and maintenance activities of permanent stormwater facilities to ensure long-term operation of the facilities in accordance with the original design. The Permanent Stormwater Maintenance Plan shall include a description of the frequency of inspections, items requiring inspection, thresholds for maintenance, replacement schedules, individual(s) and/or party(s) responsible for inspection and maintenance, and documentation requirements. The plan shall address all permanent stormwater facilities including, but not limited to, underground piping, swales, ditches, structures, energy dissipation, infiltration basins, underground basins, wet sedimentation basins, rain gardens, steep slopes, and overall site vegetation/restoration.

Subd. 35. **Permit.** A written warrant or license granted for construction, subdivision approval, a conditional use permit, variance or Land Disturbance Permit or to allow land disturbing activities.

Subd. 36. **Phased Project or Development.** Clearing a parcel of land in distinct phases, with at least fifty percent of the project’s preceding phase meeting the definition of final stabilization and the remainder proceeding toward completion, before beginning the next phase of clearing.

Subd. 37. **Project(s).** All construction activity that is planned and/or conducted under a particular permit. The project will occur on the site or sites described in the permit application, and in the associated plans, specifications and contract documents.

Subd. 38. **Public Waters.** All water basins and watercourses that are described in Minn. Stat. § 103G.005 subd. 15.
Subd. 39. **Redevelopment.** Any development that is not considered New Development.

Subd. 40. **Runoff Coefficient.** The fraction of total precipitation that is not infiltrated into or otherwise retained by the soil, concrete, asphalt or other surface upon which it falls, that will appear at the conveyance as runoff. This coefficient is usually estimated for an event or on an average annual basis.

Subd. 41. **Sediment.** Solid mineral or organic material that, in suspension, is being transported or has been moved from its original site by air, water, gravity, or ice and has been deposited at another location.

Subd. 42. **Sedimentation.** The process or action of depositing sediment that is determined to have been caused by erosion.

Subd. 43. **Sediment Control.** Methods employed to prevent sediment from leaving the site. Sediment control practices include silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, bio rolls, rock logs, compost logs, storm drain inlet protection, and temporary or permanent sedimentation basins. A floating silt curtain placed in the water is not a sediment control BMP to satisfy perimeter control requirements, except as provided for in the sediment control part.

Subd. 44. **Stabilize, Stabilized, Stabilization.** The exposed ground surface has been covered by appropriate materials such as mulch, staked sod, riprap, erosion control blanket, mats or other material that prevents erosion from occurring. Grass, agricultural crop or other seeding alone is not stabilization. Mulch materials must achieve approximately 90 percent ground coverage (typically 2 ton/acre).

Subd. 45. **Steep Slope.** Slopes that are 1:3 (V:H) (33.3 percent) or steeper in grade.

Subd. 46. **Stormwater.** Defined under Minn. R. 7077.0105, subp. 41(b), and includes precipitation runoff, stormwater runoff, snowmelt runoff, and any other surface runoff and drainage.

Subd. 47. **Stormwater Pollution Prevention Plan (SWPPP).** A joint stormwater and erosion and sediment control plan that, when implemented, will decrease soil erosion on a parcel of land and off-site nonpoint pollution. It involves both temporary and permanent controls.

Subd. 48. **Special Waters.** Either a trout stream as listed in Minn. R. 6264.0050, subp. 4 or a Calcareous Fen and listed in Minn. R. 7050.0180 subp. 6b.

Subd. 49. **Surface Water or Waters.** All streams, lakes, ponds, marshes, wetlands, reservoirs, springs, rivers, drainage systems, waterways, watercourses, and irrigation systems whether natural or artificial, public or private, except
that surface waters do not include treatment basins or ponds that were constructed from upland.

Subd. 50 Temporary Erosion Protection. Methods employed to prevent erosion during construction activities. Examples of temporary erosion protection include, but are not limited to: straw, wood fiber blanket, wood chips, vegetation, mulch, and rolled erosion control products. Vegetated or Grassy Swale means a vegetated earthen channel that conveys Stormwater, while treating the Stormwater by biofiltration. Such swales remove pollutants by both filtration and infiltration.

Subd. 51. Waters of the State. (as defined in Minn. Stat. § 115.01, subd. 22) All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

Subd. 52. Wet Detention Facility. A permanent man-made structure, containing a permanent pool of water, used for the temporary storage of runoff.

Subd. 53. Wetlands. has the meaning given under Minnesota Rule, part 8420.0111.

Subd. 54. If words or phrases are not defined in this chapter, then words or phrases shall be interpreted to have the meaning they have in common usage or those as defined by Appendix B of the Minnesota construction stormwater permit No. MN R100001 (construction permit). Words or phrases shall be interpreted so as to give this chapter its most reasonable application.

1007.03 Findings. The city finds that uncontrolled stormwater runoff and construction site erosion from land development and land disturbing activity can have significant adverse impacts upon local and regional water resources diminishing the quality of public health, safety, public and private property and natural resources. In addition, extraordinary public expenditures may be required for the protection of persons and property in areas which may be affected by unplanned land use. Specifically, uncontrolled soil erosion and stormwater runoff can:

Subd. 1. Threaten public health, safety, property and general welfare by increasing runoff volumes and peak flood flows and overburdening storm sewers, drainage ways and other storm drainage systems;

Subd. 2. Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loadings of sediment, suspended solids, nutrients, heavy metals, toxics, debris, bacteria, pathogens, biological impairments, thermal stress and other pollutants;
Subd. 3. Degrade physical stream habitat by increasing stream bank erosion, increasing stream bed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperatures;

Subd. 4. Undermine floodplain management efforts by increasing the incidence and levels of flooding;

Subd. 5. Alter wetland communities by changing wetland hydrology and increasing pollutant loads; and

Subd. 6. Impact groundwater by reducing recharge and increasing potential pollutant loading.

1007.04 Purpose. The general purpose of this ordinance is to establish a chapter with regulatory requirements for land development and land disturbing activities within the city aimed at minimizing the threats to public health, safety, public and private property and natural resources from construction site erosion and post-construction stormwater runoff. Specific purposes are to establish performance goals that will:

Subd. 1. Meet minimum impact design standards (MIDS) performance goals;

Subd. 2. Assist in meeting construction stormwater general permit requirements;

Subd. 3. Assist in meeting total maximum daily load (TMDL) plan waste load allocations for impaired waters through quantification of load reductions;

Subd. 4. Protect public and private property and natural resources from damage resulting from stormwater runoff and erosion;

Subd. 5. Ensure the annual stormwater runoff rates and volumes from post development site conditions mimic and/or reduce the annual runoff rates and volumes from predevelopment site conditions;

Subd. 6. Ensure site design minimizes the generation of stormwater runoff and maximizes pervious areas for stormwater treatment;

Subd. 7. Provide a single, consistent set of performance goals that apply to all developments;

Subd. 8. Protect water quality from pollutant loadings of sediment, suspended solids, nutrients, heavy metals, toxics, debris, bacteria, pathogens, biological impairments, thermal stress and other pollutants;

Subd. 9. Promote infiltration and groundwater recharge;
Subd. 10. Provide vegetated corridors (buffers) to protect water resources from development;

Subd. 11. Protect functional values of all types of natural waterbodies (e.g., rivers, streams, wetlands, lakes, seasonal ponds); and

Subd. 12. Sustain or enhance biodiversity (native plant and animal habitat) and support riparian ecosystems.

1007.05 Applicability. A Land Disturbance Permit shall be required prior to any proposed land development activity that meets any of the criteria Subd. 1 through Subd. 4 immediately below, unless otherwise exempted in this chapter.

Subd. 1. Any land development activity that may ultimately result in the disturbance of one or more acres of land, including smaller individual sites that are part of a Common Plan of Development.

Subd. 2. Land development activity involving discharges to an impaired water as described in the TMDL 303(d) list.

Subd. 3. A subdivision plat that has the potential for a Land Disturbance Activity.

Subd. 4. Any land development activity, regardless of size, that the city determines is likely to cause an adverse impact to an environmentally sensitive area or other property.

1007.06 Exemptions. The following activities shall be exempt from all of the requirements of this chapter:

Subd. 1. Minor land disturbance activities such as home gardens and an individual's home landscaping, repairs, and maintenance work.

Subd. 2. Construction, installation, and maintenance of electric, telephone, and cable television utility lines or individual service connections to these utilities.

Subd. 3. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.

Subd. 4. Emergency work to protect life, limb, or property and emergency repairs. However, if the land disturbing activity would have required an approved SWPPP except for the emergency, the land area disturbed shall be shaped and stabilized in accordance with the requirement of the local plan-approving authority or the City when applicable.
Subd. 5. Routine agricultural activity such as tilling, planting, harvesting, and associated activities. Other agricultural activities are not exempt including activities such as construction of structures.

Subd. 6. Forestry.

1007.07 Industrial or Construction Activity Discharges. Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City prior to the allowing of discharges to the MS4. Any person responsible for a property or premise, who is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the storm sewer system. These BMPs shall be part of a storm water pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

1007.08 Land Disturbance Permit (LDP) Application Process.

Subd. 1. Pre-application meeting. The city may facilitate a pre-application meeting with the applicant, city staff (or their authorized representative), and possibly staff of other relevant agencies prior to submission of a permit application. The purposes of the meeting are to understand the general parameters of the proposed project and to convey the provisions of the chapter.

Subd. 2. Application. A complete application generally including signed application, application fee, compliant SWPPP, prepared by a Certified SWPPP Designer, consistent with the erosion, sediment, and waste control requirements in the most recent version of the NPDES/SDS construction stormwater general permit, supporting calculations and modeling reports demonstrating the permanent treatment requirements meet the MIDS performance goals, any necessary supplemental maps, Permanent Stormwater Maintenance Plan, a completed Minnesota Pollution Control Agency SWPPP Checklist, and any information required by this ordinance and such supplemental information as the City may, by written notification, require.

Subd. 3. Application review. The applicant shall not commence any construction activity subject to this chapter until a permit has been authorized by the city. Once a complete application is accepted by the City a review and decision on the permit application shall be completed by the City within 60 days of the receipt and acceptance of a complete permit application. This time limit may be extended in accordance with M.S. § 15.99. The city will work with the necessary state, county, and local agencies to complete the review. The city shall review all information in the permit application including proposed stormwater practices, hydrologic models, and design methodologies and certify compliance with this chapter.
Subd. 4. **Rejected application.** The City shall make a determination regarding the completeness of a permit application within 15 business days of the receipt of the application. If the City determines the application is not complete, the application must be rejected. If the application is rejected the applicant will be notified of the rejection in writing, including the reasons for the rejection and the application fee will be refunded. Once rejected, a new application must be submitted for approval before any activity may begin. All land use and building permits shall also be rejected until the applicant has received an authorized permit.

Subd. 5. **Permit authorization.** If the city determines that the application meets the requirements of this chapter, the city may issue a permit approval authorizing the project or activity. Approval will be in written form from the city to the applicant. Approval may be granted with Conditions as stated in 1007.11. Any Conditions of the permit approval shall become part of the permit and the applicant shall comply with as required.

Subd. 6. **Permit denial.** If the city determines the SWPPP does not meet the requirements of this chapter, the SWPPP must be denied and no permit shall be issued. If the SWPPP is denied, the applicant will be notified of the denial in writing including reasons for the denial. Once denied, a new application, including application fee, must be resubmitted for approval before any activity may begin. All land use and building permits shall also be denied until the applicant has an authorized permit.

Subd. 7. **Modification of permitted plans.** The applicant must amend an approved SWPPP to include additional requirements such as additional or modified best management practices (BMPs) designed to correct problems whenever:

A. There is a change in design, construction, operation, maintenance, weather or seasonal conditions that has a significant effect on the discharge of pollutants to surface water or underground water.

B. Inspections or investigations by site operators, local, state or Federal or other agency officials indicate the plans are not effective in eliminating or significantly minimizing the discharge of pollutants to surface water or underground water or that the discharges are causing water quality standard exceedances.

C. The plan is not achieving the general objectives of minimizing pollutants in stormwater discharges associated with construction activity. For reservoirs and flowages, the ordinary high water level is the

**1007.09 Fees.** All applications for a Land Disturbance Permit must be accompanied by an application fee set forth in Section 210 - Fees of the City Code as determined by ordinance of the City Council. Application fees shall approximate the
direct and indirect costs associated with issuing the permit, including but not limited to costs incurred by the City for an initial and one supplementary engineering review by the City Engineer or other City staff. In the event more than two reviews are necessary, the City may require additional fees to reimburse the City for actual costs incurred by the City for all necessary reviews, and may require the applicant to deposit with the City a sum consistent with the estimated cost of all such necessary reviews. The City may also establish service fees for all inspections by the City occurring after completion of construction as determined by ordinance of the City Council, including any necessary engineering review, which fees shall be due from the permit holder and then current owner of the property within 30 days of invoice by the City. Unpaid inspection fees may be assessed against the property as a service fee pursuant to Minn. Stat. 514.67.

1007.10 **Duration.** Plan approval will expire one year after date of approval unless construction has commenced in accordance with the plan. However, if prior to the expiration of the approval, the applicant makes a written request to the city for an extension of time to commence construction setting forth the reasons for the requested extension, the city may grant one extension of not greater than one year. Receipt of any request for extension shall be acknowledged by the city within 15 days. The city shall make a decision on the extension within 30 days of receipt. Any plan may be revised in the same manner as originally approved.

1007.11 **Conditions.** An Application may be approved subject to compliance with conditions reasonable and necessary to insure that the requirements of this chapter are met. Conditions may limit the size, kind or character of the proposed development, require the construction of structures, drainage facilities, storage basins and other facilities, require replacement of vegetation, establish required monitoring procedures, stage the work over time, require alteration of the site design to insure buffering and require the conveyance to the city or other public entity of necessary lands or easements.

1007.12 **SWPPP Criteria.**

Subd. 1. **Construction (Temporary) Criteria.** Temporary erosion, sediment, and waste control requirements during construction. The SWPPP shall conform to the current SWPPP requirements of NPDES/SDS construction stormwater general permit.

Subd. 2. **Permanent (Post Construction) SWPPP Stormwater management requirements.** Stormwater volume reduction performance goals. Any applicant for a permit resulting in site disturbance that ultimately creates one or more acres of new impervious surface must meet all of the following stormwater performance goals:

A. New development volume control. For new, nonlinear developments that create one or more acres of new impervious surface on sites without restrictions, stormwater runoff volumes will be controlled and the post-construction runoff volume shall be
retained on site for 1.1 inches of runoff from all impervious surfaces on the site.

B. Redevelopment volume control. Nonlinear redevelopment projects on sites without restrictions that create one or more acres of new and/or fully reconstructed impervious surfaces shall capture and retain on site 1.1 inches of runoff from the new and/or fully reconstructed impervious area on the site.

C. Linear development volume control. Linear projects on sites without restrictions that create one or more acres of new and/or fully reconstructed impervious surfaces, shall capture and retain the larger of the following:

1) 0.55 inches of runoff from the new and fully reconstructed impervious surfaces on the site; or

2) 1.1 inches of runoff from the net increase in impervious area on the site.

D. Infiltration is prohibited in the following areas: (See Part III.D.5.a(3)(a)1) of the MS4 Permit):

1) Where industrial facilities are not authorized to infiltrate industrial stormwater under an NPDES/SDS Industrial Stormwater Permit issued by the MPCA;

2) Where vehicle fueling and maintenance occur;

3) With less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock;

4) Where high levels of contaminants in soil or groundwater will be mobilized by the infiltrating stormwater.

E. Mill & overlays, reclamation and/or other resurfacing activities shall not be required to meet any stormwater performance goals.

F. Flexible treatment options for sites with restrictions (as found in the MIDS design sequence flowchart). Applicant shall fully attempt to comply with the appropriate performance goals described above. Options considered and presented shall examine the merits of relocating or reducing project elements and impervious surface to address varying soil conditions and other constraints across the site. If full compliance is not possible due to
any of the factors listed below, the applicant must document the reason. If site constraints or restrictions limit the full treatment goal, the following flexible treatment options shall be used:

1) Applicant shall document the flexible treatment options sequence starting with Alternative #1. If Alternative #1 cannot be met, then Alternative #2 shall be analyzed. Applicants must document the specific reasons why Alternative #1 cannot be met based on the factors listed below. If Alternative #2 cannot be met then Alternative #3 shall be met. Applicants must document the specific reasons why Alternative #2 cannot be met based on the factors listed below. When all of the conditions are fulfilled within an alternative, this sequence is completed.

2) Volume reduction techniques considered shall include infiltration, reuse and rainwater harvesting, and canopy interception and evapotranspiration and/or additional techniques included in the MIDS Calculator and the Minnesota Stormwater Manual.

3) Higher priority shall be given to BMPs that include volume reduction. Secondary preference is to employ filtration techniques.

4) Factors to be considered for each alternative will include:
   a) High groundwater;
   b) Hotspots or contaminated soils;
   c) Drinking water source management areas or within 200 feet of drinking water well;
   d) Zoning, setbacks or other land use requirements;
   e) Poor soils (infiltration rates that are too low or too high).

Subd. 3. **Alternative #1.** Applicant attempts to comply with the following conditions:

A. Achieve at least 0.55-inch volume reduction from all impervious surfaces if the site is new development or 0.55-inch volume reduction from the new and/or fully reconstructed impervious surfaces for a redevelopment site;

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B. Remove 75% of the annual total phosphorous (TP) load from all impervious surfaces if the site is new development or 75% of annual TP from the new and/or fully reconstructed impervious surfaces for a redevelopment site; and,

C. Options considered and presented shall examine the merits of relocating or reducing project elements and impervious surface to address varying soil conditions and other constraints across the site.

Subd. 4. Alternative #2. Applicant attempts to comply with the following conditions:

A. Achieve volume reduction to the maximum extent practicable;

B. Remove 60% of the annual total phosphorous (TP) load from all impervious surfaces if the site is new development or 60% TP from the new and/or fully reconstructed impervious surfaces for a redevelopment site; and

C. Options considered and presented shall examine the merits of relocating or reducing project elements and impervious surface to address varying soil conditions and other constraints across the site.

Subd. 5. Alternative #3. Off-site treatment. Mitigation equivalent to the performance of 1.1 inches of volume reduction for new development or from the new and/or fully reconstructed impervious surface described above in this section (including banking or cash) can be performed off-site to protect the receiving water body. Off-site treatment shall be achieved in areas selected in the following order of preference:

A. Locations that yield benefits to the same receiving water that receives runoff from the original construction activity;

B. Locations within the same Department of Natural Resource (DNR) catchment area (Hydrologic Unit 08) as the original construction activity;

C. Locations within the next adjacent DNR catchment area upstream; and

D. Locations anywhere within the city's jurisdiction.

Subd. 6. The MIDS Design Sequence Flowchart can be found in the Minnesota Stormwater Manual.
Subd. 7. The site shall be designed to provide an emergency spillway and designated overflow route for the 100-year, 24-hour storm. The spillway and overflow route must be able to safely pass overflows through the structure without creating damaging conditions downstream of the facility.

**1007.13 Models, Methodologies, and Computations.** Final site design and choice of permanent stormwater volume reduction practices shall be based on outcomes of the MIDS calculator (or other model that shows the performance goal can be met) and shall meet the performance goals of this chapter.

**1007.14 Applicant Inspections and Maintenance Responsibilities.** The applicant is responsible for:

Subd. 1. To complete and pay all costs associated with required inspections and maintenance prescribed by the SWPPP. Construction inspections must be completed by a Certified SWPPP Inspector/Site Manager.

Subd. 2. Submission of as-builts, and information demonstrating that the stormwater facilities conform to design specifications.

Subd. 3. For the completion of the long-term inspections and maintenance of the site in accordance with approved Permanent Stormwater Maintenance Plan as submitted with the original LDP application.

Subd. 4. Retaining copies and records of all inspections and maintenance throughout the life of the facilities during and after construction for all privately-owned storm sewer and stormwater treatment practices on the site. Provide copies of such records to City upon request.

Subd. 5. Permit completion. Before work under the permit is deemed complete, the permittee must submit as-builts, a long term maintenance plan and information demonstrating that the stormwater facilities conform to design specifications. The city will verify that all design specifications have been met.

**1007.15 Inspection by City.** The City reserves the right to conduct inspections on a regular basis to ensure that both temporary and permanent stormwater management and erosion and sediment control measures are properly installed and maintained prior to construction, during construction, and at the completion of the project. The City shall conduct periodic inspections in future years after completion of the project at the cost of the permit holder and then owner of the property. Mandatory inspections may be conducted as follows:

Subd. 1. Following installation of initial construction BMP’s and before any land disturbing activity begins;
Subd. 2. Before or during the installation of permanent stormwater treatment systems;

Subd. 3. Upon notification from the Applicant that the project is completed at the completion of the project; and

Subd. 4. Within one year of project completion and at least once every five years thereafter.

1007.16 **City-Owned Stormwater Facilities.**

Subd. 1. **Acceptance of city-owned facilities.** Before work under the permit is deemed complete, the permittee must submit as-builts and a maintenance plan demonstrating at the time of final stabilization that the stormwater facilities conform to design specifications. A final inspection shall be required before the city accepts ownership of the stormwater facilities.

Subd. 2. **Maintenance.** The city shall perform maintenance of city-owned stormwater facilities in accordance with their MS4 and Stormwater Pollution Prevention Program and other regulatory requirements.

1007.17 **Notification by City.** The initial contact will be to a party or parties listed on the application and/or the SWPPP. Forty-eight hours after notification by the city or 72 hours after the failure of erosion control measures, whichever is less, the city, at its discretion, may begin corrective work at the expense of the permit holder and then owner of the property. The permit holder shall reimburse the City for the cost of all corrective work, including any private contractor work, staff time and attorney fees, as a service fee within 30 days of invoice by the City. Failure of the permit holder and then owner of the property shall entitle the City to assess the cost to the property as a service fee.

1007.18 **Violations and Enforcement.** The Applicant shall implement and comply with the SWPPP and any issued LDP prior to, during and after any construction or land disturbing activity. All stabilization measures shall be implemented and maintained until all grading, excavation and construction work has ended. All post construction storm water management requirements shall be maintained by the permit holder and property owner to the designed SWPPP requirements.

Subd. 1. The City shall be responsible for enforcing this ordinance.

Subd. 2. **Enforcement tools.** In the event that any holder of an approved SWPPP or LDP acts contrary to the SWPPP or violates the terms of the LDP, is found non-compliant with the permit, refuses to complete required inspections, refuses to provide required records, refuses to allow inspections or implements site development construction practices in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site
so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the City of Detroit Lakes may administratively suspend the LDP and issue an administrative Order to stop work immediately. The holder of the approved SWPPP or LDP shall immediately stop work and all construction, develop a cleanup and restoration plan, obtain the right of way from the adjoining property owner if necessary, implement the cleanup and restoration plan within 48 hours and repair any damage caused by storm water runoff. An inspection by the City must follow before the construction project work can resume.

Subd. 3. If, in the discretion of the City, the holder of the approved SWPPP or LDP or property owner does not repair the damage caused by the storm water runoff and restore the property, fails to comply with the administrative Order to stop work or in any other way fails to comply with the provisions and requirements of this ordinance, the City is authorized to take any combination of the following enforcement actions:

A. The City may declare the property upon which the violation exists a nuisance and Order the nuisance abated by the City at the expense of the permit holder and property owner, or the City may hire a licensed contractor to perform the required remedial work at the expense of the permit holder and property owner. An inspection by the City must follow before the construction project work can resume;

B. Continue indefinitely any administrative Order to stop work and withhold inspections or issuance of certificates of occupancy or approvals;

C. Suspend all land use permits and building permits associated with the property where the violation exists until the violation is eliminated;

D. Revoke any permit issued by the City associated with the property where the violation exists upon hearing, held after ten (10) days written notice served upon the applicant, permit holder or owner of the property by first class mail at the last known address or, if property is not occupied, served by posting notice on the property at least ten (10) days before the hearing;

E. Charge applicant for all costs associated with the enforcement, including all costs associated with abatement of the nuisance, eliminating the violation, correcting the failure, restoring the property or remediating damage. Within thirty (30) days after enforcement the permit holder and owner of the property will be notified of the cost of enforcement or abatement, including all remedial action, and all administrative and court costs incurred in enforcement by certified or registered mail, or if the property is not
occupied, served by posting it on the property. The holder of the permit and owner of the property shall be personally liable for the cost of enforcement and/or abatement. If the amount due is not paid within thirty (30) days after such written notice, the City may assess the cost of enforcement and abatement as a current service fee under the City’s police power against the property upon hearing held after ten (10) days written notice served upon the owner of the Property in person or by certified or registered mail, or if the Property is not occupied, served by posting it on the Property.

F. Bring other actions against the applicant to recover costs of remediation or meeting the terms of this ordinance;

G. Any person, firm or corporation failing to comply with or violating any of these regulations and this ordinance shall be deemed guilty of a misdemeanor and be subject to a fine or imprisonment or both. Each day that a separate violation exists shall constitute a separate offense.

H. The City may enforce this Ordinance by civil action and pursue any remedy available at law or equity, including but not limited to temporary restraining orders, injunctions both mandatory and prohibitory as well as damages. In any such action, the City shall be entitled to recover its costs, disbursements and attorney fees.

I. This Ordinance may be enforced through the City of Detroit Lakes Administrative Penalty Ordinance.

Subd. 4. Notification of violation. The City shall notify the permit holder of the violation as follows:

A. Initial contact. The initial contact will be to the party or parties listed on the application and/or the SWPPP as contacts. Except during an emergency action, 48 hours after notification by the City or 72 hours after the failure of erosion and sediment control measures, whichever is less, the City at its discretion, may begin corrective work. Such notification should be in writing, but if it is verbal, a written notification should follow as quickly as practical. If after making a good faith effort to notify the responsible party or parties, the City has been unable to establish a contact, the City may proceed with corrective work. There are conditions when time is of the essence in controlling erosion. During such a condition the City may take immediate action, and then notify the applicant as soon as possible.
B. **Erosion off site.** If erosion breaches the perimeter of the site, the applicant shall immediately develop a cleanup and restoration plan, obtain the right of entry from the adjoining property owner, and implement the cleanup and restoration plan within 48 hours of obtaining the adjoining property owner's permission. In no case, unless written approval is received from the City, may more than seven calendar days go by without corrective action being taken. If, in the discretion of the City, the permit holder does not repair the damage caused by the erosion, the City may do the remedial work required or hire a licensed contractor to do the remedial work at the expense of the holder of the permit and property owner.

When restoration to wetlands and other resources are required, the applicant should be required to work with the appropriate agency to ensure that the work is done properly.

C. **Erosion into streets, storm sewers, wetlands or water bodies.** If eroded soils (including tracked soils from construction activities) enter or appear likely to enter streets, storm sewers, wetlands, or other water bodies, prevention strategies, cleanup and repair shall be immediate. The applicant shall provide all traffic control and flagging required to protect the traveling public during the cleanup operations. If, in the discretion of the City, the permit holder does not repair the damage caused by the erosion, the City may do the remedial work required or hire a licensed contractor to do the remedial work at the expense of the holder of the permit and property owner.

1007.19 **Right of Entry and Inspection.** The issuance of a permit constitutes a right-of-entry for the city or its contractor to enter upon the site in perpetuity. The Applicant shall allow the city and their authorized representatives, upon presentation of credentials, to:

Subd. 1. Enter upon the permitted site for the purpose of obtaining information, examination of records, conducting investigations or surveys;

Subd. 2. Bring such equipment upon the permitted site as is necessary to conduct such surveys and investigations;

Subd. 3. Examine and copy any books, papers, records, or memoranda pertaining to activities or records required to be kept under the terms and conditions of the permit;

Subd. 4. Inspect the stormwater management measures;

Subd. 5. Sample and monitor any items or activities pertaining to stormwater management measures; and
Subd. 6. Correct deficiencies in stormwater and erosion and sediment control measures.

1007.20 Other Controls: Conflict.

Subd. 1. The provisions of this chapter are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions the provisions of this chapter shall prevail.

Subd. 2. The provisions of this chapter are severable, and if any provision of this chapter, or application of any provision of this chapter to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this chapter must not be affected thereby.

(Ordinance No. 319, Adopted 3/11/2008)
(Ordinance No. 382, Adopted 9/9/2014)
(Ordinance No. 418, Adopted 2/13/2018)
1008. Stormwater Illicit Discharge and Connection

1008.01 Statutory Authorization. The purpose of this section is to set forth minimum requirements for Stormwater management that will diminish threats to public health, safety, public and private property, and natural resources of the community by establishing standards that protect the City's lakes, ponds, wetlands, and streams from pollutants carried in urban runoff. This ordinance establishes methods for controlling the introduction of pollutants into the Municipal Separate Storm Sewer System (MS4) in order to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. It will also regulate the contribution of pollutants to the MS4 by Stormwater discharges by any user, to prohibit illicit connections and discharges to the MS4, and to establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this ordinance.

1008.02 Definitions. For the purposes of this Section, the following terms, phrases, and words shall have the meanings stated below.

Subd. 1. Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to Stormwater, receiving waters, or Stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Subd. 2. Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Subd. 3. Illicit Connection. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any non-Stormwater discharge such as sewage, process wastewater, and wash water, and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency.

Subd. 4. Illicit Discharge. Any direct or indirect non-Stormwater discharge to the storm sewer system except as exempted in Section 1008.05 of this ordinance.

Subd. 5. MPCA. The Minnesota Pollution Control Agency.
Subd. 6. **Municipal Separate Storm Sewer System (MS4).** A Stormwater conveyance or unified Stormwater conveyance system including without limitation roads with drainage systems, municipal streets, catch basins, Stormwater detention facilities, curbs, gutters, ditches, natural or man-made channels or storm drains that are located within the corporate limits of Detroit Lakes, MN and are owned or operated by the City, State, County or other public body.

Subd. 7. **Non-Stormwater Discharge.** Any discharge to a Stormwater System that is not composed entirely of Stormwater.

Subd. 8. **NPDES.** The National Pollutant Discharge Elimination System (NPDES) permit program which controls water pollution by regulating sources that discharge pollutants into waters of the United States.

Subd. 9. **Person.** Any individual, association, organization, partnership, firm, corporation, limited liability company or other entity recognized by law and acting as either the owner or as the owner’s agent.

Subd. 10. **Pollutant.** Any man-made or man-induced alteration of the chemical, physical, biological, thermal and/or radiological integrity of the water which has the potential to harm human life, aquatic life, terrestrial plant life and/or wildlife.

Subd. 11. **Property.** Any real property owned by a private Person and not by the public.

Subd. 12. **Stormwater.** Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

Subd. 13. **Stormwater Management Plan.** A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Subd. 14. **Stormwater System.** A Stormwater System includes any Stormwater facility, drainage work or improvement that is designed to transport, convey or control the flow of Stormwater or that improves or controls the water quality of Stormwater. This shall include but is not limited to, outfalls, inlets, outlets, conduits, pipes, curbs, municipal streets, catch basins, gutters, ditches, pumping stations, manholes, structures, channels, retention or detention basins, infiltration areas, filtration systems and other structural components and equipment that are used for managing storm drainage or surface water. Stormwater Systems include both Public and Private Systems.
A. Public Stormwater Systems are those Stormwater Systems that are under the control and/or ownership of the City, County, Watershed District, State or Federal Government. Public Stormwater Systems include all Waters of the State located within the City that are used for managing the surface water system.

B. Private Stormwater Systems are those Stormwater Systems that are not under the control or ownership of the City, County, Watershed District, State and/or Federal Government.

Subd. 15. Surface Water or Waters. All streams, lakes, ponds, marshes, wetlands, reservoirs, springs, rivers, drainage systems, waterways, watercourses, or irrigation systems, whether natural or artificial, public or private.

Subd. 16. Wastewater. Any water or other liquid waste, other than uncontaminated Stormwater, that has been used, such as for washing, flushing, or in a manufacturing process, and so contains waste products, discharged from a facility and collected in a sewer system and conveyed to a sewage treatment plant for processing.

1008.03 Stormwater and Urban Runoff Control. All water entering a Stormwater System will be protected from illegal disposal/dumping and Illicit Discharge and Illicit Connection.

Subd. 1. Illegal disposal/dumping. No person shall throw, drain or otherwise discharge, cause or allow others under its control to throw, drain or otherwise discharge into a Stormwater System any pollutants or waters containing any pollutants other than Stormwater.

Subd. 2. Illicit Discharge and Illicit Connection.

A. No person shall cause any Illicit Discharge to enter a Stormwater System.

B. No person shall use any Illicit Connection to intentionally convey Non-Stormwater to a Stormwater System.

C. The construction, use, maintenance or continued existence of any Illicit Connection to a Stormwater System is prohibited. This prohibition includes, without limitation; Illicit Connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

1008.04 Responsibility for Administration. The City of Detroit Lakes shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the City of Detroit Lakes may be delegated in writing by the
Administrator of the City of Detroit Lakes to persons or entities acting in the beneficial interest of or in the employ of the agency.

1008.05 Exemptions. The following activities shall be exempt from the prohibitions of 1008.03.

Subd. 1. Discharge of Non-Stormwater Discharge that is authorized by an NPDES permit, Notice of Intent, waiver, or waste water discharge order issued to the discharger and administered under the authority of the U.S. Environmental Protection Agency (EPA) or MPCA.

Subd. 2. Firefighting activities or other activities necessary to protect public health and safety.

Subd. 3. Dye testing, but such testing requires written notification to the City Engineer prior to the time of the test.

Subd. 4. Water line flushing or flushing of other potable water sources.

Subd. 5. Landscape irrigation or lawn watering.

Subd. 6. Residential car washing.

Subd. 7. Diverted stream flows that have a Permit from the Minnesota Department of Natural Resources (DNR) or MPCA.

Subd. 8. Uncontaminated ground water infiltration.

Subd. 9. Foundation or footing drains that discharge uncontaminated groundwater.

Subd. 10. Crawl space pumps.

Subd. 11. Air conditioning condensation.


Subd. 13. Natural wetland flows.


Subd. 15. Street wash water discharged that is necessary for health or safety purposes and not in violation of any other provisions of city code.

Subd. 16. Flows from riparian habitats and wetlands.
Subd. 17. Any other water source not containing a pollutant.

Subd. 18. Underwater construction de-watering

1008.06 Good Housekeeping Provisions. Any owner or occupant of Property within the City shall comply with the following good housekeeping requirements.

Subd. 1. No person shall leave, deposit, discharge, dump or otherwise introduce pollutants in an area where discharge to streets or a Stormwater System occurs or could occur.

Subd. 2. For pools greater than 1,000 gallons in size, water shall sit a minimum of seven (7) days without the addition of chlorine to allow for chlorine to evaporate before discharge.

Subd. 3. Any facility subject to a MPCA General Stormwater Permit for Industrial or Construction Activity shall comply with all provisions of such permit including the creation of a Stormwater Pollution Prevention Plan (SWPPP). The Proof of Coverage from the MPCA of the Stormwater Permit must be submitted to the City before any discharge occurs under the permit. Proof of compliance with said permit shall be provided in a form acceptable to the City upon the City’s request.

Subd. 4. As soon as any person responsible for a facility or operation has information of any known or suspected release of materials that are resulting or may result in illegal discharges or pollutants discharging into a Stormwater System, said person shall take steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the City in person or by phone or facsimile no later than the next business day. The responsible party should also notify the State duty officer in the event of any kind of release.

1008.07 Public Waters Protection. Every person owning property through which Public Waters pass, as defined in Minn. Stat. §103G.005, Subd. 15, or such person's lessee, shall keep and maintain that part of the public waters within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the public waters. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to public waters, so that such structures will not become a hazard to the use, function, or physical integrity of the public waters.

1008.08 Inspection, Monitoring and Testing.

Subd. 1. The city shall be permitted to enter and inspect all Stormwater Systems as necessary to determine compliance with this ordinance. If
security measures are in force which require proper identification and clearance before entry into its premises, the discharger shall make necessary arrangements to allow access to representatives of the City.

Subd. 2. Facility operators shall allow the city ready access to all parts of its Stormwater System for the purposes of inspection, sampling, testing, examination and copying of records that must be kept under the conditions of a NPDES Permit to discharge Stormwater.

Subd. 3. The City shall have the right to set up at any Stormwater System devices necessary in the opinion of the City to conduct monitoring, sampling and/or dye testing of the facility's Stormwater discharge.

Subd. 4. The city has the right to require the discharger to install monitoring equipment as the City deems necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure Stormwater flow and quality shall be calibrated to ensure their accuracy.

Subd. 5. If the City has been refused reasonable access to any Stormwater System and the City is able to demonstrate probable cause to believe that there may be a violation of this Section, or that there is a need to inspect and/or sample to verify compliance with this Section or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, or as part of a routine inspection and sampling program designed to verify compliance with this Section, then the City may seek issuance of a search warrant from any court of competent jurisdiction.

Subd. 6. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the City of Detroit Lakes and shall not be replaced. The costs of clearing such access shall be borne by the operator and owner.

Subd. 7. Unreasonable delays in allowing the City of Detroit Lakes access to a permitted facility is a violation of a Stormwater discharge permit and of this ordinance. A person who is the operator of a facility with an NPDES permit to discharge Stormwater associated with industrial activity commits an offense if the person denies the City of Detroit Lakes reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.

1008.09 Violations, Enforcement and Penalties. It shall be unlawful to violate any provision or fail to comply with any of the requirements of this ordinance. Any person who has violated or continues to violate the provisions of this ordinance, may be subject to the enforcement actions outlined in this Section or may be restrained by injunction or otherwise abated in a manner provided by law.
Subd. 1. **Immediate Danger.** In the event the violation constitutes an immediate danger to public health or safety, the City is authorized to enter upon the Property upon which or from which the violation is occurring without giving prior notice to take any and all measures necessary to abate the violation and/or restore the property. The City of Detroit Lakes is authorized to seek costs of abatement pursuant to 1008.12 of this ordinance.

Subd. 2. **Warning Notice.** When the City finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, the City may serve upon that person a written Warning Notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation and/or resolution of the matter in response to the Warning Notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the Warning Notice. Nothing in this subsection shall limit the authority of the City of Detroit Lakes to take any action, including emergency action or any other enforcement action, without first issuing a Warning Notice.

Subd. 3. **Notice of Violation.** Whenever the City finds that a Person has violated a prohibition or failed to meet a requirement of this ordinance, the City may order compliance by written notice of violation to the responsible Person.

The Notice of Violation shall contain:

A. The name and address of the alleged violator;

B. The address when available or a description of the building, structure or Property upon which or from which the violation is occurring, or has occurred;

C. A statement specifying the nature of the violation;

D. A description of the remedial measures necessary to restore compliance with this ordinance and a time schedule for the completion of such remedial action;

E. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;

F. A statement that the determination of violation may be appealed to the City by filing a written notice of appeal within ten (10) days of service of notice of violation; and

G. A statement specifying that, should the violator fail to restore compliance within the established time schedule, the work will be
done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

The Notice of Violation may require without limitation:

H. The performance of monitoring, analyses, and reporting;

I. The elimination of illicit connections or discharges;

J. That violating discharges, practices, or operations shall cease and desist;

K. The abatement or remediation of Stormwater pollution or contamination hazards and the restoration of any affected property;

L. The suspension or termination of access to the MS4 Stormwater System;

M. Payment of a fine to cover administrative and remediation costs; and

N. The implementation of source control or treatment BMPs.

Subd. 4. Compensatory Action. In lieu of enforcement proceedings, penalties, and remedies authorized by this ordinance, the City may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

Subd. 5. Suspension of Access. The City may, without prior notice, suspend Stormwater System access to any building/site or Property when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to a Stormwater System or surface waters. Failure to comply with a suspension order issued in an emergency will result in any process for enforcement deemed necessary to prevent or minimize damage to the Stormwater System or surface waters, or to minimize danger to persons, including but not limited to temporary restraining order and injunction. The City of Detroit Lakes is authorized to seek costs of enforcement pursuant to Subd. 12 of this ordinance.

Subd. 6. Emergency Cease and Desist Orders. When the City finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 Stormwater System or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the City may issue an order to the violator
directing it immediately to cease and desist all such violations and directing the violator to:

A. Immediately comply with all ordinance requirements; and

B. Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.

Any person notified of an emergency order directed to it under this Subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the City may take such steps as deemed necessary to prevent or minimize harm to the MS4 Stormwater System or waters of the United States, and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection, or other municipal utility services. The City may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the City that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this ordinance. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the City within ten (10) days of receipt of the emergency order. Issuance of an emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

Subd. 7. Suspension due to Illicit Discharges in Emergency Situations. The City may, without prior notice, suspend MS4 Stormwater System discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 Stormwater System or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the City may take such steps as deemed necessary to prevent or minimize damage to the MS4 Stormwater System or waters of the United States, or to minimize danger to persons.

Subd. 8. Suspension due to the Detection of Illicit Discharge. Any person discharging to the MS4 Stormwater System in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The City will notify a violator of the proposed termination of its MS4 access. The violator may appeal the Notice of Violation as provided in this ordinance. A person commits an offense in violation of this ordinance if the person reinstates MS4 Stormwater System access to Property terminated pursuant to this Section, without the prior approval of the City.

Subd. 9. Civil Penalties. In the event the alleged violator fails to take the remedial measures set forth in the Notice of Violation or otherwise fails to cure
the violations described therein within the time period set forth in the Notice of Violation, after the City has taken one or more of the actions described above, the City may impose a penalty not to exceed one thousand dollars ($1,000.00) (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

Subd. 10. Appeal. Any person receiving a Warning Notice or Notice of Violation may appeal the determination to the City Council of the City of Detroit Lakes. The notice of appeal must be received within ten (10) days from the date of the Notice of Violation. Hearing on the appeal before the City Council shall take place within thirty (30) days from the date of receipt of the notice of appeal. The decision of the City Council shall be final.

1008.10 Criminal Prosecution. Violation of this ordinance is a misdemeanor. Any Person that has violated or continues to violate this ordinance shall be subject to criminal prosecution to the fullest extent of the law. Each act of violation and each day upon which any violation shall occur shall constitute a separate misdemeanor offense.

1008.11 Violation Deemed a Public Nuisance. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance constitutes a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

1008.12 Cost of Enforcement and/or Abatement of the Violation. Within thirty (30) days after enforcement and/or abatement of the violation, the owner of the Property will be notified of the cost of enforcement or abatement, including administrative and court costs by certified or registered mail, or if the Property is not occupied, served by posting it on the Property. The owner of the Property shall be personally liable for the cost of enforcement and/or abatement. If the amount due is not paid within thirty (30) days after such written notice, the City may assess the cost of enforcement and abatement as a current service under the City’s police power against the Property upon hearing held after ten (10) days written notice served upon the owner of the Property in person or by certified or registered mail, or if the Property is not occupied, served by posting it on the Property.

1008.13 Remedies not Exclusive. The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the city to seek cumulative remedies. The City may recover all attorneys’ fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

1008.14. Compatibility with Other Regulations. This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to the requirements of any
other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

1008.15 **Severability.** If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

1008.16 **Ultimate Responsibility.** The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

(Ordinance No. 381, Adopted 8/14/2014)