CHAPTER 5. ANIMAL CONTROL

DISTANCE FROM SCHOOL OR CHURCH ------------------- 8
CONDITIONS OF LICENSE ------------------------------- 8
IN GENERAL ------------------------------------------ 8
INSURANCE ------------------------------------------- 8
LICENSEE'S RESPONSIBILITY ---------------------------- 8
INSPECTIONS ----------------------------------------- 8
DISPLAY DURING PROHIBITED HOURS ---------------------- 8
FEDERAL STAMPS -------------------------------------- 8
CONSUMPTION IN PUBLIC PLACES ------------------------- 8
SUSPENSION AND REVOCATION ---------------------------- 8
PENALTY --------------------------------------------- 9
REPEAL --------------------------------------------- 9
EFFECTIVE DATE ------------------------------------- 9

SECTION 1.
Subd. 1.
SECTION 2.
Subd. 1.
  a.
  b.
  C.
  d.
  e.
  f.
  S.
Subd. 2.
Subd. 3.
Subd. 4.
  a.
  b.
  C.
SECTION 3.
Subd. 1.
Subd. 2.
Subd. 3.
SECTION 4.
Subd. 1.
Subd. 2.
SECTION 5.
DOGS AT LARGE PROHIBITED
RESTRAINING REQUIRED
CERTAIN DOG MATTERS NUISANCES
DEFINITIONS
AT LARGE
OWNER
PUBLIC NUISANCES
(1) UNREASONABLY BARKING
(2) TRESPASSING
(3) DOG ATTACKING OTHER ANIMALS
(4) SOILING,
DEFILING OR DEFECATING ON
PRIVATE PROPERTY
(5) DOG MOLESTING PASSERSBY
(6) KEEPING OF DOGS WITHOUT INNOCULATIONS
(7) OTHER VIOLATIONS
CONFINED
UNREASONABLE BARKING
Vicious dog
ANIMAL CONTROL OFFICER
RUNNING AT LARGE PROHIBITED
INNOCULATIONS REQUIRED
ENFORCEMENT
CONVICTION
INJUNCTIVE RELIEF
ANIMAL CONTROL OFFICER, DUTIES
LICENSE PERIOD
LICENSE YEAR BEGINS MAY 1
TIME
EFFECTIVE DATE
LICENSES
APPLICATIONS
LICENSE TO BE DENIED WITHOUT PRIOR VACCINATIONS
LICENSE PERIOD
FEES NOT REFUNDABLE
SHOTS REQUIRED
VIOLATIONS NUISANCES
VIOLATIONS PETTY MISDEMEANOR/MISDEMEANORS

CHAPTER 15. CURFEW

SECTION 1. PERSONS UNDER 16; HOURS
SECTION 2. PENALTY, CONVICTION

CHAPTER 16. CITY ELECTIONS

SECTION 1. AUSTRALIAN BALLOT SYSTEM
SECTION 2. APPLICABILITY
SECTION 3. FILING
SECTION 4. NO PRIMARY
SECTION 5. BALLOTS
SECTION 6. SAMPLE BALLOTS .......................... 15
SECTION 7. BIENNIAL SYSTEM ADOPTED .................. 15
  Subd. 1. TRANSITION PERIOD .......................... 15
     a. TERM OF OFFICE OF MAYOR ..................... 15
     b. TERM OF OFFICE OF COUNCIL PERSONS ......... 16
  Subd. 2. ELECTION - TRANSITION PERIOD .............. 16
  Subd. 3. TERMS OF COUNCIL PERSONS AND MAYOR ...... 16
  Subd. 4. APPOINTMENT OF COUNCIL PERSONS AND MAYOR . 16

CHAPTER 20. FIRE CONTROL, FIRE DEPARTMENT AND RELATED REGULATIONS

SECTION 1. BUILDING REGULATIONS ...................... 17
SECTION 2. PENALTY .................................. 17
SECTION 3. INJUNCTIVE RELIEF ......................... 17
SECTION 4. FIRE DEPARTMENT ESTABLISHED .............. 17
  Subd. 1. ELECTION (APPOINTMENT) ................... 17
  Subd. 2. DUTIES OF CHIEF ........................... 17
  Subd. 3. RECORDS .................................. 18
  Subd. 4. PRACTICE DRILLS ........................... 18
  Subd. 5. ASSISTANT CHIEF ........................... 18
  Subd. 6. FIREFIGHTERS ............................... 18
  Subd. 7. LOSS OF MEMBERSHIP ....................... 18
  Subd. 8. COMPENSATION ............................. 18
  Subd. 9. PRESENT MEMBERS ........................... 18
  Subd. 10. INTERFERENCE WITH DEPARTMENT ............. 18
  Subd. 11. COOPERATION WITH OTHER FIREFIGHTING UNITS . 19
  Subd. 12. BYLAWS .................................. 19

CHAPTER 25. FIREWORKS, FIREARMS

SECTION 1. FIREWORKS AND DISCHARGE OF FIREARMS PROHIBITED --- 20
  Subd. 1. PENALTY .................................. 20
SECTION 2. DISCHARGE OF GUN AND OTHER FOREARMS PROHIBITED --- 20
  Subd. 1. GUNSMITHS MAY BE LICENSED TO DISCHARGE FIREARMS -- 20
SECTION 3. PENALTY .................................. 20

CHAPTER 30. FRANCHISES

SECTION 1. TRI-COUNTY ELECTRIC COOPERATIVE .............. 21
  Subd. 1. FRANCHISE GRANTED ........................ 21
  Subd. 2. LIMITATIONS AND EXTENT OF GRANT .......... 21
  Subd. 3. TREE TRIMMING ............................ 21
  Subd. 4. CONFORMANCE TO RULES AND REGULATIONS . 21

III

Subd. 5. EFFICIENT OPERATION AND EXTENSION ............... 21
Subd. 6. REPAIR ..................................... 22
Subd. 7. RATES ..................................... 22
Subd. 8. REPEALER ................................... 22
Subd. 9. EFFECTIVE DATE ............................. 22
CHAPTER 35. GAMBLING

SECTION 1. GAMBLING PROHIBITED

SECTION 2. DEALERS - GAMBLING PARAPHERNALIA

SECTION 3. WAGERING

SECTION 4. MAINTENANCE OF GAMING MATERIALS

SECTION 5. BINGO AND GAMBLING DEVICES

Subd. 1. PURPOSE

Subd. 2. DEFINITIONS

a. ACTIVE MEMBER

b. GAMBLING DEVICES

c. PADDLEWHEEL

d. TIPBOARD

e. PROFIT

f. ELIGIBLE ORGANIZATION

SECTION 6. BINGO REGULATIONS AND LICENSING THEREOF

SECTION 7. LICENSE

Subd. 1. LICENSE REQUIRED

Subd. 2. LICENSE PERIOD

Subd. 3. LICENSE FEE

Subd. 4. LEAD TIME ON APPLICATION

Subd. 5. NONTRANSFERABILITY

SECTION 8. LICENSE APPLICATIONS

SECTION 9. SUSPENSION OR REVOCATION

SECTION 10. OPERATION OF GAMBLING DEVICES

Subd. 1. GAMBLING MANAGER

Subd. 2. RECORDS

Subd. 3. PERSONS WHO MAY ASSIST

Subd. 4. NO COMPENSATION

Subd. 5. NUMBER OF INCIDENTS LIMITED

Subd. 6. DURATION OF INCIDENT

SECTION 11. OPERATION OF GAMBLING DEVICES ON LEASED PREMISES

Subd. 1. NUMBER OF INCIDENTS LIMITED ON PREMISES

Subd. 2. DISBURSEMENTS OF GAMBLING PROCEEDS

Subd. 3. WRITTEN LEAVE REQUIRED

SECTION 12. PRIZES

SECTION 13. RECORDS

Subd. 1. RECORD'S DETAIL

Subd. 2. ACCOUNT'S RECONCILIATION

Subd. 3. SEGREGATION OF FUNDS

SECTION 14. REPORTS

Subd. 1. MONTHLY REPORTS

Subd. 2. FILING DETAIL REQUIRED

a. FORM 990 REQUIRED

b. FORM 990-T REQUIRED

c. ANNUAL REPORT PURSUANT TO SECTION 309.53 REQUIRED

d. LEASE AGREEMENTS FILED WITH COUNCIL REQUIRED

SECTION 15. INSPECTION AND INVESTIGATION
SECTION 16. USE OF BINGO RECEIPTS

SECTION 17. USE OF GAMBLING DEVICE PROFITS
   a. PERSONS BENEFITED
   b. PUBLIC WORKS
   C. SUPPORTING AND SUPPLEMENTING GOVERNMENT SERVICE
   d. IMPROVEMENT, EXPANSION, MAINTENANCE OR REPAIRING REAL PROPERTY

SECTION 18. PENALTIES

CHAPTER 40. GARBAGE AND REFUSE AND THE DISPOSAL THEREOF

SECTION 1. STATEMENT OF POLICY
SECTION 2. REGULATIONS PERTAINING TO GARBAGE AND RUBBISH
   Subd. 1. CONTAINERS REQUIRED
   Subd. 2. GARBAGE AND RUBBISH CONTAINER SPECIFICATIONS
   Subd. 3. STORAGE OF CONTAINERS
   Subd. 4. COLLECTION
SECTION 3. FRANCHISING GARBAGE COLLECTION
   a. EXCLUSIVE FRANCHISE
   b. RULES, REGULATIONS, PROVISIONS, CONDITIONS AND RESTRICTIONS OF MPCA
   C. INDEPENDENT PICK-UP BY INDIVIDUAL RESIDENTS, BUSINESSES, ETC.
SECTION 4. BURNING PROHIBITED
SECTION 5. LAWS OF MINNESOTA INCORPORATED
SECTION 6. VIOLATIONS; PENALTY

CHAPTER 45. ITINERANT MERCHANTS

SECTION 1. REGISTRATION REQUIRED
SECTION 2. DEFINITION OF PEDDLER
SECTION 3. LICENSE FOR PEDDLING
SECTION 4. FEES
SECTION 5. LICENSE FOR ONE PERSON ONLY AND NOT TRANSFERABLE
SECTION 6. DURATION OF LICENSE
SECTION 7. VIOLATION; PENALTY
SECTION 8. EXEMPTION FROM PEDDLER'S LICENSE
SECTION 9. CERTAIN PEDDLING PRACTICES A NUISANCE
SECTION 10. CONVICTION; PENALTY

CHAPTER 50. SANITARY SEWER REGULATIONS

SECTION 1. PURPOSE
SECTION 2. TYPE AND QUALITY OF MATERIALS
SECTION 3. CONNECTIONS - PERMITS FEES
SECTION 4. INSPECTION
SECTION 5. HOOKUPS MANDATORY
SECTION 6. PRIVATE SEPTIC SYSTEMS PHASED OUT
SECTION 7. GREASE INTERCEPTORS REQUIRED 35
SECTION 8. PROHIBITIONS FOR DISCHARGE INTO SEWER SYSTEM 36
SECTION 9. PENALTY 36
SECTION 10. RELEVY OF ABATED ASSESSMENTS 36
  Subd. 1. SALE OF PROPERTY 36
  Subd. 2. OUTRIGHT TRANSFER OF PROPERTY 36
Subd. 3. DEATH OF PROPERTY OWNER 36
Subd. 4. EXPIRATION OF LIFE TENANCY 36
Subd. 5. FORECLOSURE OF MORTGAGE ON PROPERTY 36
SECTION 11. CONNECTIONS TO SEWER SYSTEM MANDATED 36
  a. IMPROVED PARCEL AT INITIAL CONSTRUCTION OF SANITARY SEWER SYSTEM 36
  b. PARCELS OR LOTS SUBSEQUENTLY IMPROVED 37
SECTION 12. HOOKUP EXPENSES 37
  a. PRIVATE 37
  b. PUBLIC 37
  c. EXCAVATION EXPENSES 37
SECTION 13. DEFERRED ASSESSMENTS 37
  a. PARTIALLY PREPAID 37
     i. IN CASH 37
     ii. OVER A FIFTEEN YEAR PERIOD 37
  b. DEVELOPED PARCELS NOT PREVIOUSLY ASSESSED 38
SECTION 14. HOOK-UP 38
SECTION 15. PENALTIES 38
SECTION 16. SEWER USE AND SEWER RATE ORDINANCE 38
  Subd. 1. DEFINITIONS 38
     a. APPROVING AUTHORITY 38
     b. BOD 38
     c. BUILDING DRAIN 38
     d. BUILDING SEWER 38
     e. CATEGORY A 38
     f. CATEGORY B 38
     g. CHLORINE REQUIREMENT 39
     h. CITY 39
     i. COMBINED SEWER 39
     j. COMMERCIAL USER 39
     k. COMPATIBLE POLLUTANTS 39
        1. DEBT SERVICE CHARGE 39
     m. EASEMENT 39
     n. FLOATABLE OIL 39
     o. GOVERNMENTAL USER 39
     p. GROUND GARBAGE 39
     q. INCOMPATIBLE POLLUTANTS 40
     r. INDUSTRIAL USERS OR INDUSTRIES 40
     s. INDUSTRIAL WASTEWATER 40
     t. INSTITUTIONAL USER 40
     u. MUNICIPALITY 40
     v. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES PERMIT) 40
     w. NATURAL OUTLOT 41
     x. NORMAL DOMESTIC STRENGTH WASTEWATER 41
y. OPERATION AND MAINTENANCE COSTS 41
z. PERSON 41
aa. PH 41
bb. PUBLIC SEWER 41
c. REPLACEMENT COSTS 41
d. RESIDENTIAL USER 41
e. SANITARY SEWAGE 41
ff. SANITARY SEWER 41
g. SEWAGE 42

VI

hh. SEWER 42
ii. SEWER SERVICE CHARGE 42

"SHALL"; "MAY" 42
kk. SLUG 42
ll. STANDARD METHODS 42
mm. STORM SEWER OR DRAIN 42
nn. SUSPENDED SOLIDS 42

oo. UNPOLLUTED WATER 42

PP USER CHARGE 42
qq. WASTEWATER 42
rr. WASTEWATER COLLECTION FACILITIES 43
ss. WASTEWATER TREATMENT FACILITY 43

Subd. 2. USE OF PUBLIC SEWERS REQUIRED 43
a. WASTE DISPOSAL 43
b. DISPOSAL TO NATURAL OUTLETS 43
C. PRIVATE SEWAGE DISPOSAL 43
d. SEWER CONNECTION REQUIRED 43

Subd. 3. INDIVIDUAL SEWAGE DISPOSAL SYSTEMS 43
a. REQUIREMENTS 43
b. OPERATION AND MAINTENANCE 44
C. ABANDONMENT 44

Subd. 4. USE OF PUBLIC SEWERS 44
a. SANITARY SEWERS 44
b. STORM SEWERS 44
C. PROHIBITIONS AND LIMITATIONS 44

1. GASOLINE, BEZENE, NAPTHA, FUEL OIL & OTHER FLAMMABLES 44

2. TOXIC OR POISONOUS SOLIDS, LIQUIDS OR GASSES 44

3. WATERS OR WASTES HAVING A PH LOWER THAN 5.0
OR EXCEEDING 9.0 44

4. SOLID OR VISCOS SUBSTANCES 45

5. OTHER SUBSTANCES, MATERIALS, WATERS OR WASTE DEFINED 45
a. WASTEWATER W/TEMPERATURE HIGHER THAN 150°F 45
b. WASTEWATER W/100 MG/L OF PETROLEUM OIL, ETC. ------------------------------- 45

c. WASTEWATER FROM INDUSTRIAL PLANTS ------- 45
d. UNDERGROUND GARBAGE --------------------- 45
e. WATERS OR WASTES CONTAINING CERTAIN MINERALS ------------------------------- 45

f. WATERS OR WASTES WITH ODOR PRODUCING SUBSTANCES --------------------------- 46
g. RADIOACTIVE WASTES OR ISOTOPES --------------- 46
h. SUBSTANCES NOT AMENABLE TO TREATMENT OR REDUCTION ------------------------ 46
i. INTERACTION RELEASING OBNOXIOUS GASSES --- 46

3. MATERIALS WHICH CAUSE ------------------------------- 46
   i. UNUSUAL BOD ----------------------------- 46
   ii. UNUSUAL VOLUME OF WASTES (SLUGS) ----- 46
   iii. INERT SUSPENDED SOLIDS ------------- 46
   iv. EXCESSIVE DISCOLORATION ------------- 46
k. INCOMPATIBLE POLLUTANTS ------------------------ 46

   d. NPDES PERMIT ------------------------------- 46

VII

100'

e. SPECIAL ARRANGEMENTS ------------------------------- 46

f. NEW CONNECTIONS ---------------------------------------- 47
Subd. 5. CONTROL OF INDUSTRIAL WASTES DIRECT TO PUBLIC SEwers ----------------------------- 47
   a. SUBMISSION OF BASIC DATE ----------------------------- 47
   b. INDUSTRIAL DISCHARGES ----------------------------- 47
   1. REJECT THE WASTES -------------------------------- 47
   2. PRETREATMENT ------------------------------------ 47
   3. CONTROL OVER QUANTITIES & RATES OF DISCHARGE -- 47
   C. PAYMENT TO COVER ADDED COST ---------------------- 48
   d. CONTROL OF MANHOLES ----------------------------- 48
   e. MEASUREMENT OF FLOW ----------------------------- 48
   f. WASTE SAMPLING ---------------------------------- 48
   g. PRETREATMENT ------------------------------------ 49
   h. GREASE, OIL AND SAND INTERCEPTORS ----------------- 49
   i. ANALYSES ---------------------------------------- 49
   j. SUBMISSION OF INFORMATION ------------------------ 50
Subd. 6. BASIS FOR USER CHARGES --------------------------- 50
   a. USER CLASSES AND CATEGORIES ----------------------- 50
   b. USER CHARGE-------------------------------------- 50
   c. ASSIGNMENT OF ERU'S ----------------------------- 50
Subd. 7. AMOUNT OF SEWER SERVICE CHARGE AND FUND ESTABLISHMENT -------------------------- 51
   a. SEWER SERVICE CHARGE UNIT COSTS ------------------- 51
   b. DETERMINATION OF USER CHARGES --------------------- 51
   c. EXTRA STRENGTH WASTES ----------------------------- 51
   d. SEWER SERVICE FUND ------------------------------- 51
   e. SEWER SERVICE FUNDS TO BE KEPT SEPARATE ----------- 51
   f. EQUIPMENT REPLACEMENT FUND ------------------------ 51
   g. OPERATION AND MAINTENANCE ACCOUNT ----------------- 51
   h. CHARGE FOR TOXIC POLLUTANTS -------------------- 52
Subd. 8. BILLING PRACTICE ----------------------------------- 52
   a. CALCULATION OF SEWER SERVICE CHARGES -------------- 52
   b. SEWER SERVICE CHARGE BILLING PERIOD --------------- 52
   c. PAYMENT OF SEWER SERVICE CHARGES ------------------ 52
   d. PENALTIES ------------------------------------------- 52
   e. CIVIL ACTION ------------------------------------- 53
Subd. 9. RIGHT OF ENTRY, SAFETY AND IDENTIFICATION ------------------------------- 53
   a. RIGHT OF ENTRY ----------------------------------- 53
   b. SAFETY ------------------------------------------- 53
   c. IDENTIFICATION, RIGHT TO ENTER EASEMENTS ---------- 53
Subd. 10. SEWER CONSTRUCTION AND CONNECTIONS ------------------------ 53
   a. WORK AUTHORIZED -------------------------------- 53
   b. COST OF SEWER CONNECTION ------------------------- 53
   c. USE OF OLD BUILDING SEWERS ------------------------ 53
   d. MATERIALS AND METHODS OF CONSTRUCTION ----------- 53
   e. BUILDING SEWER GRADE ------------------------------ 54
   f. STORM AND GROUNDWATER DRAINS --------------------- 54
   g. CONFORMANCE TO PLUMBING CODES --------------------- 54
   h. INSPECTION OF CONNECTION --------------------------- 54
   i. BARRICADES; RESTORATION -------------------------- 54
Subd. 11. VIOLATIONS AND PENALTIES ------------------------------- 54
   a. WRITTEN NOTICE OF VIOLATIONS -------------------- 54
   b. ABATEMENT OF NUISANCE WITHOUT NOTICE ----------- 55
   c. ACCIDENTAL DISCHARGE ----------------------------- 55
VIII
CONTINUED VIOLATIONS 55
SUBD. 12. PROCEDURES 55
SUBD. 13. VALIDITY 56
a. SUPERCIDE PREVIOUS CITY CODE PROVISIONS 56
b. INVALIDATION CLAUSE 56
c. AMENDMENT 56
SUBD. 14. AUDIT, NOTIFICATION, AND RECORDS 56
a. ANNUAL AUDIT 56
b. ANNUAL NOTIFICATION 57
c. RECORDS 57
CHAPTER 55. PUBLIC ORDER, SUNDAY REGULATIONS 58
SECTION 1. DISORDERLY CONDUCT 58
SECTION 2. CERTAIN MINNESOTA STATUTES INCORPORATED IN THE BROWNSVILLE CITY CODE 58
SECTION 3. PENALTY - COST OF PROSECUTION 59
SECTION 4. SLEING 59
SUBD. 1. INTENT OF SECTION 4 59
SUBD. 2. PENALTY 59
CHAPTER 60. STREETS AND OTHER PUBLIC THOROUGHFARES AND REGULATIONS THEREOF 60
SECTION 1. PARKING RESTRICTIONS 60
SECTION 2. MOTORCYCLE, MOTOR BIKE, AND MOTOR SCOOTER DRIVING HOURS 60
SECTION 3. PENALTY 60
SECTION 4. INCORPORATION BY REFERENCE OF CERTAIN PROVISONS OF THE MINNESOTA HIGHWAY TRAFFIC REGULATION ACT 60
SECTION 5. PENALTY 60
SECTION 6. USE OF ALLEYS AS THOROUGHFARES PROHIBITED 60
SECTION 7. PENALTY 61
SECTION 8. MOTOR VEHICLE DEFINED 61
SECTION 9. JUNKED, ABANDONED VEHICLES DEFINED 61
SECTION 10. PERSONS RESPONSIBLE 61
SECTION 11. OFFSTREET PARKING 61
SECTION 12. CHARGES - PARKING VIOLATIONS - ENFORCEMENT 61
a. ESTABLISHMENT OF ENVELOPE SYSTEM 61
b. WHERE MOTOR VEHICLES ARE ANANDONED 62
SECTION 13. REMOVAL OF MOTOR VEHICLES 62
SECTION 14. VIOLATIONS AND PENALTY 62
SECTION 15. EXCESSIVE OR UNREASONABLE ACCELERATION PROHIBITED 62
SECTION 16. PRIMA FACIE VIOLATIONS 62
SECTION 17. EXCESSIVE NOISE OF MOTOR VEHICLES 62
SECTION 18. PENALTY 63
ZONING, LAND AND WATER USE REGULATIONS AND BUILDING REGULATIONS 64
SECTION 1. BUILDING PERMITS

SECTION 2. ADMINISTRATION OF SECTION 1. SUPRA

SECTION 3. PENALTY

SECTION 4. WATERFRONT IMPROVEMENTS

SECTION 5. WATERCRAFT REGULATIONS
   a. OPERATION OF MOTOR BOAT
   b. OPERATION OF POWER BOAT
      (1) WITHIN 100 FEET OF A PERSON
      (2) WITHIN 200 FEET OF LANDING FLOAT OR BOATHOUSE
      (3) AT BOATHOUSE BAY
   c. OBSTRUCTION OF RIVER TRAFFIC, ETC.
   d. EXERCISE OF REASONABLE PRECAUTIONS

SECTION 6. LITTERING PROHIBITED

SECTION 7. BOATHOUSE AND FLOAT REGULATIONS

SECTION 8. DERELICT CRAFT

SECTION 9. PARKING REGULATIONS

SECTION 10. PENALTY

SECTION 11. PLACEMENT OF MAIL BOXES

SECTION 12. INTENT

SECTION 13. DEFINITIONS
   1. COUNCIL
   2. BUILDING LOT
   3. LOT WIDTH
   4. NON-CONFORMING USES
   5. STRUCTURAL ALTERATIONS
   6. VARIANCE
   7. ACCESS WAY
   8. IMPROVEMENT AND DEVELOPMENT

SECTION 14. BUILDING PERMITS REQUIRED

SECTION 15. DISTRICTS

SECTION 16. SUBDIVISION OF EXISTING LOTS PROHIBITED

SECTION 17. SETBACK REQUIREMENTS
   (a) EXCEPTION IN APPLICATION FOR VARIANCE
   (b) IN CASES CREATING UNDUE HARDSHIP

SECTION 18. VARIANCES

SECTION 19. PRE-EXISTING, NON-CONFORMING USES

SECTION 20. FLOOD PLAIN REGULATIONS: DISTRICT F

   Subd. 1. CITY COUNCIL VESTED WITH AUTHORITY AND
   Subd. 2.
   Subd. 3.

SECTION 21.
   Subd. 1.
   Subd. 2.

SECTION 22.
RESPONSIBILITY TO:

(a) Delineating Areas of Special Flood Hazards --
(b) Supply Information to Governmental Agencies --
(c) Cooperation with Federal, State and Local Authorities --
(d) Submit Annual Reports, etc.

DUTIES OF CITY CLERK

DUTIES OF CITY COUNCIL

ENFORCEMENT - PENALTY

INJUNCTIVE RELIEF

VIOLATION AND CONVICTION

PRE-EXISTING, NON-CONFORMING USES

MANUFACTURED HOME

MANUFACTURED HOME PARK

"MOBILE HOME" STRICKEN AND "MANUFACTURED HOME"

MANUFACTURED HOME REGULATIONS

MINIMUM SPECIFICATIONS

ENFORCEMENT - PENALTY

STATEMENT OF PURPOSES

GENERAL PROVISIONS; APPLICABILITY

ADOPTION OF FLOOD INSURANCE STUDY

REGULATORY FLOOD PROTECTION ELEVATION

INTERPRETATION

COMPLIANCE

DEFINITIONS

DEFINITIONS

SUBDIVISIONS

PUBLIC UTILITIES, RAILROAD, ROADS AND BRIDGES

ACCESSORY USE OR STRUCTURE

FLOOD FRINGE

FLOOD PLAIN

FLOOD PROOFING

FLOODWAY

REGIONAL FLOOD

STRUCTURE
Subd. 10. MANUFACTURED HOMES AND MANUFACTURED HOME PARKS --- 77
   a. SUBJECT TO PROVISIONS PLACED ON SUBDIVISION BY SUBD. 8 ---------------------- 77
   b. MANUFACTURED HOMES IN FLOOD PLAIN DISTRICTS -
       NON CONFORMING USES AND REPLACED ONLY: ------- 77
       1. IF LYING IN FLOOD FRINGE DISTRICT ------- 77
       2. ANCHORED WITH TIEDOWNS ------------------ 77
       3. OWNER OR RENTER NOTIFIED THAT MANUFACTURED HOME LIES IN FLOOD PLAIN AND SUBJECT to FLOODING ----------------- 77
   1. AGRICULTURAL USES
   2. INDUSTRIAL-COMMERCIAL USES -------------
   3. PRIVATE AND PUBLIC RECREATIONAL USES ----
   4. RESIDENTIAL USES -------------------------

Subd. 7. FLOOD FRINGE DISTRICT (FF) ---------------------
   a. PERMITTED USES --------------------------------
       1. ANY USE PERMITTED IN SUBD. 6 -----------
       2. ACCESSORY STRUCTURES PROVIDED --------
          a. NOT DESIGNED FOR HUMAN HABITATION ---
          b. HAVING LOW FLOOD DAMAGE POTENTIAL ----
          c. RESULTING IN DAMAGE TO OTHER STRUCTURES, INC.
          d. FLOOD PROOFING CONFORMING WITH STATE BUILDING CODE ------------------------
       3. RESIDENCES AT REGULATORY FLOOD PROTECTION ELEVATION ---------------------- XI

1.40

   c. OTHER PROVISIONS WHEN INDIVIDUAL MANUFACTURED HOMES ARE PERMITTED ------------------- 77

Subd. 11. ADMINISTRATION ---------------------------------- 78
   a. USE PERMIT ---------------------------------- 78
       1. USE PERMIT REQUIRED -------------------- 78
       2. APPLICATION FOR USE PERMIT ------------- 78
       3. STATE AND FEDERAL PERMITS ------------- 78
       4. CERTIFICATION OF FIRST FLOOR ELEVATIONS -- 78
   b. BOARD OF ADJUSTMENT ------------------------ 78
       1. VARIANCES ------------------------------- 78
       2. HEARINGS -------------------------------- 79
       3. PROCEDURES FOR EVALUATING PROPOSED USES WITHIN THE GENERAL FLOOD PLAIN DISTRICT -- 79
          a. REQUIREMENTS OF APPLICANT ----------- 79
             1. CHANNEL OF STREAM, ELEVATION OF LAND & HIGHWATER INFORMATION ----------------------- 79
             2. PLAN --------------------------------- 79
             3. PROFILE ------------------------------- 79
          b. INFORMATION TO ENGINEER ---------------- 79
             1. ESTIMATE OF PEAK DISCHARGE ------- 80
             2. CALCULATE WATER SURFACE PROFILE -- 80
             3. COMPUTE FLOODWAY NECESSARY ------- 80
c. DETERMINATION BY CITY COUNCIL        80
 d. SUBMISSION TO COMMISSION OF
    NATURAL RESOURCES                    80

Subd. 12. NON CONFORMING USES            80
 a. STRUCTURES LAWFUL BEFORE PASSAGE BUT NOT NOW
    IN CONFORMITY                         80
    1. NO STRUCTURAL ALTERATION EXCEEDING 50% -- 80
    2. ANY ALTERATION RESULTING IN SUBSTANTIALLY
       INCREASING FLOOD DAMAGE POTENTIAL    80
    3. DESTRUCTION OF MORE THAN 50% OF MARKET
       VALUE                                80

Subd. 13. PENALTIES FOR VIOLATION         80
Subd. 14. AMENDMENTS                      81

SECTION 25. CERTIFICATES OF OCCUPANCY     81
Subd. 1. POLICE POWER ENACTMENT           81
Subd. 2. CERTIFICATES OF OCCUPANCY REQUIRED 81
Subd. 3. ADMINISTRATION                   81
Subd. 4. OCCUPANCY - HABITATION WITHOUT CERTIFICATE OF
         OCCUPANCY PROHIBITED                81
         CERTIFICATE OF OCCUPANCY SHOULD EVIDENCE:
         a. SUBSTANTIAL COMPLETION            81
         b. COMPLIANCE                        81
         c. PAYMENT OF FEES                   81

Subd. 5. VIOLATIONS                      81

CHAPTER 66. ZONING REGULATIONS

1. ENABLING - PURPOSE - SCOPE             83
    Subd. 1. ENABLING AUTHORITY              83
    Subd. 2. PURPOSES                          83
    Subd. 3. SCOPE                             83

SECTION 2. ZONING DISTRICT - USES, PERMITTED & SPECIAL XII
OFFICIAL MAP(S) -------------------------------- 83

Subd. 1.
RESIDENTIAL DISTRICTS (R) -------------------------------- 84
a. PERMITTED USES ---------------------------------------- 84
   1. ONE FAMILY DWELLINGS -------------------------------- 84
   2. DUPLEXES ------------------------------------------ 84
   3. PROFESSIONAL RESIDENCE - OFFICES ------------------- 84
   4. PUBLIC RECREATION ---------------------------------- 84
   5. HISTORIC SITES -------------------------------------- 84
   6. ESSENTIAL SERVICES ---------------------------------- 84
   7. INCIDENTAL STRUCTURE OR BUILDINGS ------------------- 84
b. SPECIAL USES ------------------------------------------ 84
   1. BUILDINGS OF RELIGIOUS ORGANIZATIONS -------------- 84
   2. SCHOOLS ------------------------------------------ 84
   3. PUBLIC RECREATIONAL FACILITIES --------------------- 85
   4. MULTI-FAMILY STRUCTURES ----------------------------- 85
   5. CEMETERIES AND FUNERAL HOMES ----------------------- 85
   6. HOME OCCUPATIONS, HOSPITALS AND SANITORIA -------- 85
   7. MANUFACTURED HOMES -------------------------------- 85
   8. MANUFACTURED HOME PARKS ----------------------------- 85
   9. ESSENTIAL SERVICES ---------------------------------- 85

Subd. 2.
TRANSITION DISTRICTS (R/C) ------------------------------- 85
a. PERMITTED USES ---------------------------------------- 85
   1. USES PERMITTED IN R DISTRICTS ----------------------- 85
   2. MULTI-FAMILY STRUCTURES ----------------------------- 85
   3. USES PERMITTED IN C DISTRICTS ----------------------- 85
b. SPECIAL USES ------------------------------------------ 85
   1. USES SPECIAL IN R DISTRICTS ------------------------- 85
   2. USES SPECIAL IN C DISTRICTS ------------------------- 85
   3. MULTI-FAMILY STRUCTURES ----------------------------- 85
   4. MANUFACTURED HOME PARKS ----------------------------- 85
c. INTERPRETATION ---------------------------------------- 85

Subd. 3.
COMMERCIAL DISTRICT (C) --------------------------------- 86
a. PERMITTED USES ---------------------------------------- 86
   1. COMMUNITY CENTER, MUNICIPAL BUILDING --------------- 86
   2. PRIVATE CLUBS -------------------------------------- 86
   3. BANKS --------------------------------------------- 86
   4. BUSINESS OFFICE ------------------------------------ 86
   5. RETAIL ESTABLISHMENTS ------------------------------ 86
   6. PERSONAL SERVICES ---------------------------------- 86
   7. ESTABLISHMENTS WHERE ALCOHOL & OTHER BEVERAGES ARE SERVED 86
   8. PROFESSIONAL SERVICES ------------------------------- 86
   9. REPAIR SERVICES ------------------------------------ 86
   10. FINANCE, INSURANCE, REAL ESTATE ------------------- 86
   11. ENTERTAINMENT, AMUSEMENT -------------------------- 86
   12. LODGING SERVICES ----------------------------------- 86
   13. PUBLIC AND SEMI-PUBLIC BUILDINGS ------------------- 86
   14. HOSPITALS AND MEDICAL CENTERS -------------------- 86
15. Automobile parking lots, garages, bus stations

16. Incidental uses

b. Special uses

Subd. 4. Industrial districts (I)

b. Special uses

a. Permitted uses

1. Wholesale business establishments

2. Warehouse, packing, crating, truck yard, terminal

3. Contractor's shops

4. Storage yards

5. Laboratories

6. Public and public utility uses

7. Manufacture, except rendering fats & oils

8. Manufacture

9. Manufacture

10. Manufacture

11. Trade schools

12. Offices

13. Animal clinics

14. Storage garages, buildings & loading facilities

Buildings for purposes of construction

Essential public services facilities, except power transmission lines

Essential security & safety facilities

b. Special uses

1. Dwelling for watchmen or custodians - industry

2. Outdoor storage of materials

3. Restaurants, lunch counters, confectioneries

4. Mining and extracting of minerals

5. Manufacturing, refining and processing - chemicals

6. Salvage or recycling business

7. Power transmission lines

Subd. 5. Agricultural districts (A)

a. Permitted uses

1. Non-commercial types of agriculture

2. Farm buildings and structures

3. Single family residential structures

4. Farm irrigation systems

5. Roadside stands

6. Historic sites

7. Public recreation
8. ESSENTIAL SERVICES .......................... 89
9. SIGNS ........................................ 89
10. CHURCHES, SCHOOLS ...................... 89
11. MUNICIPAL BUILDINGS ...................... 89
12. INCIDENTAL MACHINERY, STRUCTURE OR BUILDING .......................... 89

b. SPECIAL USES ................................ 89
1. COMMERCIAL AGRICULTURE .............. 89
2. CEMETERIES ................................ 89
3. AGRICULTURAL PRODUCTS & LIVESTOCK PROCESSING PLANTS .............. 89
4. MANUFACTURED HOME PARKS ............. 89
5. RESORT CAMPGROUNDS ..................... 89

XIV

Oslo

6. NURSERY AND GARDEN SUPPLIES ............
7. MINING ........................................
8. NURSING HOMES, HOSPITALS, SANITORIA ....
9. ESSENTIAL SERVICES ...........................
10. DRAINAGE SYSTEMS ..........................

Subd. 6. CONSERVANCY DISTRICTS (CD) ............
a. PERMITTED USES ............................
b. SPECIAL USES ..............................

Subd. 7. FLOOD PLAIN (FP) ........................
SECTION 3. TECHNICAL STANDARDS

Subd. 1. BASIC REQUIREMENTS - APPENDIX B
Subd. 2. PRIVATE RESTRICTIVE COVENTS
Subd. 3. LAWS OF THE STATE OF MINNESOTA & AGENCY REGULATIONS
Subd. 4. FAIR HOUSING POLICY
Subd. 5. ZONING AUTHORITY

a. FIRST LEVEL
b. SECOND LEVEL

c. THIRD LEVEL

Subd. 6. ACCESSORY BUILDINGS
Subd. 7. HOME OCCUPATIONS
Subd. 8. DWELLING UNIT

Subd. 9. SCREENING AND INTER-DISTRICT SETBACKS
Subd. 10. SIGNS

a. SIGNS IN RESIDENTIAL DISTRICT
1. PROFESSIONAL AND HOME OCCUPATIONS
2. IDENTIFICATION

b. SIGNS IN COMMERCIAL, AGRICULTURAL AND INDUSTRIAL DISTRICT
1. ALL PERMITTED IN RESIDENTIAL DISTRICT
2. IDENTIFYING SIGNS
3. DIRECTORY SIGN

a. DWELLING UNIT CONSISTS OF:

b. SINGLE FAMILY DWELLING - NOT MORE THAN ONE FAMILY DWELLING UNIT

c. FAMILY

Subd. 11. TECHNICAL STANDARDS AND CONSIDERATIONS

CONSERVANCY DISTRICTS

a. LATERAL AND SUBJACENT SUPPORT
b. ACCESSIBILITY FOR
1. PUBLIC UTILITIES
2. FIRE, POLICE, AMBULANCE & OTHER
3. MUNICIPAL

c. ELEVATIONS
d. IMPACT ON LAND VALUES
e. ZONING AUTHORITY REQUIREMENTS

SECTION 4. NONCONFORMING USES

Subd. 1. DURATION
Subd. 2. RESTORATION
Subd. 3. DISCONTINUANCE
Subd. 4. TRANSFERABILITY -------------------------------- 95
Subd. 5. NUISANCES DISTINGUISHED ------------------------- 95
SECTION 5. VARIANCES ---------------------------------- 95
  Subd. 1. CRITERIA FOR GRANTING VARIANCES ------------ 96
    a. EXCEPTIONAL OR EXTRAORDINARY CIRCUMSTANCES --- 96
    b. INTERPRETATION ---------------------------------- 96
    c. SPECIAL CONDITIONS ------------------------------ 96
    d. VARIANCE NOT SPECIAL PRIVILEGE --------------- 96
    e. HARDSHIP ------------------------------------- 96
    f. NOT MATERIALLY DETRIMENTAL ------------------ 96
    g. IMPAIRMENT, CONGESTION, ENDANGERING PUBLIC --- 96
    h. PLANNING COMMISSION RECOMMENDATION ---------- 96
    i. IMPAIRED VISIBILITY --------------------------- 96
Subd. 2. REQUIRED SUPPORTING DATA FOR VARIANCES ------- 97
  a. ABSTRACTOR'S PROPERTY CERTIFICATE -------------- 97
  b. PRELIMINARY BUILDING AND SITE DEVELOPMENT PLAN 97
  c. EVIDENCE OF OWNERSHIP ------------------------- 97
  d. ZONING ADMINISTRATOR --------------------------- 97
  e. APPLICATION FORM -------------------------------- 97
  f. APPLICATION TO PLANNING COMMISSION ------------- 97
  g. PUBLIC HEARING --------------------------------- 97
  h. RESUBMISSION FOLLOWING DENIAL ----------------- 97
  i. REVOCATION OF VARIANCE ------------------------ 97
SECTION 6. IMPLEMENTATION ----------------------------- 98
Subd. 1. ZONING PERMITS REQUIRED ---------------------- 98
  a. GRANTING OF PERMIT ----------------------------- 98
  b. PERMIT APPLICATION REFERRED TO ZONING ADM. --- 98
     1. TO BOARD OF APPEALS ------------------------ 98
     2. SPECIAL USE PERMIT OR VARIANCE, REFER TO 98
        PLANNING COMMISSION ---------------------- 98
  c. FINAL ACTION - VARIANCE, SPECIAL USE PERMIT -- 98
  d. PROMPT PROCESSING BY ACTION OF ZONING ADM. --- 99
Subd. 2. SUPPORTING DATA, ZONING PERMITS ------------- 99
  a. ZONING PERMITS, USES PERMITTED ---------------- 99
  b. LEGAL DESCRIPTION ----------------------------- 99
  c. PLOT PLAN OR DIAGRAM -------------------------- 99
Subd. 3. SPECIAL USES, SUPPORTING DATE ------------- 99
  a. DATA REQUIRED - BASIC ZONING PERMIT 99
     APPLICATION ----------------------------------- 99
     1. OFF-STREET PARKING --------------------------- 100
     2. SURFACE WATER DRAINAGE ---------------------- 100
     3. DESIGN -------------------------------------- 100
     4. NOISE, ENVIRONMENTAL CONSIDERATIONS ------- 100
     5. TRAFFIC FLOW -------------------------------- 100
     6. AVAILABILITY OF SOLAR ENERGY --------------- 100
     7. OTHER DETAIL -------------------------------- 100
Subd. 4. QUESTIONS OF INTERPRETATION 100
Subd. 5. NOTICES 100
  a. HEARINGS, BOARD OF APPEALS, PLANNING COMMISSIONS 100
  b. PUBLICATION & MAILED NOTICE 100
  c. NOTICE - AMENDMENT 101
Subd. 6. EXPIRATION OF PERMITS, VARIANCES, NONASSIGNABILITY 101

SECTION 7. AMENDMENTS 101
  Subd. 1. ENACTMENT OF AMENDMENTS 101
  Subd. 2. INITIATION OF AMENDMENT PROCESS 102
  Subd. 3. ENACTMENT PRECEDING BY PUBLIC HEARING 102
  Subd. 4. APPLICATIONS FOR AMENDMENT 102
    a. REASONS 102
    b. STATEMENT - RELATIVE COMPATIBILITY OF CHANGE 102
    c. TEST OR EXCERPT SOUGHT TO BE AMENDED 102
    d. LANGUAGE PROPOSED TO BE ENACTED 102
    e. NAMES AND ADDRESSES OF APPLICANTS 102
    f. ADDITIONAL INFORMATION 102
  LAND USE 102
    a. NAMES & ADDRESSES OF PETITIONER(S) 102
    b. SPECIFIC DESCRIPTION OF AREA 102
    c. PRESENT DISTRICT CLASSIFICATION 103
    d. PROPOSED CHANGE 103
    e. RELATIVE COMPATIBILITY 103
    f. LEGAL DESCRIPTION 103
    g. MAP, PLOT PLAN 103
    h. OTHER INFORMATION 103
  Subd. 6. APPLICATION TO BE SUBMITTED 103
SECTION 8. ZONING PERMIT FEE 104
SECTION 9. VIOLATIONS, PENALTIES, REMEDIES 104
SECTION 10. REPEALER - SEVERABILITY 104

VANCOUVER CITY CODE SUMMARY OF CONTENTS
Chapter 1. ALCOHOLIC BEVERAGES, LICENSING AND REGULATIONS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>SECTION 1. LICENSES REQUIRED</td>
<td>1</td>
</tr>
<tr>
<td>SECTION 2. BOND REQUIRED</td>
<td>1</td>
</tr>
<tr>
<td>SECTION 3. VIOLATIONS - PENALTIES</td>
<td>1</td>
</tr>
<tr>
<td>SECTION 4. SALES TO MINORS PROHIBITED</td>
<td>1</td>
</tr>
<tr>
<td>SECTION 5. LICENSES</td>
<td>2</td>
</tr>
<tr>
<td>Subd. 1. GENERAL REQUIREMENTS</td>
<td>2</td>
</tr>
<tr>
<td>a. On Sale Licenses</td>
<td>2</td>
</tr>
<tr>
<td>b. Off Sale Licenses</td>
<td>2</td>
</tr>
</tbody>
</table>
Subd. 2. APPLICATIONS FOR LICENSE ------------------------ 2
Subd. 3. FEES ----------------------------------------- 2
Subd. 4. LICENSES ISSUED ------------------------------- 3
Subd. 5. QUALIFICATIONS FOR LICENSES ------------------- 3
Subd. 6. BOND------------------------------------------ 3
Subd. 7. HOURS FOR SALE ------------------------------- 3
Subd. 8. PREMISES OPEN TO INSPECTION ------------------ 3
Subd. 9. SALES PROHIBITED TO UNDER AGE PERSONS ------- 3
Subd. 10. LOITERING ON PREMISES PROHIBITED ----------- 3
Subd. 11. CONDUCT OF BUSINESS -------------------------- 4
Subd. 12. REVOCATION OF LICENSE ------------------------ 4
Subd. 13. VIOLATIONS AND PENALTIES --------------------- 4
Subd. 14. ADOPTION, REPEAL ----------------------------- 4

SECTION 1. GENERAL PROVISIONS --------------------------- 4
Subd. 1. POLICY ----------------------------------------- 4
Subd. 2. PURPOSE ---------------------------------------- 4
Subd. 3. DEFINITIONS ------------------------------------ 5

SECTION 2. APPLICATIONS FOR LICENSE --------------------- 5
Subd. 1. FEES ----------------------------------------- 5
Subd. 2. BOND ----------------------------------------- 5
Subd. 3. FINANCIAL RESPONSIBILITY ---------------------- 5
Subd. 4. APPROVAL OF SECURITY --------------------------- 5

SECTION 3. FEES ---------------------------------------- 6
Subd. 1. FEES ----------------------------------------- 6
Subd. 2. REFUNDS -------------------------------------- 6

SECTION 4. LICENSING ----------------------------------- 6
Subd. 1. LICENSE REQUIREMENTS --------------------------- 6
Subd. 2. LICENSE ISSUED -------------------------------- 6
Subd. 3. PERSON AND PREMISES LICENSED; TRANSFER ------ 7

SECTION 5. LICENSE FEES ------------------------------- 6
Subd. 1. FEES ----------------------------------------- 6
Subd. 2. REFUNDS -------------------------------------- 6

SECTION 6. PERSONS INELIGIBLE FOR LICENSE ------------- 7
Subd. 1. GENERAL PROHIBITION --------------------------- 7

SECTION 7. PLACES INELIGIBLE FOR LICENSE ------------- 7
Subd. 1. GENERAL PROHIBITION --------------------------- 7
**SECTION 1.** LICENSES REQUIRED

**SECTION 2.** BOND REQUIRED

**SECTION 3.** VIOLATIONS - PENALTIES

**SECTION 4.** SALES TO MINORS PROHIBITED

**SECTION 5.** LICENSES

- **Subd. 1.** GENERAL REQUIREMENTS
- **Subd. 2.** On Sale Licenses
- **Subd. 3.** Off Sale Licenses
- **Subd. 4.** APPLICATIONS FOR LICENSE
- **Subd. 5.** FEES
- **Subd. 6.** LICENSES ISSUED
- **Subd. 7.** QUALIFICATIONS FOR LICENSES
- **Subd. 8.** BOND
- **Subd. 9.** HOURS FOR SALE
- **Subd. 10.** PREMISES OPEN TO INSPECTION
- **Subd. 11.** SALES PROHIBITED TO UNDER AGE PERSONS
- **Subd. 12.** LOITERING ON PREMISES PROHIBITED
- **Subd. 13.** CONDUCT OF BUSINESS

**SECTION 6.** CHAPTER 340 LAWS OF STATE OF MINNESOTA ADOPTED

**SECTION 7.** LICENSE REQUIRED

- **Subd. 1.** GENERAL REQUIREMENT
- **Subd. 2.** ON-SALE LICENSES
- **Subd. 3.** ON-SALE WINE LICENSES
- **Subd. 4.** OFF-SALE LICENSES

**SECTION 8.** APPLICATION FOR LICENSE

- **Subd. 1.** FORM
- **Subd. 2.** BOND
- **Subd. 3.** FINANCIAL RESPONSIBILITY
- **Subd. 4.** APPROVAL OF SECURITY

**SECTION 9.** LICENSE FEES

- **Subd. 1.** FEES
- **Subd. 2.** PAYMENT
- **Subd. 3.** TERM; PRO RATA FEE
- **Subd. 4.** REFUNDS

**SECTION 10.** GRANTING OF LICENSES

- **Subd. 1.** PRELIMINARY INVESTIGATION
- **Subd. 2.** HEARING AND ISSUANCE
- **Subd. 3.** PERSON AND PREMISES LICENSED; TRANSFER

**SECTION 11.** PERSONS INELIGIBLE FOR LICENSE

**SECTION 12.** PLACES INELIGIBLE FOR LICENSE

- **Subd. 1.** GENERAL PROHIBITION
- **Subd. 2.** DELINQUENT TAXES AND CHARGES
CHAPTER 1. ALCOHOLIC BEVERAGES, LICENSING AND REGULATIONS

SECTION 1. LICENSES REQUIRED

No person or persons shall at any time within the corporate limits of the City of Brownsville sell, barter, deal in or in any manner dispose of any intoxicating spirituous vinous fermented or malt liquors without first having obtained a license so to do from said City.

SECTION 2. BOND REQUIRED

Before any such license shall issue, the applicant shall make and file with the City Clerk a corporate bond in the sum of five hundred dollars conditioned in accordance with Section two (2) of Chapter Sixteen (16) of the revised general statutes of the State of Minnesota 1866 as amended and approved March 4, A. D. 1872 and in addition to filing said bond shall pay to the Treasurer of said City the sum of fifty dollars for one year's license or twenty five dollars for six month's license, but no such license shall be issued for a time less than six months nor to any person under the age of twenty one years and every license mentioned in this section shall be granted by the City, issued and signed by

Subd. 3.

SECTION 13.
Subd. 1.
Subd. 2.
Subd. 3.
Subd. 4.
Subd. 5.
Subd. 6.

SECTION 14.
SECTION 15.
SECTION 16.
SECTION 17.
SECTION 18.
the Mayor, countersigned by the City Clerk and sealed with the corporate seal of said City.

SECTION 3. VIOLATIONS - PENALTIES

Any person who shall violate any of the provisions of Sections 1 or 2 above shall upon conviction be punished by a fine not exceeding fifty dollars nor less than twenty-five dollars and shall in addition to said fine pay all costs of any action brought against him for any such offense and in default of the payment of such fine and costs, shall be imprisoned in the County Jail of said County until the same be paid provided that the term of such imprisonment shall in no case exceed the period of ninety days.

SECTION 4. SALES TO MINORS PROHIBITED

It shall be unlawful for any person within said City to sell, give, barter, furnish, dispose of in any manner either directly or indirectly, any spirituous vinous, fermented or malt liquors in any quantity whatever to any minor person, pupil or student in any public school, seminary, academy or other institution of learning or to any intemperate person or habitual drunkard. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and on conviction thereof by any court having jurisdiction shall be punished by a fine of not less than fifty nor more than one hundred dollars or by imprisonment in the County Jail of said county not less than thirty nor more than ninety days or until such fine be paid and if any person so convicted holds a license for the sale of liquors within said Village, said license from and after the date of such conviction shall be null and void in addition to the penalties hereinafter provided.

SECTION 5. LICENSES

Subd. 1. It shall be unlawful to sell or deliver non-intoxicating malt liquors in the Village of Brownsville except when licenses as hereinafter provided. The expression "non intoxicating malt liquor" when used herein shall mean any potable malt beverage with an alcoholic content or more than one half of one per cent by volume and not more than 3.2 per cent by weight. There shall be two types of licenses issued for the sale of such liquors classified as follows:

(a) "On Sale" licenses shall permit the licensee to sell non-intoxicating liquors for consumption on the premises, and this class of license shall be granted only to restaurants, hotels, drug stores and bona fida clubs. A bona fida club under this ordinance is an organization for social or business purposes or for intellectual improvement, or for the promotion of sports where the serving of such non-intoxicating malt liquors is incidental and not the major purpose of the club.

(b) "Off Sale" licenses shall permit the licensee to sell non-intoxicating malt liquors in original packages for consumption off the
Subd. 2. All applications for license to sell such malt liquors shall be made on forms to be supplied by the Village, shall be verified and shall set forth the name, age and citizenship of the applicant and representations as to his character, with such references as may be required, the location where such business is to be carried on, whether such application is for "on sale" or "off sale" license, the business in connection with which the proposed license will operate, whether applicant is owner and operator of such business, the time such applicant has been in that business at that place and such other information as the government body may require from time to time. It shall be unlawful to make any false statement in such application.

Subd. 3. The annual fee for an "On Sale" license is hereby fixed at $20.00 and the annual fee for an "Off Sale" license is hereby fixed at $5.00 which fee must be paid to the Village Clerk before any such license is issued. The license year shall commence on April 7th of each year and shall extend to the following 6th day of April at 12 o'clock P. M. No license shall be issued to extend beyond the expiration of the current license year as herein fixed. The license fees herein provided shall be pro-rated in case the license is issued to take effect at any time after the 7th day of April of any year.

Subd. 4. All licenses granted under this ordinance shall be issued to the applicant only for the premises described in the application. Such license shall not be transferred to another nor shall such business be removed to other premises without the approval of the Village Council. Removal of said business or transfer of the same to another without the approval of the Village Council shall automatically revoke such license.

Subd. 5. No license shall be issued to any person who is not a citizen of the United States of America and a person of good moral character not less than eighteen years of age and no "On Sale" license shall be issued to any drug store, restaurant, hotel or club which has not been in operation for at least sixty days immediately preceding the time of filing the application.

Subd. 6. Before any license shall be issued hereunder, the applicant shall given bond to the Village in the penal sum of $50.00 for "On Sale" license and $50.00 for "Off Sale" license, conditioned that the licensee, his agent, servants and employees, will comply with all of the ordinances of this Village relating to the sale or delivery of unintoxicating malt liquors, and pay all fines or other penalties that may be imposed or assessed against any of them for violation of such ordinances, which bond and the sureties thereon shall be approved by the President of the Village Council.

Subd. 7. It shall be unlawful to sell or deliver nonintoxicating malt liquors under the "On Sale" license between the hours of 12 o'clock midnight and 6 o'clock A.M.

Subd. 8. No premises on which an "On Sale" license has been issued and is in force shall at any time have the view thereof from the street obstructed by screens or curtains, or in any other manner, and such
premises shall be open to inspection by the health and police officers of said Village at any time.

Subd. 9. It shall be unlawful for any person, his agents, servants or employees to sell or deliver such nonintoxicating malt liquors to any person under the age of twenty-one years.

Subd. 10. It shall be unlawful for any person under the age of 21 years to loiter on the premises in which the sale of nonintoxicating malt liquors for consumption on the premises is being conducted unless accompanied by his or her parents or guardian. It shall be unlawful for any person holding an "On Sale" license, his servants, agents or employees to permit loitering of any such minor person on such premises.

Subd. 11. It shall be the duty of any person holding an "On Sale" license to conduct his business thereunder in a quiet, peaceable manner so as not to disturb the peace and to prevent all noisy and boisterous conduct on the premises, and to prevent loitering of intoxicated persons therein.

Subd. 12. Any license granted hereunder may be revoked by the Village Council after due notice and hearing for failure of the licensee, his servants, agents or employees to comply with the terms of this ordinance, and the Village Council may suspend such license pending such hearing. No portion of the license fee paid into the Village Treasury shall be returned upon revocation.

Subd. 13. Any person violating any of the provisions of this ordinance shall upon conviction thereof be punished by a fine of not to exceed $100.00 and in default of payment thereof by imprisonment in the County Jail for a period of not to exceed 90 days and such conviction shall constitute cause for revocation of any license held by such person.

Subd. 14. Ordinance No. 1 of this Village adopted August 17, 1874 and all ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. CHAPTER 340 LAWS OF STATE OF MINNESOTA ADOPTED. The provisions of Minnesota Statutes, Chapter 340, relating to the definition of terms, licensing, consumption, sales, conditions of bonds of licensees, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of intoxicating liquor are adopted and made a part of this section as if set out hereat in full.

SECTION 7. LICENSE REQUIRED

Subd. 1. GENERAL REQUIREMENT. No person, except a wholesales or manufacturer, to the extend authorized under state statute, 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 ordinance. Liquor licenses shall be of three kinds: "on sale," "on-sale" wine, and "off-sale."

Subd. 2. ON-SALE LICENSES. "On-sale" licenses shall be issued only to hotels, clubs, restaurants, and exclusive liquor stores and shall permit "on-sale" of liquor only.
Subd. 3. ON-SALE WINE LICENSES. "On-sale" wine licenses shall be issued only to restaurants meeting the qualifications of Minnesota Statutes, Section 340.11, Subdivision 28, and shall permit only the sale of wine not exceeding 14 per cent alcohol by volume, for consumption on the licensed premises only, in conjunction with the sale of food.

Subd. 4. OFF-SALE LICENSES. "'Off-sale' licenses may be issued to drug stores, exclusive liquor stores, and otherwise as authorized by law, but shall permit 'off-sale' of liquor only."

SECTION 8. APPLICATION FOR LICENSE.

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 references as the Council may require, his citizenship, the type of license applied for, the business in connection with which the proposed license will operate and its location, whether the applicant is owner and operator of the business, how long he has been in that business at that place, and such other information as the Council may require from time to time. In addition to containing such information, the application shall be in the form prescribed by the Commissioner of Public Safety and shall be verified and filed with the City Clerk. No persons shall make a false statement in an application.

Subd. 2. BOND. Each application for a license shall be accompanied by a surety bond, or in lieu thereof, cash or United States Government bonds of equivalent market value as provided in Minnesota Statutes, Section 340.12. Such surety bond or other security shall be in the sum of $3,000.00.
for an applicant for an "on-sale" license or an "on-sale" wine license, and $1,000.00 for an applicant for an "off-sale" license, and $500.00 for non-intoxicating beverages.

Subd. 3. FINANCIAL RESPONSIBILITY. Prior to the issuance OR a liquor license, the applicant shall demonstrate proof of financial responsibility as defined in Minnesota Statutes, Section 340.11, Subdivision 11, with reference to liability under the statutes, Section 340.95. Such proof shall be filed with the Commissioner of Public Safety. The provisions of the subdivision shall, likewise, apply to applicants for wine licenses with sales of less than $10,000 of wine per year. Any liability insurance policy files as proof of financial responsibility under this subdivision shall conform to Minnesota Statutes, Section 340.12.

Subd. 4. APPROVAL OF SECURITY. The security offered under Subdivision 2 shall be approved by the City Council

and in the case of applicants for "on-sale" wine licenses and "off-sale" licenses, by the State Commissioner of Public Safety. Liability insurance policies required by this ordinance but not by state law and surety bonds required under subdivision 2 shall be approved as to form by the City Attorney. Operation of a licensed business without having on file with the City at all times effective security as required in Subdivisions 2 and 3 is a cause for revocation of the license.

SECTION 9. LICENSE FEES.

Subd. 1. FEES. The annual fee for be as follows:

$250.00 for an "on-sale" license;

$100.00 for an "on-sale" wine license; $100.00 for an "off-sale" license;

$65.00 for an "on-sale" liquor "Sunday" license; $160.00 for a non-intoxicating "on-sale" license; and $25.00 for a non-intoxicating "off-sale" license.

Subd. 2. PAYMENT. Each application for a license shall be accompanied by a receipt from the City Treasurer for payment In full of a license fee and the fixed investigation fee required under Section 10, Subdivision 1, if any. All fees shall be paid into the general fund. If an application for a license is rejected, the Treasurer shall refund the amount paid as the license fee.

Subd. 3. TERM; PRO RATA FEE. Each license shall be issued for a period of one year except that if the application is made during the license year, a license may be issued for the remainder of the year for a pro rata fee, with any unexpired fraction of a month being counted as one month. Every license shall expire on midnight, May 6, of any given year.
Subd. 4. REFUNDS. No refund of any fee shall be made except as authorized by statute.

SECTION 10. GRANTING OF LICENSES.

Subd. 1. PRELIMINARY INVESTIGATION. On an initial application for an on-sale license, the City Council may require the applicant to pay with his application an investigation fee of not to exceed $500.00 and the City shall conduct a preliminary background and financial investigation of the applicant. The application in such

liquor license shall

6
Subd. 2. HEARING AND ISSUANCE. The City Council shall investigate all facts set out in the application and not investigated in the preliminary background and financial investigation conducted pursuant to Subdivision 1. Opportunity shall be given to any person to be heard for or against the granting of the license. After the investigation and hearing, the Council shall, in its discretions, grant or refuse the application. No "on-sale" wine license or "off-sale" license shall become effective until it, together with the security furnished by the applicant, has been approved by the Commissioner of Public Safety.

Subd. 3. PERSON AND PREMISES LICENSED; TRANSFER. Each license shall be issued only to the applicant and for the premises described in the application. No license may be transferred to another person or place without City Council approval. Any transfer of stock of a corporate licensee is deemed a transfer of the license and a transfer of stock without prior Council approval is a ground for revocation of the license.

SECTION 11. PERSONS INELIGIBLE FOR LICENSE. No license shall be granted to any person made ineligible for such license by state law. No license shall be issued to an individual who is not a resident of the City. No more than one intoxicating liquor license shall be directly or indirectly issued with the City to any one person.

SECTION 12. PLACES INELIGIBLE FOR LICENSE.

Subd. 1. GENERAL PROHIBITION. No license shall be issued for any place or any business ineligible for such license under state law.

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.

Subd. 3. DISTANCE FROM SCHOOL OR CHURCH. No license shall be granted for operating at a location within 300 feet of any school or within 300 feet of any church.

SECTION 13. CONDITIONS OF LICENSE.

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

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

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 there if deemed the act of the licensee as well, and the licensee shall be liable to all penalties provided by this city code and the law equally with the employee.

Subd. 4. INSPECTIONS. Every licensee shall allow any peace officer,
health officer, or property designated officer or employee of the City to enter, inspect, and search the premises of the premises of the licensee during business hours without a warrant.

Subd. 5. DISPLAY DURING PROHIBITED HOURS. No "on-sale" establishment shall display liquor to the public during hours when the sale of liquor is prohibited. Consumption and Display Permit may, however, be issued pursuant to state law and such shall not be regarded as "licenses" under Section 7 of the city code.

Subd. 6. FEDERAL STAMPS. No licensee shall possess a federal wholesale liquor dealer's special tax stamp or a federal gambling stamp.

SECTION 14. CONSUMPTION IN PUBLIC PLACES. No person shall consume liquor on a public highway or other public place in the City except at the Municipal Ballpark, and its immediate environs during the hours when officially sanctioned activities are being conducted. Such consumption may be permitted at the City Community Center but only in connection with event(s) held by locally based service clubs including but not limited to Leons and Veterans of Foreign Wars.

SECTION 15. SUSPENSION AND REVOCATION. The Council may either suspend for a period not to exceed sixty (60) days or revoke any liquor license upon a finding that the licensee has failed to comply with any applicable statute, regulation, or ordinance relating to intoxicating liquor. Except in cases of failure of financial responsibility no suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing pursuant to Minnesota Statutes, Section 14.57 to 14.69.

Lapse of required dram shop insurance or bond or withdrawal of a required deposit of cash or securities shall effect an immediate suspension of any license issued pursuant to this city code without further action of the City Council. Notice of cancellation or lapse of a current liquor liability policy or bond or withdrawal of deposited cash or securities shall also constitute notice to the licensee of the impending suspension of the license. The holder of a license who has received notice of lapse of required insurance or bond or withdrawal of a required deposit or of suspension or revocation of a license may request a hearing thereon and if such a request is made in writing to the Clerk, a hearing shall be granted within ten (10) days or such longer period as may be requested. Any suspension under this paragraph shall continue until the City Council determines that the financial responsibility requirements of this city code have again been met.

SECTION 16. PENALTY. Any person violating any provision of this city code is guilty of a misdemeanor and upon conviction shall be punished in accordance with the laws of the State of Minnesota thereunto appertaining.

SECTION 17. REPEAL. All other provisions of this City of Brownsville City Code conflicting with the provisions hereof are, to the extend of such conflict, hereby superseded.

SECTION 18. EFFECTIVE DATE. Sections 6 through 17 are effective the 12th day of June, 1985 and upon publication of Ordinance #51.
CHAPTER 5. ANIMAL CONTROL

SECTION 1. DOGS AT LARGE PROHIBITED

Subd. 1. RESTRAINING REQUIRED

SECTION 2. CERTAIN DOG MATTERS NUISANCES

Subd. 1. DEFINITIONS

a. AT LARGE
b. OWNER
c. PUBLIC NUISANCES
   (1) UNREASONABLY BARKING
   (2) TRESPASSING
   (3) DOG ATTACKING OTHER ANIMALS
   (4) SOILING, DEFILING OR DEFECATING ON PRIVATE PROPERTY
   (5) DOG MOLESTING PASSERSBY
   (6) KEEPING OF DOGS WITHOUT INNOCULATIONS
   (7) OTHER VIOLATIONS

d. CONFINED

e. UNREASONABLE BARKING

g. VICTIOUS DOG

Subd. 2. RUNNING AT LARGE PROHIBITED

Subd. 3. INNOCULATIONS REQUIRED
CHAPTER 5. ANIMAL CONTROL.

SECTION 1. DOGS AT LARGE PROHIBITED.

Subd. 1. RESTRAINING REQUIRED. It shall be unlawful for any dog to run at large within the City of Brownsville away from and off the premises of the owner or keeper of such dog, unless such dog is securely muzzled.

SECTION 2. CERTAIN DOG MATTERS NUISANCES.

Subd. 1. DEFINITIONS. For purposes of this city code, the following terms shall be given the meanings subjoined to them.

a. AT LARGE. At large shall mean when running at will beyond the control or call, acting on its own initiative without connection, physical or sympathetic, with its master.

b. OWNER. An owner shall mean any person owning, harboring, or keeping a dog or allowing at dog to be on his premises.

c. PUBLIC NUISANCES. The following are hereby declared public nuisances.

(1) The keeping of dogs disposed to unreasonably barking.

(2) The keeping of a dog which trespasses upon the private property of others.

(3) A dog which attacks other animals.

(4) Soiling, defiling or defecating by dog(s) on private property not the dog owner's property, or public property.

(5) A dog which molests passersby or passing vehicles.

(6) The keeping of a dog by an owner, as herein defined, in
the City of Brownsville without the dog having the necessary
innoculations as subscribed elsewhere in this city code.

(7) The violation of any provision of this city code.

d. CONFINED. Restriction of an animal at all times by the
owner, or his agent, to an escape proof building or other
enclosure away from other animals and the public, or on a leash
properly anchored and of sufficient strength to prevent the dog
leashed from freeing itself.

10

e. UNREASONABLE BARKING. The written complaint of five or more
persons, residents of the City, alleging that the barking of a dog or dogs
is unreasonable shall be deemed prima facie evidence of the public nuisance
- UNREASONABLE BARKING - but a lesser number or a single complaint shall be
adequate basis for prosecution.

f. VICTIOUS DOG. A vicious dog is a dog constituting a physical threat
to human beings or other animals. The fact of a dog's biting any person
shall be deemed prima facie evidence of viciousness.

g. ANIMAL CONTROL OFFICER. The Animal Control Officer shall be
appointed by the City Council to perform all duties necessary to accomplish
the enforcement of this city code. Until an Animal Control Officer is
designated by the City Council, the City Clerk, and each member of the City
Council, are each deemed to have the authority and responsibility of
enforce the provisions of this city code.

Subd. 2. RUNNING AT LARGE PROHIBITED. No dog shall be permitted to run
at large within the City limits of the City of Brownsville.

Subd. 3. INNOCULATIONS REQUIRED. No person shall keep any dog over six
months of age within the City limits of the City of Brownsville unless the
dog has received the necessary rabies innoculation and is fitted with a
collar to which a metal tag is attached and worn at all times by the dog
evidencing the fact that such dog has had the necessary rabies
innoculation.

Subd. 4. ENFORCEMENT.

a. Persons violating any provision of this city code shall upon due
conviction thereof be deemed to be guilty of a petty misdemeanor and shall
be punishable in accordance with the laws of the State of Minnesota
appertaining, $200 and no jail sentence.

b. In instances where violations of this city code are repetitive, the
City Council may utilize injunctive relief or action in abatement.

c. In the event a dog is found to be running-at-large, is believed to
be vicious, is maintained without having appropriate rabies innoculations,
or otherwise under circumstances constituting a nuisance, as herein
defined, or is abandoned, the Animal Control Officer, or other appropriate
official, as hereinbefore defined, may cause the offending dog to be placed
in a pound. The owner, if known, shall be notified and be afforded an
opportunity to claim the dog which shall be turned over to the owner, but
as a prerequisite thereto, the owner shall pay all reasonable

VANO

impoundment costs and shall cause the dog to be in compliance or provide
reasonable assurance to the satisfaction of the Animal Control officer or
other officer that this has been accomplished prior to releasing the dog to
the owner. If the owner feels aggrieved by the action taken, he may request
hearing before the City Council and if such hearing is not requested within
ten days of the date notice is given, and if the dog is not released from
impoundment in accordance with the terms of this city code within said ten
day period, the dog may be destroyed or other disposition thereof made. The
City shall have a cause of action for the full amount of all reasonable
charges necessarily incurred in the enforcement of this city code including
circumstances where expenses are incurred in making disposition with regard
to abandoned dogs.

SECTION 3. LICENSE PERIOD.

Subd. 1. LICENSE YEAR BEGINS MAY 1. All licenses shall be secured by
May 21 of a given year, or with regard to dogs newly acquired within
thirty (30) days of acquisition. Thereafter a late charge of $5.00 per
license shall be imposed where compliance occurs within the next succeeding
twenty-one (21) day period. Non-compliance which continued beyond said
twenty-one day period shall result in the institution of formal legal
proceedings under Subd. 4 of Section 5 of this Chapter.

Subd. 2. TIME. All time period specified in this Chapter therein to be
"ten days's" shall be stricken and in the place thereof inserted the words,
"five days."

Subd. 3. EFFECTIVE DATE. This shall be effective upon its due passage
and enactment and publication according to law.

(Passed and enacted this 5th day of June, 1985.)

SECTION 4. LICENSES. No person shall keep any dog over six months of age
within the City unless (1) The dog has received the necessary rabies shots;
(2) Wears a metal tag attached to the collar of the dog worn by the dog at
all times, indicating the dog has received the necessary rabies
innoculation; (3) A license for the dog has been secured from the City in
accordance with the provisions of this city code.

Subd. 1. APPLICATIONS. Applications for dog licenses shall be made on
forms provided by the City of Brownsville, obtainable at the Office of the
City Clerk and among other undertakings subscribed to by license applicants
shall be the acknowledgment that dog owner is liable for all actions of his
dog(s) and that owners and licensees shall hold the City harmless
from any claims, liabilities or

'r/

responsibilities arising out of the keeping of a dog or dogs. The Clerk
shall maintain a record of all licenses issued.
Subd. 2. LICENSE TO BE DENIED WITHOUT PRIOR VACCINATIONS. No license shall be granted for a dog which has not been vaccinated against rabies during the ninety day period preceding the making of an application for such license, except that when a dog is first licensed for an entire year hereafter the license may be issued if the dog has been vaccinated within a period of six months preceding the application for a license. Vaccination shall be permitted/ performed only by a doctor qualified to practice veterinary medicine in the State in which the dog is vaccinated.

SECTION 5. LICENSE PERIOD. Licenses mandated by Section 7 supra shall be for a period of five years and the license fee for the five year period shall be $5.00. The multiple pet license shall be the sum of $20 for said five year period. This licensing provision, with regard to the initial five year period shall be effective retroactively one year. Accordingly, licenses applied for and issued in calendar year 1986, although at the time of issuance were issued for one year periods, shall be deemed to have been issued effective for the next succeeding five years, calculated from issue date.

Subd. 1. FEES NOT REFUNDABLE. License fees, once paid pursuant to said city code, shall not be subject to reimbursement at any time for any reason.

Subd. 2. SHOTS REQUIRED. All owners of dogs and cats, are required to maintain rabies and other shots current, and all owners shall be required to furnish proof of the current status of such required shots upon request by or at the direction of the City Council.

Subd. 3. VIOLATION NUISANCES. Any violation of this city code shall be deemed a public nuisance.

Subd. 4. VIOLATIONS PETTY MISDEMEANOR/MISDEMEANORS. Persons violating any provision of this city code shall, upon due conviction thereof, be deemed guilty of a petty misdemeanor, except violations hereof having to do with required rabies shots which shall be punishable as misdemeanors, and punishable in accordance with the laws of the State of Minnesota.

CHAPTER 15. CURFEW

SECTION 1. PERSONS UNDER 16; HOURS. Any person under the age of Sixteen (16) years who shall hereafter be found upon any street, lane or alley of said City of Brownsville, except it be such part of said street, lane, or alley which is contiguous to the premises where said persons reside, or except such person be accompanied by his or her parent or guardian, between the hours of nine (9) o’clock in the evening and five (5) o’clock in the forenoon of the following day of any day between the first day of April and the 30th day of October or between the hours of eight (8) o’clock in the afternoon and six (6) o’clock in the forenoon of the following day, of any day between said 30th day of October and the first day of April, shall be guilty of a petty
misdemeanor and on conviction thereof shall be sentenced in the manner adjudicated by the Juvenile Court.

November 8, 1904.

SECTION 2. (JANUARY 14, 1960) Any person of the age sixteen (16) years and under, who shall hereafter be found upon any street, lane, or alley of said Village of Brownsville, except it be such part of said street, lane, or alley, which is contiguous to the premises where said persons reside, or except such person be accompanied by his or her parent or guardian, between the hours of nine (9) o'clock in the evening and five (5) o'clock in the morning of the following day of any day, shall be guilty of a petty misdemeanor, and on conviction thereof shall be fined as determined by the Juvenile Court including cost of the prosecution.

CHAPTER 16. CITY ELECTIONS

SECTION 1. AUSTRALIAN BALLOT SYSTEM. That all City elections held in the City of Brownsville for the purpose of electing officers of said City shall henceforth be held and conducted under the Australian Ballot System until otherwise determined by law.

SECTION 2. APPLICABILITY. This city code shall relate to no preliminaries of such election except filing of candidates and the preparation of ballots as hereafter provided.

SECTION 3. FILING. Any person desiring to be a candidate for office at the annual election to be held in the City of Brownsville, shall file with the Clerk an application to be placed on the ballot for such office.

SECTION 4. NO PRIMARY. Application shall be filed with the Clerk not less than ten days before the election and shall be accompanied by the requisite fee. There shall be no primary election, but the filing of such application shall be a pre-
SECTION 5. BALLOTS. The clerk shall prepare and have printed at the expense of the City the necessary tally sheets and ballots for such election. The ballots shall be printed on yellow tinted paper but without the facsimile of the signature of the County Auditor. The ballots shall contain no party designation of any candidates and the names of the candidates for each office shall be arranged on the ballot alphabetically, according to the surnames of such candidates. The ballot shall be corrected, tallied and preserved as in general elections, except that the City Clerk shall be the final custodian of such ballots.

SECTION 6. SAMPLE BALLOTS. A sample ballot shall be posted at the place of election at least two days before such election by the City Clerk.

(November 7, 1933)

SECTION 7. BIENNIAL SYSTEM ADOPTED. The purpose for this enactment is to establish uniformly the election of Councilmen in the City of Brownsville for four year periods, two elected in even years every two years, and providing for the election of the Mayor every two years in even numbered years, pursuant to the Laws of Minnesota 1973, Chapter 123.

Subd. 1. TRANSITION PERIOD.

a. The term of office of the Mayor of the City of Brownsville which presently encompasses the years 1974 and 1975 is hereby extended an additional one year to include the calendar year 1976.

b. The term of office of the Councilmen whose present term encompasses the calendar years 1973, 1974 and 1975 is hereby extended an additional one year to include the calendar year 1976.

Subd. 2. ELECTION - TRANSITION PERIOD. Of the candidates for the terms of the three Councilmen whose terms expire in the year 1976, including the term referred to in Subd. 1.b. supra, the two receiving the highest vote shall be deemed elected for terms of four years each, and the person receiving the third highest number of votes shall be deemed to have been elected for a term of two years.

Subd. 3. TERMS OF COUNCILMEN AND MAYOR. Hereafter, pursuant to said Laws of Minnesota, 1973, Chapter 123, and except during the aforesaid transition period, the duration of the term of office of all Councilmen shall be the period of four years and the duration of the term of office of Mayor shall continue to be two years, and the Mayor and Councilmen shall be elected in even numbered years. (June 5, 1974)

Subd. 4. APPOINTMENT OF COUNCILMEN - MAYOR In the event of a vacancy by death, resignation, non-residency or other reason in the office of
councilman or Mayor, such
vacancy(ies) shall be filled by appointment(s) made by the remaining
councilmembers and said appointee(s) shall serve for the remaining term of
the position so filled, all in accordance with the laws of the State of
Minnesota appertaining.

CHAPTER 20. FIRE CONTROL, FIRE DEPARTMENT AND RELATED REGULATIONS

SECTION 1. BUILDING REGULATIONS ------------------------------------- 17
SECTION 2. PENALTY ----------------------------------------------------- 17
SECTION 3. INJUNCTIVE RELIEF -------------------------------------------- 17
SECTION 4. FIRE DEPARTMENT ESTABLISHED -------------------------------- 17
  Subd. 1. ELECTION (APPOINTMENT) -------------------------------------- 17
  Subd. 2. DUTIES OF CHIEF --------------------------------------------- 17
  Subd. 3. RECORDS ----------------------------------------------------- 18
  Subd. 4. PRACTICE DRILLS ---------------------------------------------- 18
  Subd. 5. ASSISTANT CHIEF -------------------------------------------- 18
  Subd. 6. FIREFIGHTERS ----------------------------------------------- 18
  Subd. 7. LOSS OF MEMBERSHIP ---------------------------------------- 18
  Subd. 8. COMPENSATION ----------------------------------------------- 19
  Subd. 9. PRESENT MEMBERS ------------------------------------------- 18
  Subd. 10. INTERFERENCE WITH DEPARTMENT ----------------------------- 19
  Subd. 11. COOPERATION WITH OTHER FIREFIGHTING UNITS ------------- 19
  Subd. 12. BYLAWS ----------------------------------------------------- 19

SECTION 1. BUILDING REGULATIONS. That for the purpose of
providing against danger from accident by fire it shall be
unlawful for any person, persons, company or corporation, to
erect, construct, build, upon any lot or part of lot, or upon any
grounds situated along or fronting on Main and Front Streets of
the City of Brownsville, Minnesota, any stable, shed, barn or
other building without first obtaining the consent and approval
of the President and Trustees of the Village Council of the said
City of Brownsville and that the plans therefor be first
submitted to the said City Council and be approved by the said
Council. That the material used in the construction of any of the
said buildings hereafter built must be approved by the President
and Trustees of the City of Brownsville, Minnesota.

SECTION 2. PENALTY. That any person, persons, company or
corporation who shall be convicted of a violation of any of the
provisions of this city code shall be guilty of a misdemeanor
and punished according to law.

SECTION 3. INJUNCTIVE RELIEF. The City may additionally institute
action to compel the removal of any building or buildings or
addition to any building or buildings erected contrary to the
provisions of this city code. (September 20, 1913)

SECTION 4. FIRE DEPARTMENT ESTABLISHED. There is hereby
established in this City a Volunteer Fire Department consisting
of a Chief, an Assistant Chief, Secretary and Treasurer, and not less than fifteen (15) nor more than thirty (30) firefighters.

Subd. 1. ELECTTON (APPOINTMENT). The chief of the Fire Department shall be elected annually by the members of the department subject to confirmation by the City Council. The Fire Chief shall hold office for one (1) year and until his successor has been duly elected, except that he may be removed by the Council for cause and after public hearing. Firefighters and probationary firefighters shall be elected by the members of the department, subject to confirmation by the Council. Firefighters shall continue as members of the department during good behavior and may be removed by the Council only for cause and after a public hearing.

Subd. 2. DUTIES OF CHIEF. The Chief shall have control of the fire fighting apparatus and shall be responsible for its care and condition. He shall make a report, semi-annually, to the Council at its June and December meetings concerning the condition of the equipment and needs of the Fire Department. He may submit additional reports and recommendations at any meeting of the Council and he shall report each suspension by him ordered of a member of the Fire Department at the first meeting of the Council following such suspension. He shall be responsible for the proper training and discipline of the members of the Fire Department, and may suspend any member for refusal or neglect to obey orders pending final action by the City Council following public hearing when discharge is involved.

Subd. 3. RECORDS. The Chief shall keep in convenient form a record of all fires. Such record shall include the time of the alarm, location of fire, cause of fire if known, type of building, name of owner or tenant, the use to which such property is devoted, value of building and contents, members of the department responding to the alarm and such other information as he may deem advisable or as may be required from time to time by the Council or State of other appropriate authority or agency.

Subd. 4. PRACTICE DRILLS. It shall be the duty of the Chief to hold two two-hour firefighter practice drills per month to instruct the firefighters in approved methods of firefighting and fire prevention.

Subd. 5. ASSISTANT CHIEF. In the absence or disability of the Chief, the Assistant Chief shall perform all the functions and exercise all of the authority of the Chief.

Subd. 6. FIREFIGHTERS. The Chief, Assistant Chief and firefighters shall not be less than eighteen (18) years of age and shall be able-bodied. They shall become members of the Fire Department only following the successful completion of a one-year probationary period, and after a majority vote of the Fire Department membership and confirmation by the City Council. The City Council, may, from time to time, establish minimal qualifications for Fire Department membership.
Subd. 7. LOSS OF MEMBERSHIP. The Chief may discipline a firefighter including suspension from the Department, but removal from the Department shall not be accomplished without prior public hearing conducted by the City Council of the City of Brownsville.

Subd. 8. COMPENSATION. The members and officers of the Fire Department shall receive such compensation as the Council may, from time to time, fix.

Subd. 9. PRESENT MEMBERS. Persons who are members of the Fire Department at the time of the adoption of these code provisions shall not be required to serve a probationary period before receiving firefighters' rating.

Subd. 10. INTERFERENCE WITH DEPARTMENT. It shall be unlawful for any person to give or make, or cause to be given or made, an alarm of fire without probable cause, or to neglect or refuse to obey any reasonable order of the Chief at a fire, or to interfere with the Fire Department in the discharge of its duties; and any person convicted of violating this section shall be deemed guilty of a misdemeanor and shall be punished as provided by law together with the costs of prosecution.

Subd. 11. COOPERATION WITH OTHER FIREFIGHTING UNITS. The City of Brownsville Volunteer Fire Department is authorized to enter into cooperative firefighting arrangements with other Fire Departments in the locality for the mutual assistance and benefit of all contracting firefighting units. The contractual relationships for such arrangements shall be approved by the City Council as a prerequisite to the effectiveness thereof. Compensation for and the manner and the circumstances under which such services are rendered shall be in accordance with guidelines therefor established by Tri-County Firefighters Association, subject to the City Council approval.

Subd. 12. BYLAWS. The Fire Department may adopt Bylaws for its government which shall be effective upon approval thereof by the City Council. (May 6, 1987)

CHAPTER 25. FIREWORKS, FIREARMS

SECTION 1. FIREWORKS AND DISCHARGE OF FIREARMS PROHIBITED --- 20

Subd. I& PENALTY ------------------------------- 20

SECTION 2. DISCHARGE OF GUN AND OTHER FOREARMS PROHIBITED --- 20

Subd. 1. GUNSMITHS MAY BE LICENSED TO DISCHARGE FIREARMS -- 20

SECTION 3. PENALTY ------------------------------- 20

CHAPTER 25. FIREWORKS, FIREARMS.

SECTION 1. FIREWORKS AND DISCHARGE OF FIREARMS PROHIBITED. It shall be unlawful for any person or persons to set off at any time any firecrackers or sky rockets or to discharge or fire
off any firearms within the limits of said City.

Subd. 1. PENALTY. Any person or persons who shall be guilty of violating any of the provisions of Section one (1) of this Chapter shall be guilty of a petty misdemeanor unless complainant charges hazardous circumstances in which case such offense shall be deemed a misdemeanor and punishable according to law.

SECTION 2. DISCHARGE OF GUN AND OTHER FIREARMS PROHIBITED. No person shall fire or discharge any cannon, gun, firing piece, pistol, airgun, Co2 gun or slingshot.

Subd. 1. GUNSMITHS MAY BE LICENSED TO DISCHARGE FIREARMS IN THE CITY. The provisions above notwithstanding, upon issuance of a license therefor and the payment of the fee of $3.00 or such other fee established by City Council Resolution duly enacted, resident gunsmiths who conduct their gunsmith business in the City may discharge firearms during normal business hours set forth on the license as necessary in the reasonable pursuit and execution of the duties of such occupation. (Subd. 1 enacted, Ord. #52, 2/1/89).

SECTION 3. PENALTY. Violations of this chapter shall be deemed a petty misdemeanor unless charge indicates hazardous circumstances in which case offense shall be a misdemeanor punishable according to law. (August 6, 1960)

CHAPTER 30. FRANCHISES

SECTION 1. TRI-COUNTY ELECTRIC COOPERATIVE

Subd. 1. FRANCHISE GRANTED. That permission and authority be and hereby is granted for the period of twenty-five years from and after the acceptance of this franchise as herein provided to Tri-County Electric Cooperative of Rushford, Minnesota, a Minnesota corporation, its successors and assigns, (hereinafter called the
"Cooperative") to acquire, erect, enlarge, operate, repair, relocate, and maintain in, upon and across the streets, highways, bridges, alleys and public grounds of the City of Brownsville, Minnesota electric transmission lines and an electric distributing system, including all necessary, usual or convenient poles, pole lines, masts, wires, lamps, transformers, and other equipment, fixtures and appurtenances usually, conveniently or necessarily used in connection therewith, for the purpose of transmitting and furnishing electric energy for light, heat, power and other purposes for public and private use in and to said Village and its inhabitants, and others, and for the purpose of transmitting to and through said City such electric energy.

Subd. 2. LIMITATIONS AND EXTENT OF GRANT. The construction and maintenances of said lines shall be in accordance with the specifications of the National Electrical Safety Code. All poles, wires, conduits and appurtenances shall be constructed and maintained in such a manner as not to endanger persons or property, nor to interfere unreasonably with any improvements the City may deem proper to make, nor to hinder or obstruct unnecessarily the free use of the public streets, alleys, highways, bridges and public places.

Subd. 3. TREE TRIMMING. The Cooperative shall be permitted to trim trees whenever and wherever necessary for the safe and efficient operation of its electric distribution or transmission lines provided that such trimming is done under the supervision and direction of the council or its authorized representative.

Subd. 4. CONFORMANCE TO RULES AND REGULATIONS. The Cooperative will conform to and obey all reasonable rules and regulations prescribed by the council and with all ordinances now in effect or which may hereafter be passed in so far as they do not conflict with the terms or purposes of the franchise herein granted.

Subd. 5. EFFICIENT OPERATION AND EXTENSION. The Cooperative shall, if federal and state laws, rules and regulations permit, construct such extensions to the distribution lines within said City which may be agreed upon by the Cooperative and the City, to consumers who shall have complied with the membership requirements of the Cooperative.

Subd. 6. REPAIR. Whenever the Cooperative in constructing or maintaining its poles, conduits or other appurtenances shall take up any pavement or make any excavation in the streets, alleys or public places of said City, the same shall be at once returned to their former condition insofar as it is practicable.

Subd. 7. RATES. That the rate to be charged by the Cooperative, its successors and assigns, for electric energy sold within said Village shall
be reasonable and shall not exceed cooperative's standard schedule of rates and minimum charges effective for and in communities of like size in adjoining territory which are similarly served and situated.

Subd. 8. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Subd. 9. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and approval, and the acceptance thereof by the Cooperative stated herein and filed with the City Clerk within thirty (30) days thereafter. (Enacted April 6, 1963.)

~w

CHAPTER 35. GAMBLING

SECTION 1. GAMBLING PROHIBITED
SECTION 2. DEALERS - GAMBLING PARAPHERNALIA
SECTION 3. WAGERING
SECTION 4. MAINTENANCE OF GAMING MATERIALS
SECTION 5. BINGO AND GAMBLING DEVICES
  Subd. 1. PURPOSE
  Subd. 2. DEFINITIONS
    a. ACTIVE MEMBER
    b. GAMBLING DEVICES
    c. PADDLEWHEEL
  d. TIPBOARD
  e. PROFIT
  f. ELIGIBLE ORGANIZATION
SECTION 6. BINGO REGULATIONS AND LICENSING THEREOF
SECTION 7. LICENSE
  Subd. 1. LICENSE REQUIRED
  Subd. 2. LICENSE PERIOD
  Subd. 3. LICENSE FEE
  Subd. 4. LEAD TIME ON APPLICATION
  Subd. 5. NONTRANSFERABILITY
SECTION 8. LICENSE APPLICATIONS
SECTION 9. SUSPENSION OR REVOCATION
SECTION 10. OPERATION OF GAMBLING DEVICES
  Subd. 1. RECORDS
  Subd. 2. PERSONS WHO MAY ASSIST
  Subd. 3. NO COMPENSATION
  Subd. 4. NUMBER OF INCIDENTS LIMITED
  Subd. 5. DURATION OF INCIDENT
  Subd. 6. OPERATION OF GAMBLING DEVICES ON LEASED PREMISES
SECTION 11.
  Subd. 1. NUMBER OF INCIDENTS LIMITED ON PREMISES
  Subd. 2. DISBURSEMENTS OF GAMBLING PROCEEDS
  Subd. 3. WRITTEN LEAVE REQUIRED
SECTION 12. PRIZES
SECTION 13. RECORDS ------------------------------------- 27
Subd. 1. RECORD'S DETAIL ------------------------------- 27
Subd. 2. ACCOUNT'S RECONCILIATION -------------------- 27
Subd. 3. SEGREGATION OF FUNDS ------------------------ 27
SECTION 14. REPORTS ---------------------------------- 27
Subd. 1. MONTHLY REPORTS ------------------------------ 27
Subd. 2. FILING DETAIL REQUIRED ----------------------- 27
Subd. 3. ACCOUNT'S RECONCILIATION --------------------- 27
Subd. 4. SEGREGATION OF FUNDS ------------------------ 27

SECTION 14. REPORTS ---------------------------------- 27
Subd. 1. MONTHLY REPORTS ------------------------------ 27
Subd. 2. FILING DETAIL REQUIRED ----------------------- 27
Subd. 3. ACCOUNT'S RECONCILIATION --------------------- 27
Subd. 4. SEGREGATION OF FUNDS ------------------------ 27

SECTION 15. INSPECTION AND INVESTIGATION ------------- 28

SECTION 16. USE OF BINGO RECEIPTS ------------------- 28
SECTION 17. USE OF GAMBLING DEVICE PROFITS ---------- 28
Subd. 1. PERSONS BENEFITED --------------------------- 28
Subd. 2. PUBLIC WORKS --------------------------------- 29
Subd. 3. SUPPORTING AND SUPPLEMENTING GOVERNMENT SERVICE -- 29
Subd. 4. IMPROVEMENT, EXPANSION, MAINTENANCE OR REPAIRING REAL PROPERTY ----------------------------- 29
SECTION 18. PENALTIES --------------------------------- 29

CHAPTER 35. GAMBLING.

SECTION 1. GAMBLING PROHIBITED. Gambling with cards, dice, gaming tables or any other gambling devise whatever is prohibited within the corporate limits of the City of Brownsville, except as specifically allowed with license and as regulated by the State
of Minnesota and the City as prescribed by law.

SECTION 2. DEALERS - GAMBLING PARAPHERNALIA. Whoever, within the corporate limits of the City of Brownsville deals with cards at the game called laro or forty-eight, whether the same is dealt with fifty two or any other number of cards, and whoever keeps any gambling devise whatever, designed to be used in gambling shall be punished in accordance with the laws of the State of Minnesota appertaining.

SECTION 3. WAGERING. Whoever bets any money or other property or any valuable thing at or upon any gaming table within the corporate limits of the City of Brownsville, or upon any game or devise shall be punished in accordance with the laws of the State of Minnesota appertaining.

SECTION 4. MAINTENANCE OF GAMING MATERIALS. Whoever suffers any gaming table, monte bank, or gambling devise to be set up or used for the purpose of gambling in any house, building, lot, yard, or garden to him belonging or by him occupied or of which he has the control within the corporate limits of the City of Brownsville, shall be punished according to the laws of the State of Minnesota appertaining.

SECTION 5. BINGO AND GAMBLING DEVICES.

Subd. 1. PURPOSE. The purpose of this Ordinance is to regulate and control the use of the gambling devices and Bingo, and to prohibit commercialization thereof assuring compliance with Minnesota Statutes 349.31, 349.26, 609.75 and Chapter 261 of the Laws of Minnesota, 1976, which are incorporated herein by this reference.

Subd. 2. DEFINITIONS. Whenever the following terms appear in this City Code, they shall have the meanings assigned to them in this section.

(a) ACTIVE MEMBER. A member of the organization requesting a license whose dues are paid for the current membership period and who has been a member for at least six months.

(b) GAMBLING DEVICES. Those gambling devices known as paddlewheels or tipboards, or apparatus materials used in conducting raffles.

(c) PADELEWHEEL means a wheel marked off into sections containing one or more numbers, and which, after being turned or spun, uses a pointer or marker to indicate the winner.

(d) TIPBOARD means a board, place card or other device marked off in a grid or similar pattern, in which each section contains a hidden number or numbers, or other symbol, which determines the winning chances.

(e) PROFIT means the gross receipts from the operation of gambling devices and the conduct of raffles, less reasonable sums expended for prizes, local licensing fees, taxes and cost of maintenance of the devices.
ELIGIBLE ORGANIZATION. Any fraternal, religious, veterans, or other nonprofit organization which has been in existence for at least three years and has at least 15 active members.

SECTION 6. BINGO REGULATIONS AND LICENSING THEREOF. The regulations dealing with the conduct of Bingo shall be as prescribed in Chapter 261 of the Laws of Minnesota, 1976, and laws and statutes amendatory thereof. The eligible organizations for the conduct of Bingo are the same as those eligible for licensing the use of gambling devices under this city code and the license issued pursuant to this city code and the fees payable therefor shall authorize not only the conduct of Bingo but the gambling activities consistent with and as authorized by this city code.

SECTION 7. LICENSE

Subd. 1. LICENSE REQUIRED. No operation of gambling devices nor the conduct of Bingo shall be permitted except by an eligible organization which has secured a license for that purpose as provided in this city code.

Subd. 2. LICENSE PERIOD. A license shall be valid for one year from date of issuance.

Subd. 3. LICENSE FEE. The annual license fee shall be $75.00 for initial license application, and thereafter for renewals, $50.00 per annum. The Council may, by resolution, and in order to have the license year coordinated with other municipal licenses, prorate license fees.

Subd. 4. LEAD TIME ON APPLICATION. A license application shall be acted upon by the Council as soon as the Council deems itself adequately informed with respect to the application but no earlier than 30 days after application is filed, nor later than 180 days after date of application.

Subd. 5. NONTRANSFERABILITY. Gambling device licenses issued are non-transferable as to licensee and location without prior approval by the Council.

SECTION 8. LICENSE APPLICATIONS. Every application for a gambling device license shall be made through the City Clerk's Office on forms supplied by the City, and containing such information as the Council may require.

SECTION 9. SUSPENSION OR REVOCATION. The Council may suspend for a period not exceeding 60 days, or revoke, any bingo license for violation of any provision of Chapter 349, Minnesota General Statutes, or any violation of this city code. The licensee shall be granted a hearing upon at least 10 days notice before revocation or suspension is ordered. The notice shall state the time and place of the hearing and the nature of the Charges against licensee.

SECTION 10. OPERATION OF GAMBLING DEVICES.

Subd. 1. GAMBLING MANAGER. Each licensed organization shall appoint a single gambling manager to supervise the operation of gambling devices conducted by it. The gambling manager must be a member of the licensed organization, with dues paid for the current membership period, and must...
have been a member of the organization for at least two years. The gambling manager, unless the City Council by action unanimously taken makes specific waiver, shall give a fidelity bond in the sum of $10,000 in favor of the organization conditioned upon faithful performance. Terms of the bond shall provide that notice shall be given in writing to the City Council not less than 30 days prior to its cancellation. Each operation of a gambling device shall be conducted under the direct supervision of the gambling manager, who shall be responsible for the conduct of the operation of the gambling device in compliance with all applicable laws and ordinances. No person shall act as gambling manager for more than one organization. No person under the age of sixteen years shall be permitted to participate in using gambling devices unless full admission is paid and such person is in the company of a parent or guardian. A person may act as both gambling manager and bingo manager for a single organization.

Subd. 2. RECORDS. The gambling manager shall record the gross receipts, profits and expenses and record the prizes awarded. The gambling manager shall certify all figures recorded as accurate and correct on forms prescribed by the City Clerk.

Subd. 3. PERSONS WHO MAY ASSIST. Additional persons may be engaged for other duties in connection with the operation of gambling devices as needed, but no person shall assist in the operation of gambling devices who is not an active member of the licensed organization, or the spouse of an active member of the licensed organization unless the assistance of other persons is regularized by the membership of the sponsoring organization's approving resolution recorded in the official minutes of such organization.

Subd. 4. NO COMPENSATION. No person shall receive compensation for any duties in connection with any operation of a gambling device.

Subd. 5. NUMBER OF INCIDENTS LIMITED. No organization shall conduct more than 104 operations or a gambling device each year, nor two operations of a gambling device per week. The limitation on the number of Bingo occasions and the maximum prizes awarded in connection therewith are as specified in Section 349.17, Minnesota General Statutes.

Subd. 6. DURATION OF INCIDENT. Operation of the gambling devices shall not continue for more than twelve consecutive hours.

SECTION 11. OPERATION OF GAMBLING DEVICES ON LEASED PREMISES.

Subd. 1. NUMBER OF INCIDENTS LIMITED ON PREMISES. Any person, corporation, or eligible organization which leases any premises owned to two or more eligible organization for purposes including the operation of gambling devices, shall allow not more than four operations of gambling devices to be conducted on the premises in any calendar week.

Subd. 2. DISBURSEMENT OF GAMBLING PROCEEDS. Any eligible organization which leases any premises to one or more other eligible organization for purposes including the operation of a gambling device shall use the proceeds of the rental, less reasonable sums for maintenance, furnishings and other necessary expenses,
only for the uses for which gambling profits may be used, as set out in Section 13 of this chapter. Not less than once each year the lessor organization shall report to the City Council the disposition of all receipts which it has received during the reporting period from the rental of its facilities to other organizations for purposes including the operation of gambling devices.

Subd. 3. WRITTEN LEAVE REQUIRED. No eligible organization shall operate a gambling device on any leased premises without a written lease for a term at least equal to the remainder of the term of the license of the lessee organization. Lease payments shall be at a fixed monthly rate, or rate per operation of gambling devices, not subject to change during the terms of the lease. No such lease shall provide that rental payments be based on a percentage of receipts or profits from operation of gambling devices.

Tickets for raffles conducted in accordance with this city code may be sold off the premises.

SECTION 12. PRIZES. Total prizes from the operation of paddlewheels and tipboards awarded in any single day in which they are operated shall not exceed $1,000.00. Total prizes resulting from any single spin of a paddlewheel, or from any single tipboard, shall not exceed $150.00. Merchandise prizes shall be valued at fair market retail value.

SECTION 13. RECORDS.

Subd. 1. RECORD'S DETAIL. Each licensed organization shall keep records of its gross receipts and profits for each operation of a gambling device. All deductions from gross receipts derived from a gambling device shall be documented with receipts or other records. The distribution of profits shall be itemized as to payee, amount, and date of payment. Records required by this city code shall be preserved for three years, and organizations shall make available their records relating to operation of gambling devices and the conduct of raffles for public inspection at reasonable times and places.

Subd. 2. ACCOUNT'S RECONCILIATION. Gross receipts shall be compared to the gambling manager's records for the gambling devices by person who did not participate in the operation of the gambling device. If a discrepancy exceeding $20.00 is found between the amount of gross receipts as determined by the gambling manager's records, and the amount of the gross receipts as determined by totaling the cash receipts, the discrepancy shall be reported to and investigated by the City Council.

Subd. 3. SEGREGATION OF FUNDS. Gambling devices gross receipts shall be segregated from other revenues of an organization and placed in a separate account. Each organization shall maintain separate records of its gambling device operations. The person who accounts for gambling device gross receipts and profits shall not be the same person who accounts for other revenues of the licensed organization.

SECTION 14. REPORTS.

Subd. 1. MONTHLY REPORTS. Each license organization shall report
monthly to its membership its gross receipts from gambling devices, its profits therefrom and the distribution of their profits itemized as required by Section 13, Subd. 1.

Subd. 2. FILING DETAIL REQUIRED. At the time of making its first license application under this city code,

and on any annual basis thereafter, each licensed organization shall file with the Council copies of the following:

A. The most recently filed Department of Treasury, Internal Revenue Service, "Return of the Organization Exempt from Income Tax, "Form 990, or a comparable form if the organization is required to file the form with the Department of Treasury

B. The most recently filed Department of Treasury, Internal Revenue Service, "Exempt Organization Business Income Tax, "Form 990-T, or a comparable form if the organization is required to file the form with the Department of Treasury.

C. The most recently filed annual report required by charitable organizations pursuant to Section 309.53, Minnesota General Statutes, provided that an organization which is licensed to operate gambling devices, but is exempt from submitting this report to the Minnesota Department of Commerce under Section 309.53, Subdivision 1 (a), Minnesota General Statutes, shall nevertheless submit such a report under this subdivision.

D. All lease agreements required by this act, executed by the organization in regard to premises leased for the operation of a gambling device.

SECTION 15. INSPECTION AND INVESTIGATION. Members of the City Council, any City official or employee having a duty to perform with reference to a gambling device license, and any police officer having jurisdiction in the City of Brownsville, may inspect and examine the gambling device recorded of any licensed organization.

SECTION 16. USE OF BINGO RECEIPTS. No expense shall be incurred or amounts paid in connection with the operation of a gambling device except license fees and those expenses reasonably incurred for gambling device supplies and equipment, prizes, rent, or utilities used during the operation of a gambling device.

SECTION 17. USE OF GAMBLING DEVICE PROFITS. Profits from any operation of a gambling device shall be expended only as authorized by resolution recorded in the official minutes at a regular meeting of the licensed organization and only for one or more of the following purposes:

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

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

C. Lessening the burdens borne by government or voluntarily supporting, augmenting, or supplementing services which government would normally render to the people.

D. The improving, expanding, maintaining or repairing of real property owned or leased by the licensed organization.

Profits from the operation of a gambling device shall not be expended for the erection or acquisition of any real property unless the City Council specifically authorizes the expenditures after finding that the property will be used exclusively for one or more of the purposes specified in this section.

SECTION 18. PENALTIES. Violation of any provisions of this City Code shall be a misdemeanor. A person convicted or violating any provision of this City Code shall be punishable as provided by the Laws of the State of Minnesota together with costs of prosecution.

Passed and enacted by the City Council the 7th day of December, 1983.
CHAPTER 40. GARBAGE AND REFUSE AND THE DISPOSAL THEREOF

SECTION 1. STATEMENT OF POLICY

It is hereby determined and declared by the City Council of the City of Brownsville that to promote the general welfare of the City and in order to enable compliance by residents of the City with rules, regulations and provisions of the Minnesota Pollution Control Agency (MPCA) an efficient solid waste-garbage collection system is not feasible for the City unless all of its residents and commercial establishments participate in the program, either by private subscription of City residents and business establishments with the franchised solid waste collector contracting with the City, or by payment of minimum charges payable for collections, even though the service available is not used, levied upon residents and business establishments, and billed from time to time as determined by the Council in the same manner in which utilities are billed.

SECTION 2. REGULATIONS PERTAINING TO GARBAGE AND RUBBISH.

Subd. 1. CONTAINERS REQUIRED. No person shall place any garbage or rubbish in any street, sidewalk, alley or other public place or upon any premises, whether owned by such persons or not, within the City limits unless it is in a proper container for collection.

Subd. 2. GARBAGE AND RUBBISH CONTAINER SPECIFICATIONS. Garbage and rubbish containers shall be equipped with suitable
handles with tight fitting covers and be water tight and no larger than thirty gallon capacity. Bags manufactured and designed specifically for garbage and rubbish containers shall be considered suitable containers.

Subd. 3. STORAGE OF CONTAINERS. Except on days scheduled for collection, or when being removed privately, garbage and rubbish containers shall be stored so as not to be offensive to the public.

Subd 4. COLLECTION. Garbage and rubbish shall not be allowed to accumulate for more than one week subject to exemption by the City Council by reason or hardship or other extenuating circumstances.

SECTION 3. FRANCHISING GARBAGE COLLECTION. The City Council of the City of Brownsville is hereby authorized to enter into a contract franchising a responsible person, firm or corporation to collect garbage in the City of Brownsville upon the following terms and conditions:

A. In the event the franchise in effect is an exclusive franchise, the same shall not have a duration in excess of one year and shall have a termination clause enabling the sooner termination thereof in all cases where the legality of the franchise arrangement is called into question.

B. All rules, regulations, provisions, conditions and restrictions of the MPCA, or other agency or agencies having jurisdiction, shall be incorporated in all franchise agreements entered into and granted by the City.

C. Individual residents of the City as well as individual firms or corporations operating businesses in the City shall be authorized to pick up and dispose of their own garbage and refuse provided their doing so is consistent with MPCA regulations, and all other rules, regulations and laws and ordinances thereunto appertaining, and provided that the individuals and business establishments remit to the City the minimum monthly charge according to the policy established by the City referred to in Section 1 hereof.

SECTION 4. BURNING PROHIBITED. No burning shall be permitted within the City limits of the City of Brownsville of garbage and refuse, Leaves, trees or parts thereof shall be disposed of in accordance with procedures approved by the MPCA. Fires which are a part of a public celebration, or for outdoor cooking purposes, or for heating a building or residence in the City shall not be regarded violations of this City Code.

SECTION 5. LAWS OF MINNESOTA INCORPORATED. The provisions of Section 443.015, Minnesota General Statutes, are hereby incorporated herein by this reference, enabling and authorizing the Council of the City of Brownsville to annually levy assessment equal to the amount of the unpaid charges duly and lawfully made pursuant to this City Code, unpaid as of September 1 of each year, said levies to be made against each lot or parcel of land from which solid wastes are collected and for which the service charge therefor pursuant to this City Code is not paid. Such assessment may include a
penalty not to exceed 10% of the amount thereof and shall bear interest at such amount not exceeding 8% per annum as the Council shall determine. Such assessments shall be certified to the Auditor of the County of Houston and shall be collected and remitted to the City in the same manner as the assessments for local improvements in the City.

SECTION 6. VIOLATIONS; PENALTY. Any person or any agent of a firm or corporation violating any provisions of this City Code shall be guilty of a misdemeanor, and upon conviction thereof, may be punished as provided by laws of the State of Minnesota. Each day such violation continues shall constitute a separate offense. In addition to said penalty, the cost of prosecution may be assessed and collected in the same manner as if the same were a part of the fine imposed.

Adopted the 3rd day of September, 1975.

CHAPTER 45. ITINERANT MERCHANTS

SECTION 1. REGISTRATION REQUIRED. It shall not be lawful for any person to sell or offer for sale by peddling any goods, wares, merchandise, or patent medicines within the corporate limits of the Village of Brownsville without first having obtained a license therefor as issued by the City Council.

SECTION 2. Any person who shall sell or offer for to sell by peddling any goods, wares, merchandise or patent medicines in the streets, stores or from house to house in said City shall be deemed and considered a peddler.

SECTION 3. The City Clerk as authorized by the City Council may issue a license to any person applying therefor: Provided they shall first be satisfied that no fraud or deceit is intended in the proposed peddling of the goods proposed to be sold and provided further that the applicant for such peddler's license shall pay to the City Treasurer before the same is issued to him the amount of the license fee as hereinafter provided. The receipt of the treasurer showing such payment shall in all cases accompany the application and the same so paid in case such
license is refused shall be refunded.

SECTION 4. Any person desiring to obtain a peddler's license for the purpose of selling by peddling in said City any goods, wares, merchandise or patent medicines shall pay: the per day fee of $15.00.

SECTION 5. No more than one person shall be allowed to peddle under any license issued under the provisions of this City Code nor shall any license be transferable.

SECTION 6. No license shall be granted under the provisions of this City Code for any less than one day nor more than one year.

SECTION 7. Any persons who shall violate any of the provisions of this City Code shall be deemed guilty of a misdemeanor and shall be punished according to the laws of the State of Minnesota together with the cost of prosecution.

SECTION 8. This City Code shall not apply to any farm produce.

SECTION 9. The practice of going in and upon residences or residence properties in the City of Brownsville by solicitors, peddlers, hawkers, itinerant merchants, and transient vendors of merchandise, not having been requested or invited to do so by the owner or owners, occupant or occupants of said private residences, for the purpose of soliciting orders for the sale of goods, wares and merchandise, and/or for the purpose of disposing of and/or peddling or hawking the same, is hereby declared to be a nuisance, except as to such who have prior thereto registered with the City Clerk.

SECTION 10. Any person convicted or perpetuating a nuisance, as described and prohibited in Section 9 of this City Code shall upon conviction thereof, be deemed guilty of a misdemeanor and be punished by fine or imprisonment as provided by law.

CHAPTER 50. SANITARY SEWER REGULATIONS

SECTION 1. PURPOSE ---------------------------------- 35
SECTION 2. TYPE AND QUALITY OF MATERIALS ------------- 35
SECTION 3. CONNECTIONS - PERMITS FEES ------------------ 35
SECTION 4. INSPECTION ---------------------------------- 35
SECTION 5. NOSEPS MANDATORY ----------------------------- 35
SECTION 6. PRIVATE SEPTIC SYSTEMS Phased OUT ----------- 35
SECTION 7. GREASE INTERCEPTORS REQUIRED ----------------- 35
SECTION 8. PROHIBITIONS FOR DISCHARGE INTO SEWER SYSTEM 36
SECTION 9. PENALTY ------------------------------------ 36
SECTION 10. RELEVY OF ABATED ASSESSMENTS --------------- 36
Subd. 1. SALE OF PROPERTY ----------------------------- 36
Subd. 2. OUTRIGHT TRANSFER OF PROPERTY ----------------- 36
Subd. 3. DEATH OF PROPERTY OWNER ----------------------- 36
Subd. 4. EXPIRATION OF LIFE TENANCY --------------------- 36
SECTION 12. CONNECTIONS TO SEWER SYSTEM MANDATED --------------- 36
   a. IMPROVED PARCEL AT INITIAL CONSTRUCTION OF 36
      SANITARY SEWER SYSTEM --------------------------------- 36
   b. PARCELS OR LOTS SUBSEQUENTLY IMPROVED ----------------- 37
SECTION 13. DEFERRED ASSESSMENTS ----------------------------- 37
   a. PARTIALLY PREPAID ------------------------------------ 37
   1 IN CASH --------------------------------------------- 37
   11 OVER A FIFTEEN YEAR PERIOD -------------------------- 37
   b. DEVELOPED PARCELS NOT PREVIOUSLY ASSESSED ----------- 38
SECTION 14. HOOK-UP ------------------------------------------ 38
SECTION 15. PENALTIES ---------------------------------------- 38
SECTION 16. SEWER AND SANITARY RATE ORDINANCE --------------- 38
Subd. 1. DEFINITIONS --------------------------------- 38
   a. APPROVING AUTHORITY --------------------------------- 38
   b. BOD ------------------------------------------------- 38
   c. BUILDING DRAIN ------------------------------------ 38
   d. BUILDING SEWER ------------------------------------ 38
   e. CATEGORY A ---------------------------------------- 38
   f. CATEGORY B ---------------------------------------- 38
   g. CHLORINE REQUIREMENT ------------------------------- 39
   h. CITY ----------------------------------------------- 39
   i. COMBINED SEWER ---------- 39
   j. COMMERCIAL USER ----------------------------------- 39
   k. COMPATIBLE POLLUTANTS ------------------------------- 39
   l. DEBT SERVICE CHARGE -------------------------------- 39
   m. EASEMENT ------------------------------------------ 39
   n. FLOATABLE OIL ------------------------------------- 39
   o. GOVERNMENTAL USER -------------------------------- 39
   p. GROUND GARBAGE ------------------------------------ 39
   q. INCOMPATIBLE POLLUTANTS ---------------------------- 40
   r. INDUSTRIAL USERS OR INDUSTRIES --------------------- 40
   e. INDUSTRIAL WASTEWATER ------------------------------- 40
   t. INSTITUTIONAL USER ---------------------------------- 40
   u. MUNICIPALITY --------------------------------------- 40
   v. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM -- 40
      (NPDES PERMIT) -------------------------------------- 40
   w. NATURAL OUTLOT ------------------------------------- 41
   x. NORMAL DOMESTIC STRENGTH WASTEWATER ----------------- 41
   y. OPERATION AND MAINTENANCE COSTS --------------------- 41
   z. PERSON --------------------------------------------- 41
   aa. PR ----------------------------------------------- 41
   bb. PUBLIC SEWER ------------------------------------- 41
   cc. REPLACEMENT COSTS ------------------------------- 41
   dd. RESIDENTIAL USE ---------------------------------- 41
      ee. SANITARY SEWAGE ------------------------------- 41
      ff. SANITARY SEWER ------------------------------- 41
      gg. SEWAGE ---------------------------------------- 42

hh. SEWER
ii. SEWER SERVICE CHARGE --------------------------- "SHALL"; "MAY"

SLUG

11. STANDARD METHODS
mm. STORM SEWER OR DRAIN
nn. SUSPENDED SOLIDS

UNPOLLUTED WATER ------------------------------

USER CHARGE -----------------------------------

WASTEWATER COLLECTION FACILITIES ---------------

WASTEWATER TREATMENT FACILITY ------------------

USE OF PUBLIC SEWERS REQUIRED ------------------

WASTE DISPOSAL ------------------------------
b. DISPOSAL TO NATURAL OUTLETS
C. PRIVATE SEWAGE DISPOSAL

Subd. d. SEWER CONNECTION REQUIRED

Subd. 3. INDIVIDUAL SEWAGE DISPOSAL SYSTEMS
   a. REQUIREMENTS
   b. OPERATION AND MAINTENANCE
   c. ABANDONMENT

Subd. 4. USE OF PUBLIC SEWERS
   a. SANITARY SEWERS
   b. STORM SEWERS
   C. PROHIBITIONS AND LIMITATIONS

kk. 00.
PP. gg. rr. ss.

Subd. 2. 8.

1. GASOLINE, BEZENE, NAPTHA, FUEL OIL & OTHER FLAMMABLES
2. TOXIC OR POISONOUS SOLIDS, LIQUIDS OR GASSES - 3. WATERS OR WASTES HAVING A PH LOWER THAN 5.0 OR EXCEEDING 9.0
4. SOLID OR VISCOUS SUBSTANCES
5. OTHER SUBSTANCES, MATERIALS, WATERS OR WASTE DEFINED
   a. WASTEWATER W/TEMPERATURE HIGHER THAN 150° FAHRENHEIT
   b. WASTEWATER W/100 MG/L OF PETROLEUM OIL, ETC.
   c. WASTEWATER FROM INDUSTRIAL PLANTS
   d. UNDERGROUND GARBAGE
   e. WATERS OR WASTES CONTAINING CERTAIN MINERALS
   f. WATERS OR WASTES WITH ODOR PRODUCING SUBSTANCES
   g. RADIOACTIVE WASTES OR ISOTOPES
   h. SUBSTANCES NOT AMENABLE TO TREATMENT OR REDUCTION
1. INTERACTION RELEASING OBNOXIOUS GASSES
J. MATERIALS WHICH CAUSE
   i. UNUSUAL BOD
   ii. UNUSUAL VOLUME OF WASTES (SLUGS)
   iii. INERT SUSPENDED SOLIDS
   iv. EXCESSIVE DISCOLORATION
k. INCOMPATIBLE POLLUTANTS

d. NPDES PERMIT
Section 46

Subd. 5. CONTROL OF INDUSTRIAL WASTES DIRECT TO PUBLIC SEwers

a. SUBMISSION OF BASIC DATA
b. INDUSTRIAL DISCHARGES
   1. REJECT THE WASTES
   2. PRETREATMENT
   3. CONTROL OVER QUANTITIES & RATES OF DISCHARGE
   4. PAYMENT TO COVER ADDED COST
   c. CONTROL OF MANHOLES
   d. MEASUREMENT OF FLOW
   e. METERING OF WASTE
   f. PRETREATMENT
   g. GREASE, OIL AND SAND INTERCEPTORS
   h. ANALYSES

Subd. 6. BASIS FOR USER CHARGES

a. USER CLASSES AND CATEGORIES
b. USER CHARGE
   c. ASSIGNMENT OF EUU'S

Subd. 7. AMOUNT OF SEWER SERVICE CHARGE AND FUND ESTABLISHMENT

a. SEWER SERVICE CHARGE UNIT COSTS
b. DETERMINATION OF USER CHARGES
   c. EXTRA STRENGTH WASTES
   d. SEWER SERVICE FUND
   e. SEWER SERVICE FUNDS TO BE KEPT SEPARATE
   f. EQUIPMENT REPLACEMENT FUND
   g. OPERATION AND MAINTENANCE ACCOUNT
   h. CHARGE FOR TOXIC POLLUTANTS

Subd. 8. BILLING PRACTICE

a. CALCULATION OF SEWER SERVICE CHARGES
b. SEWER SERVICE CHARGE BILLING PERIOD
   c. PAYMENT OF SEWER SERVICE CHARGES
   d. PENALTIES
   e. CIVIL ACTION

Subd. 9. RIGHT OF ENTRY, SAFETY AND IDENTIFICATION

a. RIGHT OF ENTRY
b. SAFETY

Subd. 10. SEWER CONSTRUCTION AND CONNECTIONS

a. WORK AUTHORIZED
b. COST OF SEWER CONNECTION
   c. USE OF OLD BUILDING SEWERS
   d. MATERIALS AND METHODS OF CONSTRUCTION
SECTION 1. PURPOSE. The purpose of these provisions is to establish uniform specifications adequate and reasonable for private hookup to the City of Brownsville Municipal Sanitary Sewer System intended as minimum standards for landowners, plumbers and others making installations.

SECTION 2. TYPE AND QUALITY OF MATERIALS. All pipe and connections shall be P.V.C. number D 3033 or D 3034. Building drains, waste and vent may be P.V.C. number D 2664 or D 2949.

SECTION 3. CONNECTIONS - PERMIT FEES. No connection shall be made to the City of Brownsville Municipal Sanitary Sewer system without securing such permit as may be prescribed by the City Council together with the payment of fees therefor in such amount as established by City Council resolutions and no such connection shall be made except by or under the direct supervision of a licensed plumber.

SECTION 4. INSPECTION. No connection to the municipal sewer or other installation affecting said municipal system shall be made without inspection thereof by an inspector duly appointed by the City Council. Arrangements for effective inspection shall be made at the time application for hookup or other installation is made.

SECTION 5. HOOKUPS MANDATORY. Within 12 months following the date the wastewater treatment plant of the City of Brownsville commences operations, all properties, business, residential and other which by their use generate sewage, shall be connected to the municipal sanitary sewer system.

SECTION 6. PRIVATE SEPTIC SYSTEMS PHASED OUT. Within 6 months following the date of hookup to the municipal sewer system of the City of Brownsville, all private septic systems, septic tanks and dry wells shall be pumped in a manner consistent with the rules and regulations of the Minnesota Pollution Control Agency and any other applicable regulations, and shall then be removed, the locations from hence removed backfilled and compacted, or following pumping, shall be filled with sand or other suitable, earthen, granular material.

SECTION 7. CREASE INTERCEPTORS REQUIRED. All properties which operate and maintain facilities which contain, utilize or generate fat type wastes, including, but not limited to, deep fat fryers for commercial purposes, or such equipment and usages of a commercial
size, shall install grease interceptors and such installations shall be in accordance with the regulations specified in the Minnesota Plumbing Code.

SECTION 8. PROHIBITIONS FOR DISCHARGE INTO SEWER SYSTEM. It shall be unlawful, and it is specifically prohibited to discharge, or allow to be discharged, into the municipal sewer system any toxic substances, such as paints, solvents, petroleum products, dairy products, and cloth-fiber materials.

SECTION 9. PENALTY. Violations of this City Code are hereby declared to be public nuisances misdemeanors punishable upon conviction as provided by the laws of the State of Minnesota. The City may maintain actions in equity to abate such nuisances, or enforcement may be accomplished by criminal prosecution, or both.

Passed and enacted the 6th day of May, 1986.

SECTION 10. RELEVY OF ABATED ASSESSMENTS. Same of the resident property owners of the City of Brownsville who met certain prescribed guidelines were eligible for abatement of special assessments. In the event any of the following incidents should occur within fifteen years of the date the original assessment roll was adopted, September 16, 1986, the assessments abated will be relevied on the property from whence abated and must be paid either in cash at the time of the happening of such incident, or at the option of the then property owners, be spread on the tax rolls to be paid over a fifteen year period, the first installment to be paid with real property taxes the year following reassessment, bearing interest at the maximum rate chargeable under and pursuant to Chapter 429 of the laws of the State of Minnesota:

1. A sale of the property on a contract for deed arrangement.

2. An outright transfer (with or without consideration) of the land.

3. The death of the property owner(s) who owned the property at the time the abatement was granted. (If abated for joint tenants, upon the decease of the final surviving joint tenant.)

4. As to assessments abated where the eligible property owner was a life tenant, upon expiration of the life tenancy (death of the life tenant).

5. Foreclosure of a mortgage on property which was the subject matter of abated assessments where there is no redemption (by the owner(s) who received the abatement) from the foreclosure within the equity of redemption period.

SECTION 11. CONNECTIONS TO SEWER SYSTEM MANDATED.

A. IMPROVED PARCEL AT INITIAL CONSTRUCTION OF SANITARY SEWER SYSTEM. Each property improved and having sanitary facilities which is located so as to be served by the municipal sewer system shall be
connected thereto within twelve months of the date the wastewater treatment plant of the City of Brownsville commences operation.

B. PARCELS OR LOTS SUBSEQUENTLY IMPROVED. Parcels or lots subsequently improved shall, if sewer services are available thereat, be connected to the municipal sewer system as a precondition to issuance of Certificate of Occupancy thereto.

SECTION 12. HOOKUP EXPENSES.

A. PRIVATE. It shall be the obligation of each property owner to arrange for and to pay all expenses involved in connection to the municipal sewer system, including, but not limited to, the expense of the construction and installation of sewer laterals, connection to the municipal main, and it shall, moreover, be the individual property owner's obligation to assume and pay all expenses in connection with openings made in the public street necessitated by connections to the municipal mains.

B. PUBLIC. The City may, as it incurs additional expenses in the maintenance and improvement of the municipal sewer system, establish hookup charges payable as a precondition to the issuance of a Certificate of Occupancy. These hookup charges, if any, are in addition to special assessments a part of which, as initially established, may have been deferred.

C. EXCAVATION EXPENSES. In all instances where excavations are required to be made in the public street in order to make an installation, maintenance personnel of the City shall make the excavation and backfill, compact and restore the surface to the condition thereof prior to excavation, and the total cost thereof shall be billed to and paid by the property owner.

SECTION 13. DEFERRED ASSESSMENTS.

A. PARTIALLY PREPAID. The balance of $1,500 special assessments which were partially prepaid shall be payable upon connection to the municipal sanitary sewer at the option of the property owner either:

i. In cash at the time of and with hookup charges as a precondition to issuance of Certificate of Occupancy; or

ii. Over a fifteen year period drawing interest at maximum rate chargeable under and pursuant to Chapter 429 of the laws of the State of Minnesota, as amended, the first installment payable with real property taxes payable in the next succeeding year following connection.

B. DEVELOPED PARCELS NOT PREVIOUSLY ASSESSED. The full per developable unit cost of $3,000 shall be payable at the option of the landowner under either of the arrangements set forth in Subparagraphs I and ii supra as to parcels where there was no part of the assessments prepaid.

SECTION 14. HOOKUP SPECIFICATIONS. Hookups shall be accomplished consistent with the provisions of Section 1 through 9 of this chapter of the City Code of Brownsville, said provisions being regarded as minimum requirements.
SECTION 15. PENALTIES. Violation of any provision of this City Code shall be deemed public nuisances, misdemeanors and upon conviction thereof, punishable in accordance with the laws of the State of Minnesota thereunto appertaining.

SECTION 16. SEWER USE AND SEWER RATE ORDINANCE
Regulations for the use of public and private sewers and drains, the installation and connection of building sewers, the discharge of waters and wastes into the public sewer system, and providing penalties for violations thereof; and levying and collection of sewer service charges, in the City of Brownsville, County of Houston, State of Minnesota.

Subd. 1. DEFINITIONS

a. APPROVING AUTHORITY shall mean the City Clerk or his/her duly authorized representatives.

b. BOD (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20 degrees Celsius, expressed as milligrams per liter (mg/l). Quantitative determination of BOD shall be made in accordance with procedures set forth in "Standard Methods".

c. BUILDING DRAIN shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer.

d. BUILDING SEWER shall mean a sanitary sewer which begins immediately outside of the foundation wall of any building or structure being served, and ends at its connection to the public sewer.

e. CATEGORY A shall be those sanitary sewer users who discharge normal domestic strength wastewater with concentrations of BOD no greater than 210 mg/l and suspended solids no greater than 245 mg/l.

f. CATEGORY B shall be those sanitary sewer users who discharge wastewater with concentrations in excess of 210 mg/l of BOD and 245 mg/l of suspended solids. Users whose wastewater exceeds the concentrations for any one of these parameters shall be in Category B.

g. CHLORINE REQUIREMENT shall mean the amount of chlorine, in mg/l, which must be added to sewage to produce a residual chlorine as specified in the National Pollutant Discharge Elimination System (NPDES) permit.

h. CITY shall mean the City of Brownsville.

i. COMBINED SEWER shall mean a sewer intended to receive both wastewater and storm or surface water.

J. COMMERCIAL USER shall mean any place of business which discharges sanitary waste as distinct from industrial wastewater.

k. COMPATIBLE POLLUTANTS shall mean BOD, suspended solids, nitrogen, pH, or fecal coliform bacteria, plus additional pollutants identified in the Municipality's NPDES permit for its wastewater treatment facility; provided that such facility is designed to treat such additional
pollutants, and, in fact, does remove such pollutants to a substantial degree.

1. DEBT SERVICE CHARGE shall mean that portion of the sewer service charge relating to the cost of retiring outstanding bond issues or other long term obligations of the wastewater collection and treatment facilities.

m. EASEMENT shall mean an acquired legal right for the specified use of land owned by others.

n. FLOATABLE OIL is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

o. GOVERNMENTAL USER shall mean users which are units, agencies or instrumentalities of federal state, or local government discharging Normal Domestic Strength wastewater.

p. GROUND GARBAGE shall mean the residue from the preparation, cooking, dispensing, handling, storage, and sale of food products and produce that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than one-half (1/2) inch in any dimension.

q. INCOMPATIBLE POLLUTANTS shall mean wastewater with pollutants that will adversely affect the wastewater collection and treatment facilities or disrupt the quality of wastewater treatment if discharged to the wastewater collection and treatment facilities.

r. INDUSTRIAL USERS or INDUSTRIES shall mean:

a. A user that discharges into publicly owned wastewater treatment works, liquid wastes resulting from the processes employed in industrial or manufacturing processes, or from the development of any natural resources. These are identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under one of the following divisions:

   Division A. Agriculture, Forestry and Fishing
   Division B. Mining
   Division D. Manufacturing
   Division E. Transportation, Communications, Electric, Gas and Sanitary Sewers
   Division I. Services.

b. Any nongovernmental user of publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems, or to injury or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment
works.

S. INDUSTRIAL WASTEWATER is the liquid processing wastes from an industrial manufacturing process, trade, or business including but not limited to all Standard Industrial Classification Manual Divisions A, B, D, E, and I manufacturers as distinct from domestic wastewater.

t. INSTITUTIONAL USER a user of the treatment facilities whose establishment is primarily engaged in activities of an educational, religious, social, cultural, charitable or human services nature (e.g., churches, non-profit organizations).

u. MUNICIPALITY shall mean the City of Brownsville.

v. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT is a document issued by the Minnesota Pollution Control Agency which establishes effluent limitations and monitoring requirements for the municipal wastewater treatment facility. NPDES Permit No. 0053562 as issued and modifications thereof pertain to the municipal wastewater treatment facility.

w. NATURAL OUTLET shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface water or groundwaters.

x. NORMAL DOMESTIC STRENGTH WASTEWATER shall mean wastewater with concentrations of BOD no greater than 210 mg/l and suspended solids no greater than 245 mg/l.

y. OPERATION AND MAINTENANCE COSTS shall include all costs associated with the operation and maintenance of the wastewater collection and treatment facilities, including administration and replacement costs, all as determined from time to time, by the City.

z. PERSON shall mean any and all persons, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency, or other entity.

aa. PH shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. Neutral water for example, has a pH value of 7 and a hydrogen-ion concentration of 10^-7.

bb. PUBLIC SEWER shall mean any publicly owned sewer, storm drain, sanitary sewer, or combined sewer.

cc. REPLACEMENT COSTS shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the wastewater treatment facility to maintain the capacity and performance for which such facilities were designed and constructed. Replacement costs are distinct from operation and maintenance costs but are included in the City's user charges.

dd. RESIDENTIAL USER shall mean a user of the treatment facilities whose premises or building is used primarily as a residence for one or more
persons, including dwelling units such as detached and semi-detached housing, apartments, and mobile homes; and which discharges primarily normal domestic strength sanitary wastes.

**ee. SANITARY SEWAGE** shall mean a combination of liquid and watercarried wastes discharged from toilets and or sanitary plumbing facilities.

**ff. SANITARY SEWER** shall mean a sewer that carries sewage or wastewater.

**gg. SEWAGE** shall mean the spent water of a person or community. The preferred term is "wastewater".

**hh. SEWER** shall mean a pipe or conduit that carries wastewater or drainage water.

**ii. SEWER SERVICE CHARGE** is a charge levied on users of the wastewater collection and treatment facilities for payment of operation, maintenance and replacement expenses, debt service costs, and other expenses or obligation of said facilities.

**jj. "SHALL" is mandatory; "MAY" is permissible.**

**kk. SLUG** shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation, and/or adversely affects the wastewater collection system and/or performance of the wastewater treatment facility.

**ll. STANDARD METHODS** shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater" published jointly by the American Public Health Association, the American Water Work Association, and the Water Pollution Control Federation.

**mm. STORM SEWER OR DRAIN** shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

**nn. SUSPENDED SOLIDS** shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods, and referred to as nonfilterable residue.

**oo. UNPOLLUTED WATER** is water of quality equal to or better than the effluent of the wastewater treatment facilities or water that would not cause violation of receiving water quality standards, and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities.

**pp. USER CHARGE** is a charge levied on users of the wastewater collection and treatment facilities for payment of operation, maintenance and replacement expenses of said facilities.
qq. WASTEWATER shall mean the spent water of a community or person. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with any groundwater, surface water, and storm water that may be present.

rr. WASTEWATER COLLECTION FACILITIES (or wastewater collection system) shall mean the structures and equipment required to collect and carry wastewater.

ss. WASTEWATER TREATMENT FACILITY shall mean an arrangement of devices and structures for treatment wastewater and sludge. Also referred to as wastewater treatment plant.

Subd. 2. USE OF PUBLIC SEWERS REQUIRED.

a. WASTE DISPOSAL. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under the jurisdiction of said City, any human or animal excrement, garbage or other objectional waste excepting that of livestock, pets or kennels approved by local zoning ordinances.

b. DISPOSAL TO NATURAL OUTLETS. It shall be unlawful to discharge to any natural outlet within the City or in any area under the jurisdiction of said City, any sewage or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this City Code and the National Pollution Discharge Elimination Systems (NPDES) permit.

c. PRIVATE SEWAGE DISPOSAL. 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 without approval of the City.

d. SEWER CONNECTION REQUIRED. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes abutting on any street, alley, or right-of-way in which there is now located or is proposed to be located any public sanitary sewer of the City is hereby required at his/her expense to install suitable toilet facilities therin, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this City Code, within 12 months of the date the wastewater treatment plant is substantially completed and use thereof permitted.

Subd. 3. INDIVIDUAL SEWAGE DISPOSAL SYSTEMS

a. REQUIREMENTS. Individual sewage disposal systems which may be approved by the City pursuant to Section 203 shall comply with the requirements of Minnesota Rules Chapter 7080 and any more restrictive requirements which may be adopted by the City or Houston County.
b. OPERATION AND MAINTENANCE. The operation and maintenance of individual sewage disposal systems shall at all times be by the owners of said facilities and at no expense to the City.

c. ABANDONMENT. Pursuant to Section 16, subd. 2, d, supra, owners of individual sewage disposal systems as hereinbefore provided shall connect to the City's wastewater collection system when it becomes available. Further, it is the responsibility of said property owners to dismantle existing individual disposal system in compliance with MR Chapter 7080 and with any other rules which may be adopted by Houston County or the City and as provided in the City Code.

Subd. 4. USE OF THE PUBLIC SEWERS

a. SANITARY SEWERS. No person(s) shall discharge or cause to be discharged any unpolluted waters such as storm water, groundwater, roof runoff, subsurface drainage, or cooling water to any sanitary sewer.

b. STORM SEWERS. Storm water and all other unpolluted water shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Approving Authority and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Approving Authority and other regulatory agencies, to a storm sewer, combined sewer, or natural outlet.

c. PROHIBITIONS AND LIMITATIONS. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

1. Any gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquid, solid, or gas.

2. Any waters or wastes containing toxic or poisonous solids, liquids, or gasses in sufficient quantity, either singly or by interaction with other wastes, that could injure or interfere with any waste treatment or sludge disposal process, constitute a hazard to humans or animals, or create a public nuisance in the receiving waters of the wastewater treatment facility. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of Federal Clean Water Act.

3. Any waters or wastes having a pH lower than 5.0, or in excess of 9.0, or having any corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater collection and treatment facilities.

4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in public sewers or other interference with the proper operation of the wastewater collection and treatment facilities, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
5. The following described substances, materials, waters, or waste shall be limited in discharges to sanitary sewer systems to concentrations or quantities which will not harm either the sanitary sewers, wastewater treatment process, or equipment; will not have an adverse effect on the receiving stream and/or soil, vegetation and groundwater; or will not otherwise endanger lives, limbs, public property, or constitute a nuisance. The Approving Authority may set limitations more stringent than those established below if such more stringent limitations are necessary to meet the above objectives. The Approving Authority will give consideration to the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sanitary sewers, the wastewater treatment facility and other pertinent factors. Wastes or wastewaters discharged to the sanitary sewers shall not exceed the following limitations:

a. Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).

b. Wastewater containing more than 100 mg/l of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.

c. Wastewater from industrial plants containing floatable oils, fats, or grease.

d. Any unground garbage. Garbage grinders may be connected to sanitary sewers from homes, motels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

e. Any wastes or wastewaters containing iron, chromium, copper, zinc, and other toxic and nonconventional pollutants to such degree that the concentration exceeds levels specified by federal, state, and local authorities.

f. Any wastes or wastewaters containing odor-producing substances exceeding limits which may be established by the Approving Authority or limits established by any federal or state statute, rule, or regulation.

g. Any radioactive wastes or isotopes, of such half-life or concentration as may exceed limits established by the Approving Authority in compliance with applicable state or federal regulations.

h. Any wastes or wastewaters 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 facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

i. Any wastes or wastewaters which, by interaction with other water or wastes in the sanitary sewer system, release obnoxious gasses, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

j. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facility.
ii. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

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

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

k. Incompatible pollutants in excess of the allowed limits as determined by city, state and federal laws and regulations in reference to pretreatment standards developed by the Environmental Protection Agency, as contained in 40 CFE 403, as amended from time to time.

d. NPDES PERMIT. No person shall cause or permit a discharge into the sanitary sewers that would cause a violation of the City's NPDES permit and any modifications thereof.

e. SPECIAL ARRANGEMENTS. No statement contained in this City Code shall be construed as prohibiting any special agreement between the Approving Authority and any person whereby a waste of unusual strength or character may be admitted to the wastewater collection and treatment facilities, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater collection and treatment facilities by reason of the admission of such wastes, and no extra costs are incurred by the Municipality without recompense by the person; and further provided that all rates and provisions set forth in this City Code are recognized and adhered to and provided that National Categorical Pretreatment Standards and the City's NPDES Permit limitations are not violated.

f. NEW CONNECTIONS. New connections to the City's sanitary sewer system will be allowed only if there is available capacity in all of the downstream wastewater collection and treatment facilities.

Subd. 5. CONTROL OF INDUSTRIAL WASTES DIRECT TO PUBLIC SEWERS

a. SUBMISSION OF BASIC DATA. The Approving Authority may require each person who discharges or seeks to discharge industrial wastes to a public sewer to prepare and file with the Approving Authority, at such times as it determines, a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged to the wastewater collection and treatment facilities. In the case of a new connection, the Approving Authority may require that this report be prepared prior to making the connection to the public sewers.

b. INDUSTRIAL DISCHARGES. If any waters or wastes are discharged or are proposed to be discharged to the public sewers which waters or wastes contain substances or possess the characteristics enumerated in Subd. 2, and which in the judgement of the Approving Authority have a deleterious
effect upon the wastewater collection and treatment facilities, processes, equipment, or receiving waters and/or soil, vegetation and groundwater, or which otherwise create a hazard to life, health, or constitute a public nuisance, the Approving Authority may:

1. Reject the wastes.

2. Require pretreatment to an acceptable condition for discharge to the public sewers, pursuant to Section 307(b) of the Clean Water Act and its amendments.

3. Require control over the quantities and rates of discharge, and/or

4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this City Code.

c. CONTROL MANHOLES. Each person discharging industrial wastes into a public sewer shall, at the discretion of the Approving Authority, construct and maintain one or more control manholes or access points to facilitate observation, measurement, and sampling of wastes, including sanitary sewage. Control manholes or access facilities shall be located and built in a manner acceptable to the Approving Authority. If measuring and/or sampling devices are to be permanently installed, they shall be of a type acceptable to the Approving Authority.

Control manholes, access facilities, and related equipment shall be installed by the person discharging the waste, at the person's expense, and shall be maintained by the person so as to be in safe condition, accessible, and in proper operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the Approving Authority prior to the beginning of construction.

d. MEASUREMENT OF FLOW. The volume of flow used for computing sewer service charges shall be the metered water consumption of the user discharging industrial wastewater, except as noted in below in f.

e. METERING OF WASTE. Devices for measuring the volume of waste discharged may be required by the Approving Authority if this volume cannot otherwise be determined. Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person discharging the wastewater. Following approval and installation, such meters may not be removed without the consent of the Approving Authority.

f. WASTE SAMPLING. Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes. The determination shall be made by the industry as often as may be deemed necessary by the Approving Authority.

Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Approving Authority.
Installation, operation, and maintenance of the sampling facilities shall be the responsibility of the person discharging the waste and shall be subject to the approval of the Approving Authority. Access to sampling locations shall be granted to the Approving Authority or its duly authorized representative at all times. Every case shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.

g. PRETREATMENT. Persons discharging industrial wastes into any public sewer may be required to pretreat such wastes, if the Approving Authority determines pretreatment is necessary to protect the wastewater collection and treatment facilities or prevent the discharge of incompatible pollutants.

In that event such person shall provide at his expense such pretreatment or processing facilities as may be determined necessary to render wastes acceptable for admission to the sanitary sewers. No user shall increase the process water or in any manner, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with limitations contained in Section 16, Subd. 2 of this City Code, or contained in the National Categorical Pretreatment Standards or any state requirements.

h. GREASE, OIL, AND SAND INTERCEPTORS. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Approving Authority, they are necessary for the proper handling of liquid wastes containing floatable grease in amounts in excess of those specified in this City Code, 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 of a type and capacity approved by the Approving Authority, and shall be located as to be readily and easily accessible for cleaning and inspection. In maintaining these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Approving Authority. Disposal of the collected materials performed by owner's(s') personnel or currently licensed waste disposal firms must be in accordance with currently acceptable local, county and state rules and regulations.

i. ANALYSES. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this City Code shall be determined in accordance with the latest edition of "Standard Methods" and with the Federal Regulation 40 CFE 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants", as amended from time to time. Sampling methods, location, time, durations, and frequencies are to be determined on an individual basis subject to approval by the Approving Authority.

j. SUBMISSION OF INFORMATION. Plans, specifications, and any other pertinent information relating to proposed flow equalization, pretreatment, or grease and/or sand interceptor facilities shall be submitted for review and approval of the Approving Authority prior to the start of their
construction if the effluent from such facilities is to be discharged into the public sewers. No construction of such facilities shall commence until said approval has been granted.

Subd. 6. BASIS FOR USER CHARGES

a. USER CLASSES AND CATEGORIES. Users of the City's wastewater collection and treatment facilities shall be considered to belong to the one of five classes:

1. Residential
2. Commercial
3. Institutional
4. Governmental
5. Industrial.

The allocation of users to these classes for the purpose of assessing sewer service charges shall be the responsibility of the City Council. Allocation of all users to user classes shall be based on the substantive intent of the definitions contained in this City Code.

USER CHARGE. Each user shall be assessed and pay user charges in proportion to the user's proportionate contribution of wastewater flows and loadings to the treatment works, with a minimum rate for pollutant loadings being the rate established for domestic strength waste.

The charges assessed users discharging domestic strength waste shall be established proportionately on the basis of Equivalent Residential Units (ERU). Equivalent Residential Units will be assigned to service connections according to Tables 1 and 2 of the attached Appendix A.

b. ASSIGNMENT OF ERU'S. Determination of the number of ERU's assigned to a particular connection, in accordance with Tables 1 and 2 of Appendix A, shall be the responsibility of the City Council or its authorized representative.

Users may appeal the number of ERU's assigned to a particular service connection by installing and maintaining, at their own expense, water meters of a type approved by the City. Such meters shall be equipped with remote registering records located at an accessible site on the owner's property.

The City may, at its discretion, require non-residential users to install water meters for the purpose of determining wastewater volume. When so required, such meters shall be of a type approved by the City, equipped with remote registering recorders and located at an accessible site on the owner's property.

Subd. 7. AMOUNT OF SEWER SERVICE CHARGE AND FUND ESTABLISHMENT

a. SEWER SERVICE CHARGE UNIT COSTS. The unit costs for the user charge shall be published annually by the Approving Authority, in accordance with Subd. 14 infra.

b. DETERMINATION OF USER CHARGES. User charges shall consist of an ERU charge. Such charges shall be developed in accordance with the
approved Sewer Service Charge System and computed in accordance with the formula presented below:

\[ UC = UERU \times ERUN \]

Where: UC = User charge.

UERU = ERU charge ($/billing period) for OM&R costs. ERUN = Number of ERU's assigned to service connection.

c. EXTRA STRENGTH WASTES. The sewer service charges established in this City Code shall not prevent the assessment of additional charges to users who discharge extra strength waste or wastes of unusual character, or contractual agreements with such users, as long as the following conditions are met:

1) The user pays OM&R costs in proportion to the user's proportionate contribution of wastewater flows and loadings to the treatment works and no user is charged at a rate less than that of domestic strength waste.

2) The measurement of such wastes are conducted according to the latest edition of Standard Methods for the Examination of Water and Wastewater in a manner acceptable to the City, as provided for in this City Code.

A study of unit costs of collection and treatment processes attributable to fixed service, flow BOD5, TSS and other significant loadings shall be developed for determining the proportionate allocating of costs to fixed service, flows and loadings for users discharging extra strength wastes or wastes of unusual character.

d. SEWER SERVICE FUND. The City of Brownsville hereby establishes a Sewer Service Fund as an income fund to receive all revenues generated by the Sewer Service Charge System, and all other income dedicated to the operation, maintenance, replacement and capital recovery costs of the wastewater treatment works, including special charges, fees and assessments.

The City also establishes the following accounts as income and expenditure accounts within the Sewer Service Fund:

1) Operation and Maintenance Account 2) Equipment Replacement Account

e. SEWER SERVICE FUNDS TO BE KEPT SEPARATE. All revenue generated by the Sewer Service Charge System and all other income pertinent to the treatment works shall be held by the Clerk separate and apart from all other funds of the District. Funds received by the Sewer Service Fund shall be transferred to the Operation and Maintenance Account and the Equipment Replacement Account in accordance with the state and federal regulations and the provisions of this City Code.

f. EQUIPMENT REPLACEMENT FUND. Revenue generated by the Sewer Service Charge System sufficient to insure adequate replacement throughout the design or useful life, whichever is longer, of the wastewater treatment works shall be held separate and apart in the Equipment Replacement Account.
and dedicated to affecting replacement costs. Interest income generated by the Equipment Replacement Account shall remain in the Equipment Replacement Account.

q. OPERATION AND MAINTENANCE ACCOUNT. Revenue generated by the Sewer Service Charge System sufficient for operation and maintenance shall be held separate and apart in the operation and Maintenance Account. Interest income generated by the Operation and Maintenance Account shall remain in the Operation and Maintenance Account.

h. CHARGE FOR TOXIC POLLUTANTS. Any person discharging toxic pollutants which cause an increase in the cost of managing the effluent or sludge from the City's wastewater treatment plant facility shall pay for such increased costs, as may be determined by the Approving Authority.

Subd. 8 - BILLING PRACTICE

a. CALCULATION OF SEWER SERVICE CHARGES. User charges shall be computed according to the rates and formula presented in this Code. Sewer service charges shall be the sum of the user charges and any debt service charges which the City may establish from time to time.

b. SEWER SERVICE CHARGE BILLING PERIOD. Sewer service charges shall be billed by the City to the sewer users on a quarterly basis. Once wastewater treatment plant is operational, pre-existing residences, commercial and other properties shall pay, in addition to all other charges duly imposed, a sewer user hookup charge of $60 per hookup for each hookup during the period from July 1, 1988 through December 31, 1988 and $120 per hookup for each hookup during the period from January 1, 1989 through June 30, 1989 intending that such charge shall be paid as a hookup fee for all calendar quarters while sewer service was available until regular sewer user charges are payable following connection to the municipal sewer. New construction shall pay a $30 sewer user hookup fee as a pre-condition to receiving certificate of occupancy. Except for new construction, all connections, after the 12 month period referred to in Section 16, subd 2, d, supra, shall require a $120.00 hookup fee and/or such other fees and charges as may be mandated by City Council action duly taken.

c. PAYMENT OF SEWER SERVICE CHARGES. Those persons billed by the City for sewer service charges shall pay such charges within thirty (30) days after the billing date at the City Hall.

d. PENALTIES. Such sewer service charges levied by the City against the sewer users in accordance with this Code shall be a debt due to the City and shall be a lien upon the property. If this debt is not paid within thirty (30) days after it shall be due, it shall be deemed delinquent. The City may certify such unpaid charges to the County Auditor for collection as special assessments with real property taxes pursuant to Chapter 444 of the laws of the State of Minnesota.

Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.
Subd. 9 - RIGHT OF ENTRY, SAFETY AND IDENTIFICATION

a. RIGHT OF ENTRY. The Approving Authority or other duly authorized employees of the City, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, or testing, all in accordance with the provisions of this Code.

b. SAFETY. While performing the necessary work on private premises referred to in Section 701, the duly authorized City employees shall observe all safety rules applicable to the premises established by the person.

c. IDENTIFICATION. RIGHT TO ENTER EASEMENTS. The Approving Authority or other duly authorized employees of the City, bearing proper credentials and identification, shall be permitted to enter all private properties through which the City holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement, all subject to the terms, if any, of such easement.

Subd. 1. SEWER CONSTRUCTION AND CONNECTIONS.

a. WORK AUTHORIZED. No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb the public sewers or appurtenances thereof without first obtaining a written permit from the Approving Authority. All connections shall be made consistent with and as prescribed by City Code.

b. COST OF SEWER CONNECTION. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the person making the connection.

c. USE OF OLD BUILDING SEWERS. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Approving Authority, to meet all requirements for this Code.

d. MATERIALS AND METHODS OF CONSTRUCTION. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall conform to the requirements of the City's building and plumbing code and other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

e. BUILDING SEWER GRADE. Whenever possible, the building sewer shall
be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

f. STORM AND GROUNDWATER DRAINS. No persons shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources or surface runoff or groundwater to a building sewer or building drain which is connected directly or indirectly to a sanitary sewer.

All existing downspouts or groundwater drains, etc., connected directly or indirectly to a sanitary sewer must be disconnected within 60 days of the date of an official written notice from the Approving Authority.

g. CONFORMANCE TO PLUMBING CODES. The connection of the building sewer into the sanitary sewer shall conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the City or the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Approving Authority before installation.

h. INSPECTION OF CONNECTION. The person making a connection to a public sewer shall notify the Approving Authority when the building sewer is ready for inspection and connection to the public sewer. The connection shall be inspected and approved by the Approving Authority.

i. BARRICADES; RESTORATION. All excavations for the building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Approving Authority.

Subd. 11. VIOLATIONS AND PENALTIES.

a. WRITTEN NOTICE OF VIOLATIONS. Any person found to be violating any provision of this City Code shall be declared a public nuisance and shall be served by the City with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

b. ABATEMENT OF NUISANCE WITHOUT NOTICE. If the Approving Authority determines that a public nuisance exists within the City and that there is great and immediate danger to the wastewater collection and treatment facilities or the public health, safety, peace, morals, or decency, the Approving Authority may cause the same to be abated and charge the cost thereof to the owner, occupant, or person causing, permitting, or maintaining the nuisance, as the case may be.

C. ACCIDENTAL DISCHARGE. Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer system which causes damage to the wastewater collection and treatment facility and/or receiving body of water shall in addition to a fine, pay an amount to cover any damages, both values to be established by the Approving Authority.
d. CONTINUED VIOLATIONS. Any person, partnership, or corporation, or any officer, agency, or employee thereof, who shall continue any violation beyond the aforesaid notice time limit provided, shall, upon conviction thereof be deemed guilty of a misdemeanor and punished therefor in accordance with the laws of the State of Minnesota together with the cost of prosecution. Each day in which any violation is continued beyond the aforesaid notice time limit shall be deemed a separate offense.

e. LIABILITY TO MUNICIPALITY FOR LOSSES. Any person violating any provisions of this City Code shall become liable to the City for any expense, loss, or damage occasioned by reason of such violation which the City may suffer as a result thereof.

Subd. 12. PROCEDURES.

Any user, permit applicant, or permit holder affected by any decision action, or determination, including cease and desist orders, made by the Approving Authority interpreting or implementing the provision of this City Code or in any permit issued herein, may file with the Approving Authority a written request for reconsideration within ten (10) days of the date of such decision, action, or determination, setting forth in detail the facts supporting the user’s request for reconsideration. The Approving Authority shall render a decision on the request for reconsideration to the user, permit applicant, or permit holder in writing within fifteen (15) days of receipt of request. If the ruling on the request for reconsideration made by the Approving Authority is unsatisfactory, the person requesting reconsideration may, within ten (10) days after notification of the action, file a written appeal with the Council of the City of Brownsville. A fee in such amount as may be established by City Council resolution shall accompany any appeal to the Council for their ruling. This fee may be refunded if the appeal is sustained in favor of the appellant.

The written appeal shall be heard by the Council within 30 days from the date of filing. The Council shall make a final ruling on the appeal within 10 days from the date of hearing.

Subd. 13. VALIDITY.

a. SUPERCEDE PREVIOUS CITY CODE PROVISIONS. The City Code provisions governing sewer use, industrial wastewater discharges, sewer service charges, and sewer connections and construction shall, but only to the extent inconsistent therewith, supercede all previous such City Codes provisions.

b. INVALIDATION CLAUSE. Invalidity of any section, clause, sentence, or provision in the City Code shall not affect the validity of any other section clause, sentence, or provision of this City Code which can be given effect without such invalid part or parts.

c. AMENDMENT. The City, through its duly authorized officers, reserves the right to amend this City Code in part or in whole whenever it may deem necessary.
Subd. 14. AUDIT, NOTIFICATION, AND RECORDS.

a. ANNUAL AUDIT. The City shall annually review the wastewater contribution of its sewer users, the operation and maintenance expenses of the wastewater collection and treatment facilities, and the user charge system in accordance with those procedures established by the State Auditor's Office and federal statutes (40 CFR 35.2140(d)). Based on this review, the Municipality shall revise the user charge system, if necessary, to accomplish the following:

1. Maintain a proportionate distribution of operation and maintenance expenses among sewer users based on the wastewater volume and pollutant loadings discharged by the users;

2. Generate sufficient revenues to pay the operation and maintenance expenses of the wastewater collection and treatment facilities; and

3. Apply excess revenues collected from a class of users to the operation and maintenance expenses attributable to that class of users for the next year and adjust the user charge rates accordingly.

b. ANNUAL NOTIFICATION. The City shall notify its sewer users annually about the sewer service charge rates. Notification shall separately indicate what portion of the rates are attributable to the user charge, as defined by this City Code. The notification shall occur in conjunction with a regular bill.

c. RECORDS. The City shall maintain records regarding wastewater flows and loadings, costs of the wastewater collection and treatment facilities, sampling programs, and other information which is necessary to document compliance with 40 CFR 35, Subpart E of the Clean Water Act.


CHAPTER 55. PUBLIC ORDER, SUNDAY REGULATIONS

Subd. 1. INTENT OF SECTION 4

Subd. 2. PENALTY

Subd. 2. PENALTY

Subd. 2. PENALTY
CHAPTER 55. PUBLIC ORDER, SUNDAY REGULATIONS.

SECTION 1. DISORDERLY CONDUCT. Whoever shall be guilty of being drunk and disorderly, obscene or willfully indecent or perpetrates any boisterous or noisy and disorderly language in the City of Brownsville shall be deemed guilty of a misdemeanor upon conviction thereof.

SECTION 2. CERTAIN MINNESOTA STATUTES INCORPORATED IN THE BROWNSVILLE CITY CODE. The provisions of certain Minnesota Statutes relating to matters hereinafter indicated are hereby adopted by this reference and made a part of this Code as if set out hereat in full, and shall be in full force and effect in the City of Brownsville insofar as consistent with applicable general statutes of the State of Minnesota. The said statutes incorporated are as follows:

609.05 (Liability for crimes of another)
609.085 (Sending written communication)
609.175 (Conspiracy)
609.22 (Assault)
609.27 (Coercion)
609.37 (Definition - child)
609.375 (Non-support of wife or
609.40 (Flags; acts prohibited)
609.475 (Impersonating an officer)
609.55 (Escape from custody)
609.50 (Obstructing legal process or 609.505 (Falsely reporting a crime)
609.51 Simulating legal process 609.52 (Certain thefts)
609.525 (Bringing stolen goods into 609.53 (Receiving stolen property)
609.535 (Issuance of worthless check)
609.545 (Misusing credit card to secure services)
609.555 (Trespass to property - definition)
609.565 (Certain acts - simple arson)
609.57 (Attempted Arson)
609.575 (Negligent Fires)
609.595 (Certain Damage to
609.60 (Certain dangerous 609.605 (Trespass and other 609.615 (Certain acts constituting
609.65 (Certain acts constituting
609.665 (Alteration or removal number)
609.675 (Exposure of to children
609.685 (Use of tobacco by children)
609.715 (Presence of unlawful assembly)
609.725 (Sale of alcoholic beverages)
609.735 (Sale of tobacco)
609.745 (Sale of lottery tickets)
609.755 (Sale of fireworks)
609.765 (Sale of explosives)
609.775 (Sale of narcotics)
609.785 (Sale of controlled substances)
609.795 (Sale of controlled substances)
609.805 (Sale of controlled substances)
609.815 (Sale of controlled substances)
arrest) state)

property) trespasses acts)

and other acts)
defeating
security
(27)
of
false certification
(28)
identification
(29)
609.68
unused refrigerator or container
(30)
(31) (32)
of garbage, litter
of the

58

(33) 609.72 (Disorderly conduct; attempted suicide)
(34) 609.725 (Vagrancy)
(35) 609.735 (Concealing identity)
(36) 609.74 (Public Nuisance)
(37) 609.745 (Permitting Public Nuisance)
(38) 609.75 (Gambling; definitions)
(39) 609.755 (Acts of or relating to gambling)
(40) 609.775 (Divulging telephone or telegraph message;
(41) 609.78 (Emergency telephone calls)
(42) 609.785 (Fraudulent long distance telephone calls)
(43) 609.79 (Making anonymous telephone calls)
(44) 609.795 (Opening sealed letter, telegram or package)
(45) 609.805 (Ticket scalping)
(46) 609.81 (Misconduct of pawnbroker)
(47) 609.815 (Misconduct of junk or secondhand dealer)

SECTION 3. PENALTY - COSTS OF PROSECUTION
SECTION 3. PENALTY - COSTS OF PROSECUTION
Every person who shall violate any of the provisions of the said statutes incorporated in this City Code shall upon conviction be deemed guilty of a misdemeanor and punished according to law.

(Adopted the 1st day of August, 1973.)

SECTION 4. SLEDING - COASTING ON STREETS PROHIBITED.
All coasting with a sled by any person and all sleigh riding or use of a toboggan, skis, skates or other riding devices equipped with runners is hereby prohibited on the public streets and the sidewalks adjacent in the City of Brownsville.

Subd. 1. INTENT OF SECTION 4. This City Code shall not be construed to affect and does not affect the use of said streets for lawful vehicle travel thereon and is designed only to prevent accidents from the use of such streets and adjacent sidewalks by children during the winter season for sleigh riding and winter sports because of the heavy traffic thereon.

Subd. 2. PENALTY. Anyone violating this City Code shall be, upon conviction deemed guilty of a petty misdemeanor and be punished according to law or in the case of juvenile by appropriate proceedings instituted in juvenile court.

Passed and adopted the 27th day of December, 1937.
CHAPTER 60. STREETS, AND OTHER PUBLIC THOROUGHFARES AND REGULATIONS THEREOF.

SECTION 1. PARKING RESTRICTIONS. From 7 A.M. to 6 P.M. other than Sundays and legal holidays and except for locations designated and signed or marked "no parking" areas, parking for no longer than two hours shall be permitted on Main Street from Highway 26 West to 10th Street. Overnight parking, except in areas which the City Council may designate therefor., is prohibited.

Violators will be, upon conviction, be deemed guilty of a petty misdemeanor and punishable according to law.

SECTION 2. MOTOR CYCLE, MOTOR BIKE, MOTOR SCOOTER AND THREE AND FOUR WHEELER DRIVING HOURS. The operation of Motor Cycles, Motor Bikes, Motor Scooters and three and four wheelers on the City streets of Brownsville, Minnesota is limited to the following hours:

(Not later than 10:00 P.M. nor earlier than 7 A.M. of each day.)

SECTION 3. PENALTY. Persons guilty of violation of Section 12 of this chapter are deemed to have committed a petty misdemeanor and punishable according to law.

SECTION 4. INCORPORATION BY REFERENCE OF CERTAIN PROVISIONS OF THE MINNESOTA HIGHWAY TRAFFIC REGULATION ACT. The provisions of Minnesota Statutes, Chapter 169, as amended by the Legislature of the State of Minnesota in its regular session for 1969 and its regular and extra sessions for 1971, and its regular sessions for 1973, are hereby adopted as a traffic ordinance regulating the use of highways, streets and public alleys in the City of Brownsville, and are hereby incorporated in and made a part of this City Code as if set out hereat in full.

SECTION 5. PENALTY. Any violation of the statutes adopted by reference in Section 14 of this chapter when occurrence is within the City of Brownsville, shall be deemed a violation of the provisions of this City Code and upon conviction thereof, violators shall be punished by the penalty prescribed by such statute.

Passed and enacted by the City Council of the City of Brownsville, Houston County, Minnesota the 1st day of August, 1973.

SECTION 6. USE OF ALLEYS AS THOROUGHFARES PROHIBITED. No alley in the City of Brownsville shall be used as a regular thoroughfare for the flow of motor vehicle traffic, but shall be limited to
the use by service vehicles by contiguous homeowners and owners of businesses and establishments lying adjacent to such alleys for purposes of gaining access to garages or storage facilities.

SECTION 7. PENALTY. Any violation of Section 16 of this chapter when such violations occur within the City of Brownsville, shall be deemed a violation of the provisions of this chapter and upon conviction thereof deemed guilty of misdemeanors as violators shall be punished according to law.

Passed and enacted by the City Council of the City of Brownsville, Houston County, Minnesota the 5th day of June, 1974.

SECTION 8. MOTOR VEHICLE DEFINED. A motor vehicle for purposes of this City Code shall be a motor vehicle as defined in Chapter 169, Minnesota General Statutes, as amended.

SECTION 9. JUNKED, ABANDONED VEHICLES DEFINED. Motor vehicles partially dismantled, inoperative, wrecked or junked, or which have been unlicensed in both current and preceding year which are maintained at any location within the City of Brownsville for more than thirty days, except if kept in an enclosed accessory building, are deemed junked or abandoned motor vehicle for purposes of this City Code, and are hereby declared a public nuisance.

SECTION 10. PERSONS RESPONSIBLE. It shall be a violation of this City Code for any person, firm or corporation, owning, leasing or otherwise in control of any real property in the City of Brownsville, to permit or allow junked or abandoned motor vehicles as hereinbefore defined at any location in the City of Brownsville. If the responsible person is a corporation, any officer or agent of such corporation shall be subject to prosecution under the terms and provisions of this City Code.

SECTION 11. OFFSTREET PARKING. To enhance orderly maintenance, snow removal and the flow of motor vehicular traffic, and insofar as practicable, all motor vehicles shall be parked off the public streets, alleys and thoroughfares of the City. Any motor vehicle which is continuously parked on a public street, alley, or public thoroughfare for a period of seven days or longer shall be deemed a public nuisance.

SECTION 12. CHARGES-PARKING VIOLATIONS-ENFORCEMENT.

A. The City Council is hereby empowered to be resolution duly enacted establish an envelope system of enforcement of parking violations prescribing a form of detachable traffic summons attached to parking violation envelopes and permitting payment of basic fines to the City Clerk or other city official designated by the Council, with a schedule of charges, various types of parking violations, and providing for escalating the amount of the fine in cases where the basic fine imposed is not promptly paid.

B. In instances where motor vehicles are abandoned on any public thoroughfare of the City and are obstructing emergency traffic such as
police and fire equipment, or so as to prevent snow removal or maintenance activities, by the City, the City by its Police Officer(s) or any peace officer having jurisdiction, may cause such motor vehicles to be towed. Any such vehicle may be released to its rightful owner or custodian entitled thereto upon satisfactory proof of standing to make such claim, and upon payment of all towing, storage and other related charges, and the basic fine imposed under this City Code and as may be amended from time to time by City Council resolution in pursuance hereof.

SECTION 13. REMOVAL OF MOTOR VEHICLES. Motor vehicles hereinbefore defined to constitute public nuisances may be removed when they are found on public thoroughfares by towing, and if they are found on private property, by proceedings consistent with the laws of the State of Minnesota for the abatement of nuisances, but institution of any action to remove such offending vehicle, whether by towing under this City Code, or in abatement proceedings, shall not preclude the imposition of fine and each day shall be considered the basis for an individual complaint.

SECTION 14. VIOLATIONS AND PENALTY. Any person or any agent of any firm or corporation violating the provisions of Sections 18 through 23 of this City Code shall be guilty of misdemeanors and upon conviction thereof may be punished according to law.

Adopted this 3rd day of January, 1979.

SECTION 15. EXCESSIVE OR UNREASONABLE ACCELERATION PROHIBITED. It shall be unlawful and prohibited by this City Code to speed, start, or accelerate any motor vehicle in a manner and under circumstances where to do so is unnecessary, whether on any public street or public thoroughfare, or upon a private roadway within the corporate limits of the City of Brownsville.

SECTION 16. PRIMA FACIE VIOLATIONS. The squealing or screeching sound emitted by tires or the throwing of sand or gravel by tires of motor vehicles shall be deemed prima facie evidence of the violation of this City Code.

SECTION 17. EXCESSIVE NOISE OF MOTOR VEHICLES. The operation of a motor vehicle, whether on a public street or thoroughfare, or on private property within the City, which unreasonable disturbs or annoys the public in any manner,

but not necessarily limited to excessive loudness due to defective mufflers or otherwise inappropriately muffled exhausts, shall be deemed public nuisances and violative of the provisions of this City Code.

SECTION 18. PENALTY. Violation of the provisions of Sections 25 through 27 of this Chapter shall be deemed petty misdemeanors, and upon conviction, be punishable in accordance with, and as petty misdemeanors are punishable, under and pursuant to the laws of the State of Minnesota.

Passed and enacted the 7th day of March, 1984.

NUISANCE ORDINANCE
AN ORDINANCE TO REGULATE NUISANCES

THE CITY COUNCIL OF THE CITY OF BROWNSVILLE, MINNESOTA

ORDAIN:

This ordinance shall be quoted as Chapter 61 of the Brownsville City Codes.

CHAPTER 61. NUISANCES AND THE REGULATION THEREOF. SECTION 1. NUISANCES DEFINED.

A nuisance shall include any definition of that term as it is set forth in Minnesota Statutes and Minnesota Case Law. In addition, but not limited to, that definition, "Nuisance" shall also be defined as "the storage of inoperable automobiles either on private property or streets and thoroughfares; the storage of machinery of any kind on residential lots or public streets or thoroughfares; a keeping of junk of any kind on private property or public streets and thoroughfares; the keeping of any item, article of any kind on private property or public streets or thoroughfares which would constitute an attractive nuisance to children; the keeping of any article or item that could be a place for vermin to occupy; or the keeping of any item, article or creating any condition that could negatively affect the health and safety of any citizen of the City of Brownsville, Minnesota, or other person.

SECTION 2. RESPONSIBLE PARTY.

The responsible party for complying with this ordinance shall be deemed to be the owner or the lessee of any property on which a nuisance may exist. In addition, it shall also mean the person who created the nuisance or who owns the item or article which is creating the nuisance whether or not it be the owner or lessee of the property on which the nuisance exists.

SECTION 3. UNLAWFUL TO CREATE OR KEEP A NUISANCE.

It shall be unlawful for any person, corporation or other entity to create or to maintain a nuisance in the City of Brownsville, Minnesota.
SECTION 4. RIGHT TO A HEARING.

If a nuisance is deemed to exist, the City of Brownsville through its officers shall give notice to the offending party of the nuisance. Within two weeks of the date of the notice, that party shall either abate the nuisance or request a hearing before the City Council. If a hearing is requested, the City Council shall hold the hearing within thirty (30) days of the request for hearing. Five (5) days mailed notice to the interested party shall be given of the date and time of the hearing. After the hearing, the City Council shall then determine the appropriate action to be taken.

SECTION 5. PENALTY.

It shall be a misdemeanor for any person, corporation or other entity to violate this ordinance. The punishment shall be as set forth in Minnesota Statutes for a misdemeanor.

SECTION 6. EFFECTIVE DATE.

This ordinance shall become effective after its passage and upon publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BROWNSVILLE THIS \ $0, DAY OF ___A___, 1994.

ATTEST:

el\ J

\ 64

ON 2. ADMINISTRATION OF SECTION 1. SUPRA ------------------------ 64
ON 3. PENALTY ------------------------------------------------------ 64
ON 4. WATERFRONT IMPROVEMENTS -------------------------------- 65
ON 5. WATERCRAFT REGULATIONS ---------------------------------- 65
a. OPERATION OF MOTOR BOAT ------------------------------------ 65
b. OPERATION OF POWER BOAT ------------------------------------ 65
(1) WITHIN 100 FEET OF A PERSON ------------------------------ 65
(2) WITHIN 200 FEET OF LANDING FLOAT OR BOATHOUSE
(3) AT BOATHOUSE BAY

C. OBSTRUCTION OF RIVER TRAFFIC, ETC.
D. EXERCISE OF REASONABLE PRECAUTIONS

SECTION 6.
LITTERING PROHIBITED

SECTION 7.
BOATHOUSE AND FLOAT REGULATIONS

SECTION 8.
DERELICT CRAFT

SECTION 9.
PARKING REGULATIONS

SECTION 10.
PENALTY

SECTION 11.
PLACEMENT OF MAIL BOXES

SECTION 12.
DEFINITIONS

1. COUNCIL
2. BUILDING LOT
3. LOT WIDTH
4. NON-CONFORMING USES
5. STRUCTURAL ALTERATIONS
6. VARIANCE
7. ACCESS WAY
8. IMPROVEMENT AND DEVELOPMENT
9. BUILDING PERMITS REQUIRED
10. DISTRICTS

SECTION 13.
SUBDIVISION OF EXISTING LOTS PROHIBITED

SECTION 14.
BUILDING PERMITS REQUIRED

SECTION 15.
DISTRICTS

SECTION 16.
SUBDIVISION OF EXISTING LOTS PROHIBITED

SECTION 17.
DUTIES OF CITY CLERK

SECTION 18.
DUTIES OF CITY COUNCIL

SECTION 19.
PRE-EXISTING, NON-CONFORMING USES

SECTION 20.
FLOOD PLAIN REGULATIONS: DISTRICT F

SECTION 21.
ENFORCEMENT - PENALTY

SECTION 22.
PRE-EXISTING, NON-CONFORMING USES
Subd. 1. DEFINITIONS 71 MANUFACTURED HOME
-------------------------------------------
Subd. 2. MANUFACTURED HOME PARK --- 71 Subd.
3. "MOBILE HOME" STRICKEN AND "MANUFACTURED
HOME SUBSTITUTED a. MANUFACTURED HOME
REGULATIONS

Subd. 4. SECTION 24.
Subd. 1.
    1. AGRICULTURAL USES ------------------------
    2. INDUSTRIAL-COMMERCIAL USES -------------
    3. PRIVATE AND PUBLIC RECREATIONAL USES
    4. RESIDENTIAL USES -----------------------
Subd. 7.
    FLOOD FRINGE DISTRICT (FF) ------------------
        a. PERMITTED USES ---------------------
        1. ANY USE PERMITTED IN SUBD. 6 -------
        2. ACCESS 3. a.  a. b. 3.
        8. SUBDIVISIONS -----------------------------------76
Subd. 9.
    PUBLIC UTILITIES, RAILROAD, ROADS AND BRIDGES --- 76 a.
    PUBLIC UTILITIES -----------------------------77
    b. PUBLIC TRANSPORTATION FACILITIES ----------77
c. INDIVIDUAL SEWAGE TREATMENT SYSTEMS ---------77
Subd. 10. MANUFACTURED HOMES AND MANUFACTURED HOME PARKS --- 77 a.
    SUBJECT TO PROVISIONS PLACED ON SUBDIVISION
    BY SUBD. 8 -----------------------------------77
    b. MANUFACTURED HOMES IN FLOOD PLAIN DISTRICTS -
    NON CONFORMING USES AND REPLACED ONLY: -------77
    1. IF LYING IN FLOOD FRINGE DISTRICT ----------77
    2. ANCHORED WITH TIEDOWNS -------------------77
    3. OWNER OR RENTER NOTIFIED THAT MANUFACTURED
HOME LIES IN FLOOD PLAIN AND SUBJECT TO FLOODING

-----------------------------------

Subd. 11.

Subd. 12.

VALUE

-----------------------------------

PENALTIES FOR VIOLATION

AMENDMENTS

OCCUPANCY PROHIBITED

CERTIFICATE OF OCCUPANCY SHOULD EVIDENCE:

81

81 81 81 VIOLATIONS

c. OTHER PROVISIONS WHEN INDIVIDUAL MANUFACTURED HOMES ARE PERMITTED

ADMINISTRATION

a. USE PERMIT REQUIRED

1. USE PERMIT REQUIRED

2. APPLICATION FOR USE PERMIT

3. STATE AND FEDERAL PERMITS

4. CERTIFICATION OF FIRST FLOOR ELEVATIONS

b. BOARD OF ADJUSTMENT

1. VARIANCES

2. HEARINGS

3. PROCEDURES FOR EVALUATING PROPOSED USES WITHIN THE GENERAL FLOOD PLAIN DISTRICT

   a. REQUIREMENTS OF APPLICANT

      1. CHANNEL OF STREAM, ELEVATION OF LAND & HIGHWATER INFORMATION

      2. PLAN

      3. PROFILE

   b. INFORMATION TO ENGINEER

      1. ESTIMATE OF PEAK DISCHARGE

      2. CALCULATE WATER SURFACE PROFILE

      3. COMPUTE FLOODWAY NECESSARY

   c. DETERMINATION BY CITY COUNCIL

   d. SUBMISSION TO COMMISSION OF NATURAL RESOURCES

NON CONFORMING USES

a. STRUCTURES LAWFUL BEFORE PASSAGE BUT NOT NOW IN CONFORMITY

1. NO STRUCTURAL ALTERATION EXCEEDING 50%

2. ANY ALTERATION RESULTING IN SUBSTANTIALLY INCREASING FLOOD DAMAGE POTENTIAL

3. DESTRUCTION OF MORE THAN 50% OF MARKET

80 80 81 81 81 81 81 81

Subd. 5.

   a. SUBSTANTIAL COMPLETION

   b. COMPLIANCE
c. PAYMENT OF FEES

CHAPTER 65. ZONING, LAND AND WATER USE REGULATIONS AND BUILDING REGULATIONS.

SECTION 1. BUILDING PERMITS. No person, partnership, or corporation may erect any structure of any kind or add to the outside dimensions thereof in excess of $50.00 valuation, nor relocate any building already constructed or which may hereafter be constructed, within the City limits of Brownsville, Minnesota, without first making application to and procuring from the City Clerk a building permit to do so before such work is commenced. The application for the permit shall state the exact site to be occupied showing exact dimensions of said building or buildings, including the kind and nature of materials to be used and a description of the lands upon which the same is to be located with the distances between the outside of such buildings or structures and the street lines, the purpose for which the same is to be occupied, and the probable time when the work will be completed. Such application shall show affirmatively that all work will comply with every provision of the City Code and shall be approved by the City Council or if it appoints one, the building inspector as showing such compliances before permit may be granted by the City Clerk. The application for permit shall be accompanied by such fee as may be established by City Council Resolution.

SECTION 2. ADMINISTRATION OF SECTION 1, SUPRA. Upon the filing of such application, the City Clerk shall consider the same and if the City Council shall determine, by resolution upon its minutes, that the building or other structure described in said application is a safe and suitable building to be erected upon the lands described in said application, and that the purpose and use for which the same is to be erected, established, or constructed can be carried on in the locality described in said application without injury or impairment of the public health and safety, and without obstructing the streets and sidewalks of said City or interfering with the traffic thereon, then the Clerk of said City may by virtue of said resolution, issue a permit upon said application authorizing the applicant to erect, construct, or establish the particular building or other structure in said application described to be located upon lands described in said application. But if a majority of said council vote against such resolution or a resolution is adopted denying said application, then no permit shall be issued by said clerk.

SECTION 3. PENALTY. Any person violating any of the provisions of Section 1 of this Chapter shall upon conviction thereof be guilty of a misdemeanor and punished according to law and any building or other structure erected in violation of this ordinance shall be condemned and removed or made to conform thereto.

Passed the 20th day of July, 1956.

SECTION 4. WATERFRONT IMPROVEMENTS. No new structures or repairs upon or along the waterfront of the City of Brownsville shall be undertaken except upon application to the City Council and under permit by it and in accordance with the comprehensive plan of the City of Brownsville and
pursuant to specifications submitted to the Council and approved by it upon application.

SECTION 5. WATERCRAFT REGULATIONS. All watercraft operating in water under the jurisdiction of the City of Brownsville shall conform to the following rules:

A. Every operator or a motor boat shall at all times operate and navigate the same in a careful and prudent manner and at such a rate of speed as not to endanger the lives of property of others.

B. No owner, operator or person in command of any power boat shall operate the same, or permit it to be operated, in excess of eight (8) statute miles per hour in any of the following areas:

(1) Within 100 feet of any person in the water.

(2) Within two hundred feet of any way, landing float, or boathouse to which boats are made fast or which is used for embarking or discharging passengers, south of Lawrence Lake on the north edge of said City.

C. No person shall anchor a boat for fishing or other purposes on any body of water tinder the jurisdiction of the City of Brownsville in such a position as to dangerously obstruct river traffic or access to public landings.

D. Operators of boats and all types of watercraft, when mooring the same, shall exercise reasonable precautions to make sure that the vessel or craft will not go adrift and that the action of the water will not cause it to injury or endanger the life or property of others.

SECTION 6. LITTERING PROHIBITED. Logs, lumber, wood scraps, rope scraps, metal, glass, or paper containers, derelict boats, oil, garbage, sweepings, and similar trash are hereby declared to be nuisance and it shall be unlawful for any person to throw or place in, or cause to be thrown or placed, any of the above named articles in, on or along the waterfront and shores along the City of Brownsville, fronting on and abutting said City in such position that such articles or substances may be washed upon the shores.

(3) At Boathouse Bay of the bay which lies immediately

65

SECTION 7. BOATHOUSE AND FLOAT REGULATIONS. All floats and boathouses moored along the waterfront of the City shall be maintained in a neat and orderly condition at all times and securely moored.

SECTION 8. DERELICT CRAFT. The City Council may direct the removal and destruction of any sunken, derelict, or abandoned craft, float or boathouse when, after investigation it shall be determined that the same constitutes a nuisance. The owner of any such craft, float, or boathouse shall remove the same when directed so to do by the City Council and upon his failure so to do, shall be guilty of a misdemeanor and punished as hereinafter provided.
SECTION 9. PARKING REGULATIONS. The City Council of the City of Brownsville is hereby authorized and empowered to establish no parking areas in the property under its jurisdiction and when any such area shall be established by ordinance and signs have been posted giving notice thereof, it shall thereafter be unlawful for the owner or operator of any motor vehicle or boat trailer to park the same in such area.

SECTION 10. PENALTY. Violation of Section 4 through 9 of this Chapter are upon conviction, petty misdemeanor and punishable according to law.

SECTION 11. PLACEMENT OF MAIL BOXES. No mail boxes shall be installed in front of any property on Main Street without the consent of the property owner affected.

SECTION 12. INTENT. The intent and purpose of Sections 13 through 22 of this chapter is to regulate the location, size, use, nature of buildings, the arrangement of building on lots in said City, in order to insure the orderly development of lots or parcels of land of existing recorded plats and to assure adequate minimum area for the development and improvement of unplatted land in the corporate limits of Brownsville.

SECTION 13. DEFINITIONS. For purposes of constructing Sections 12 through 22 of this chapter, the following terms shall be defined as follows:

1. COUNCIL. Council shall mean the City Council of the City of Brownsville.

2. BUILDING LOT. Building Lot is any lot which is a part of an existing official unvacated plat lying and being within the corporate limits of the City of Brownsville. With regard to unplatted lands, it shall be a tract of land not less than 60 feet lot width and 120 feet lot depth.

3. LOT WIDTH. Lot width shall be construed to mean the width of a tract of land otherwise suitable for development or improvement, which lot has a minimum width of 60 feet on the dimension thereof lying adjacent to a public street or to an access way suitable, in the discretion of the Council, to give ingress-egress to said lot, which minimum width shall continue from the frontage on the access way, away therefrom for a minimum distance of 2/3's of the maximum lot depth.

4. NON-CONFORMING USES. A non-conforming use is a use lawfully in existence on the effective date of this Code and not conforming to the regulations for the district in which it is situated.

5. STRUCTURAL ALTERATIONS. A structural alteration is any change in the supporting members of the building such as bearing walls, columns, beams or girders, or any change in the exterior dimension of an existing structure.

6. VARIANCE. Variance is a modification or variation in the technical provisions of this code, as applied to a specific piece of property. Land uses, which are not allowable uses within a district under the terms and provisions of this code shall not be the subject matter for variance.

7. ACCESS WAY. Access way shall be construed to be an ingress-egress to a tract of land to be improved or developed, which access cannot be attained over a platted thoroughfare. As a prerequisite to the
establishment of a tract of land unplatted so as to render the same suitable for improvement or development, the owner thereof, individually, or with and in conjunction with other owners or developers, shall dedicate to the City of Brownsville, the necessary lands for the establishment of an ingress-egress route so that as specified by the Engineer of the City of Brownsville, and approved by the City Council, said access way shall involve a minimum right of way width of 60 feet and the elevation in connection with the grading thereof and the establishment of proper drainage shall be established to the satisfaction of the City Engineer with the approval of the City Council.

8. IMPROVEMENT AND DEVELOPMENT. For purposes of this City Code, improvement and development shall be construed to mean the construction and location in and upon a lot or tract of land of a dwelling house or the construction of any other building or improvement which shall cover more than 100 square feet of lot or tract area and for purposes of this Code, shall also include excavations of any kind whether in conjunction with construction of a building or otherwise, except excavations in conjunction with the construction of a fence or the placement of poles for public utilities or such other essential services.

SECTION 14. BUILDING PERMITS REQUIRED. Before the construction or location of any improvement or development in and upon lands lying and being within the corporate limits of the City of Brownsville may be commenced, the owner or his duly constituted and authorized agent shall make application at the Office of the City Clerk for a building permit therefor on forms provided by the Clerk to such applicants, which form shall be in accordance with the prescriptions of the City Council of the City of Brownsville, and the fees to be charged and prepaid for such building permits shall be in accordance with such fee schedule as may be by the resolution of the City Council established.

SECTION 15. DISTRICTS. The lands described in Section 16 infra are hereby designated District A. All other lands except those deemed to be flood zone are hereby designated District B. Flood zone areas of the City are hereby designated District 1'.

SECTION 16. SUBDIVISION OF EXISTING LOTS PROHIBITED. No lot or parcel of land as established in accordance with the minimum area requirements as provided for hereinbefore shall after the enactment hereof be subdivided except:

(a) such existing lost, parcels or tracts may be subdivided to increase the size of adjacent contiguous transt, or

(b) to correct boundary line disputes with respect to causes which originated before or predated the enactment of this City Code.

Nothing in this City Code shall prohibit the conveyance of an easement to enable the installation of public utilities.

The subdivision of lands unplatted on the effective date of these chapter provisions may be subdivided, provided the minimum lot size shall be in accordance with the building lot definitions contained in Section 13 of this Chapter, provided further that all access ways are built to grade
with proper drainage established and surfaced in a manner to be proscribed by City Engineer with the approval of the Council and with the further understanding that such subdivisions shall not be approved by the Council unless the formalities required for platting of lands imposed by the laws of the State of Minnesota are complied with by the owner or owners of said land to be platted or subdivided.

SECTION 17. SETBACK REQUIREMENTS. No improvement shall be constructed on any parcel of land or lot in the City of Brownsville unless the same shall be set back from the sideyard boundary lines shall have a front yard setback and a back yard setback as prescribed by Appendix B to this Code except:

(a) in the discretion of the City Council, upon application made to it for variance in accordance with the provisions of this City Code, the front yard requirements may be waived so as to conform the structure contemplated to be erected or the improvement to be constructed to the setback of other improvements or structures on adjacent parcels, or

(b) In cases where the maintenance of the setback, back yard and sideyard requirements as provided for hereinbefore, would create undue hardship, they likewise may be waived by implementation of the procedure set forth in this City Code for the obtaining of variances.

Steps, entry ways, eves or other projections from buildings of any kind shall be considered a part of the improvement in determining setback.

SECTION 18. VARIANCES. Persons desiring to obtain a variance shall make application therefor to the City Clerk upon such forms or applications which may be prescribed for such purpose by the City Council. Provided further that no variance shall be granted without 4/5's affirmative vote of the Council at a regular Council Meeting or a Special Meeting duly called and convened.

SECTION 19. PRE-EXISTING NON-CONFORMING USES. The non-conforming use which the location of a mobile home in District A constitutes shall permit the replacing of such non-conforming mobile home by another or new mobile home, provided the replacement shall be of equal or greater footage than the original, and provided that the minimum area shall be 600 feet.

SECTION 20. FLOOD PLAIN REGULATIONS: DISTRICT F.

Subd. 1. The City Council is hereby vested with the authority and responsibility to:

(a) elineate or assist any governmental authority in the delineating of limits of the areas having special flood liaces on available local maps of sufficient scale to identify the location of building sites.

(b) Provide such information to such governmental agencies validly requesting the same concerning the present uses and occupancy of the flood plain.

(c) Cooperate with Federal, State and local agencies and private
firms which undertake to study, survey, map, and identify flood plain areas, and cooperate with neighboring communities with respect to the management of adjoining flood plain areas, and cooperate with neighboring communities with respect to the management of adjoining flood plain areas in order to prevent aggravation of existing hazards.

(d) Submit annual reports and such other reports to such governmental agencies and administrators thereof as may be indicated and necessary in the implementation of flood plain management measures.

Subd. 2. The City Clerk is hereby appointed to maintain for public inspection and to furnish upon request a record of elevation in relation to mean sea level of the lowest floor, including basement, of all new or substantially improved structures located in District F areas. If the lowest floor is below grade on one or more sides, the elevation of the floor immediately above must also be recorded.

Subd. 3. The City Council in granting and issuing building permits as authorized in Section 14 supra, shall enforce the intent of this City Code generally, and where the proposed building or improvement is located in District F, all property promulgated rules and regulations of all government agencies appertaining shall be applied and enforced, enabling owners of property in District F to qualify for benefits and coverage under national Flood Insurance Act of 1968, as amended.

SECTION 21. ENFORCEMENT - PENALTY

Subd. 1. The City Council, after the enactment of resolution authorizing the same, or any person owning an interest in land in the City of Brownsville, finding himself aggrieved by the violation of any provisions of this Chapter of the City Code, may apply for injunctive relief or an action at law or to such other legal or equitable relief as may be afforded by the laws of the State of Minnesota to compel compliance with the terms of the Code provisions.

Subd. 2. Notwithstanding the provisions of Subd. 1 hereof, any person who violates any provision of this chapter, whether he be the owner of an interest in lands in the City of Brownsville, a tenant, developer or builder thereof, or any other person, shall upon conviction thereof, be deemed guilty of a misdemeanor and punishable according to law together with the costs of prosecution.

Adopted the 6th day of March, 1974. Code 70

SECTION 22. PRE-EXISTING NON-CONFORMING USES. The non-conforming use which the location of a mobile home in District A (Section 16 supra) constitutes shall permit the replacing of such non-conforming mobile home by another or new mobile home, provided the replacement shall be of equal or greater value, and provided that in any case, living area shall be a minimum of 600 square feet.

Other structures which are non-conforming may be replaced, improved, or added to provided such structural changes conform to Section 18 of this Chapter.
Adopted the 5th day of March 1975. SECTION 23.

MANUFACTURED HOMES. Subd. 1. DEFINITIONS.

MANUFACTURED HOME: 'Manufactured home' is a general term meaning a structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and including the plumbing, heating air conditioning and electrical systems contained therein; except that the term includes any structure which meets all of the requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development, or the duly authorized agent or successor thereof, and complies with the standards established in Chapter 327, Minnesota General Statutes, as amended. This general definition includes structures heretofore commonly known as 'mobile homes' as well as 'manufactured buildings' built without chassis and designed only for erection on permanent foundation and which possess roof lines such as conventional on the site constructed homes and buildings.

Subd. 2. MANUFACTURED HOME PARK: Any lot, site, field or tract of land upon which two or more occupied manufactured homes, as hereinbefore defined, are located, either free of charge, or for revenue purposes, and which parks are constructed and maintained in a manner consistent with the laws of the State of Minnesota thereunto appertaining and are duly licensed pursuant thereto. For purposes of this definition, manufactured home is a factory assembled structure or structures equipped with the necessary service connections and made so as to be readily movable as a unit or units on its or their own running gear and designed to be used as a dwelling unit or units without a permanent foundation. The phrase 'without a permanent foundation' indicates that the support system is constructed with the intent that the manufactured home placed thereon will be moved from time to time at the convenience of the owner.

Subd. 3. "MOBILE HOME" STRICKEN AND "MANUFACTURED HOME" SUBSTITUTED

All references in the City of Brownsville Code to "mobile home(s)" are hereby stricken, and in lieu thereof shall be inserted instead the words, "manufactured home(s)".

MANUFACTURED HOME REGULATIONS. (A) The location of manufactured homes is authorized on any lot of appropriate size and otherwise consistent with the provisions of the City Code of the City of Brownsville appertaining, except as hereinafter provided.

(B) Manufactured homes which do not conform to the following minimum specifications, to-wit:

1. Are at least 24 feet wide;

2. Have a roof line such as conventional on the site constructed
homes;

3. Are factory designed for placement on permanent foundations only;

4. Have appearance similar to other on the site constructed homes and buildings;

shall be permitted in Manufactured Home Parks only, or with Conditional Use Permits at such locations only within the corporate limits of the City of Brownsville as specified in this chapter infra.

Among other conditions which the City Council may consider as the proper basis for a finding that the Conditional Use Permit shall issue are:

1. The non-availability of space in a manufactured home park located in the City;

2. A finding that the location of such manufactured home shall not adversely affect the value of adjacent and near property.

3. That the location of such manufactured home shall discontinue after a specially expressed period of time, in effect authorizing only the temporary location of such manufactured home in such areas in the City.

Subd. 4. ENFORCEMENT - PENALTY. Any person who violates any provision of this City Code whether he be the owner of an interest in lands in the City of Brownsville, a tenant, developer or builder thereof, or any other person, shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be punished according to the laws of the State of Minnesota thereunto appertaining. Each day a violation of any provision of this City Code exists shall be deemed a separate offense.

Adopted the 3rd day of August, 1983.

SECTION 24. FLOOD PLAIN REGULATIONS; AUTHORITY. The Legislature of the State of Minnesota has, in Chapter 104 and Chapter 462, Minnesota General Statutes, delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City Council of the City of Brownsville, Houston County, Minnesota, ordains as follows:

Subd. 1. STATEMENT OF PURPOSE. The purpose of this Chapter of the Brownsville City Code is to minimize potential loss due to periodic flooding including loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

Subd. 2. GENERAL PROVISIONS; APPLICABILITY. This Chapter of the Brownsville City Code shall apply to all lands designated as General Flood Plain District within the jurisdiction of the corporate limits of the City of Brownsville, Houston County, Minnesota.

a. ADOPTION OF FLOOD INSURANCE STUDY. The Flood Insurance Study for the City of Brownsville dated August 15, 1983, developed by the Federal
Insurance Administration, and the Flood Insurance Rate Map therein dated February 15, 1983, are hereby adopted by reference and made part of this Chapter of the Brownsville City Code as if set out hereat in full.

b. REGULATORY FLOOD PROTECTION ELEVATION. The Regulatory Flood Protection Elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

c. INTERPRETATION. 'The boundaries of the zoning district(s) shall be determined by scaling distances on the Flood Insurance Study maps. Where interpretation is needed as to the exact location of the boundaries of a district, the City Council shall make the necessary interpretation based on elevations on the regional (100-year) flood profile and other available technical data.

d. COMPLIANCE. No structure or land shall hereafter be used and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this Chapter and other applicable regulations which apply to uses within the jurisdiction of this Chapter of the Brownsville City Code.

Subd. 3. DEFINITIONS. Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Chapter its most reasonable application.

a. ACCESSORY USE OR STRUCTURE. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use of structure.

b. FLOOD FRINGE. That portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study.

c. FLOOD PLAIN. The areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.

d. FLOOD PROOFING. A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

e. FLOODWAY. The channel of the watercourse and those portions of the adjoining flood plain which are reasonably required to carry and discharge the regional flood.

f. REGIONAL FLOOD. A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in the Flood Insurance Study.

g. STRUCTURE. Anything constructed or erected on the ground or
attached to the ground, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, and other similar items.

Subd. 4. ESTABLISHMENT OF THE GENERAL FLOOD PLAIN DISTRICT

The flood plain areas within the jurisdiction of this Chapter are hereby defined as the General Flood Plain District. The 100-year flood plain areas that constitute the General Flood Plain District shall include those areas designated as A Zones on the Flood Insurance Rate Map adopted by reference in Subd. 2 supra. Within this district, all uses that are not allowed as a permitted use shall be prohibited.

Subd. 5. GENERAL FLOOD PLAIN DISTRICT.

The General Flood Plain District includes the entire flood plain and does not differentiate between those areas that are flood way and those areas that are flood fringe. Because of this, the City Council shall determine whether the proposed use is in the floodway or flood fringe using procedures established in Subd. 10 of this Section 24 of this Chapter. If it is determined that the use lies in the floodway, the provisions of Subd. 6 of Section 24 of this Chapter shall apply. If it is determined that the proposed use lies in the flood fringe, the provisions of Subd. 7 of this Chapter shall apply.

Subd. 6. FLOODWAY DISTRICT (FW).

a. PERMITTED USES. The following uses have a low flood damage potential and do not obstruct flood flows. These uses shall be permitted within the floodway District to the extent that they are not prohibited by any other provisions of the City Code and provided they do not require structures, fill or storage of materials or equipment. In addition, no use shall adversely affect the capacity of the channels or floodways or any tributary to the main stream or of any drainage ditch, or any other drainage facility or system.

1. Agricultural uses such as general farming, pasture, forestry, sod farming, and wild crop harvesting.

2. Industrial-Commercial uses such as parking areas and airport landing strips.

3. Private and public recreational uses.

4. Residential uses such as lawns, gardens, parking areas, and play area.

Subd. 7. FLOOD FRINGE DISTRICT (FF).

a. PERMITTED USES. The following uses shall be permitted uses within the Flood Fringe District to the extent that they are not prohibited by any other provision of this City Code.

1. Any use permitted in Subd. 6. 2. Accessory structures provided:
(a) Structures shall not be designed for human habitation.

(b) Structures shall have a low flood damage potential and be constructed using flood resistance materials.

(c) Structures shall be firmly anchored to prevent flotation which may result in damage to other structures and/or restriction of bridge openings and other narrow sections of the stream or river.

(d) Accessory structures shall be flood-proofed in accordance with the State Building Code.

3. Residences, including manufactured homes and other structures constructed on fill so that the basement floor or first floor, if there is no basement, is at or above the Regulatory Flood Protection Elevation. The finished fill elevation shall be no lower than one (1) foot below the Regulatory Flood Protection Elevation and shall extend at such elevation at least fifteen (15) feet beyond the limits of any structure or building erected thereon. Fill shall be compacted and the slopes shall be protected by riprap or vegetative covering. Residences constructed on fill shall be provided with vehicular access no lower than 2 feet below the regulatory flood protection elevation. Any variance granted shall specifically address the conditions set forth in Subd. 11 b. 1.

Subd. 8. SUBDIVISIONS.

No land shall be subdivided which is held unsuitable by the City Council by reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the flood plain districts shall contain a building site at or above the Regulatory Flood Protection Elevation. All subdivisions shall have water and sewage disposal facilities that comply with the provisions of this Chapter and have road access both to the subdivision and to the individual building sites no lower than two feet below the Regulatory Flood Protection Elevation.

Subd. 9. PUBLIC UTILITIES, RAILROAD, ROADS, AND BRIDGES

a. PUBLIC UTILITIES. All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain shall be flood-proofed in accordance with the State Building Code or elevated to above the Regulatory Flood Protection Elevation.

b. PUBLIC TRANSPORTATION FACILITIES. Roads, railroads, tracts and bridges within the flood plain shall be designed to minimize increases in flood elevations.


2. Roads, railroad tracks, and bridges shall be elevated above the regulatory flood protection elevation if failure or interruption of transportation services would endanger the public health or safety.

c. INDIVIDUAL SEWAGE TREATMENT SYSTEMS. Individual sewage
treatment systems shall be designed and located so that they will not be
damaged or contaminate surface waters if flooded, as set forth in Minnesota
Regulations 6 MCAR s 4.8040.

Subd. 10. MANUFACTURED HOMES AND MANUFACTURED HOME PARKS.

  a. New manufactured home parks and expansions to existing
manufactured home parks shall be subject to the provisions placed on
subdivisions by Subd. 8 of this Section.

  b. Manufactured homes in existing manufactured home parks that
are located in flood plain districts are nonconforming uses and may be
replaced only if in compliance with the following conditions:

    1. The manufactured home lies in the Flood Fringe District.

    2. The manufactured home is anchored with tiedowns that
comply with requirements of Minnesota Regulations Manufactured Homes (Moll)
450.

    3. The manufactured home owner or renter is notified that
the manufactured home site lies in the flood plain and may be subject to
flooding.

  c. Individual manufactured homes not located in manufacured home
parks may be permitted if allowed by other applicable ordinances and if
they comply with the provisions of Section 25, Subd 6 a.3.

Subd. 11. ADMINISTRATION. a. USE PERMIT.

  1. USE PERMIT REQUIRED. A use Permit issued by the City
Council shall be secured prior to the construction, addition, or alteration
of any building, structure, or land; prior to the change or extension of a
nonconforming use; and prior to the placement of fill or excavation of
materials within the flood plain.

  2. APPLICATION FOR USE PERMIT. Application for a Use Permit
shall be made in duplicate to the City Council and shall include plans
drawn to scale showing where applicable: the nature, location, dimensions,
elevations of the lot; existing or proposed structures, fill, or
storage of materials; and the location of the foregoing in relation to the
stream channel.

  3. STATE AND FEDERAL PERMITS. Prior to granting a Use
Permit or processing an application for a Variance, the City Council shall
determine that the applicant has obtained all necessary State and Federal
Permits.

  4. CERTIFICATION OF FIRST FLOOR ELEVATIONS. The applicant
shall submit certification by a registered professional engineer,
registered architect, or registered land surveyor that the finished fill
and building elevations where accomplished in compliance with the
provisions of this Section. The City Clerk shall maintain a record of these
elevations for all new structures in the flood plain districts.

  b. BOARD OF ADJUSTMENT. A Board of Adjustment is hereby
established and shall consist of all members of the City Council.

1. **VARIANCES.** The Board may authorize upon appeal, variances from the provisions of this Section as long as they will not be contrary to the public interest, and if the spirit of this Section will be observed. Variances may only be granted where due to special conditions, literal enforcement of the provisions of this Section will result in unnecessary hardship. No variance shall have the effect of allowing in any district uses prohibited in that district; permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area or permit standards lower than those required by State law. In cases where variance is sought with reference to the vehicular access requirements of Subd. 7. 3. supra, variances shall be granted upon the minimal conditions that will assure safety of occupants of structure(s) during times of flooding, will afford adequate flood warning, and will enable the City's providing police and fire protection and other public services to the property during times of flood.

2. **HEARINGS.** The Board of Adjustment shall fix a reasonable time for a hearing and give notice to all interested parties. The Board shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposes Variances sufficiently in advance so that the Commissioner will receive at least ten days notice of the hearing. A copy of all decisions granting Variances shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.

3. **PROCEDURES FOR EVALUATING PROPOSED USES WITHIN THE GENERAL FLOOD PLAIN DISTRICT.**

   a. Upon receipt of an application for a Use Permit or a land subdivision proposal for a use within the General Flood Plain District, the applicant shall be required to furnish such of the following information as is deemed necessary by the City Council for the determination of the Regulatory Flood Protection Elevation and whether the proposed use is within the floodway or flood fringe.

      1. A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.

      2. Plan (surface view) showing elevations or contours of the ground, pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets; photographs showing existing land uses and vegetation upstream and downstream; and soil type.

      3. Profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development.

   b. One copy of the above information shall be transmitted to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the floodway or flood fringe and to determine the Regulatory Flood Protection
Elevation. Procedures consistent with Minnesota Regulations Natural Resources 86-87 shall be followed in this expert evaluation. The designated engineer or expert shall:

1. Estimate the peak discharge of the regional flood.

2. Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.

3. Compute the floodway necessary to convey the regional flood without increasing flood stages more than 0.5 foot. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.

c. Based upon the technical evaluation of the designated engineer or expert, the City Council shall determine whether the proposed use is in the floodway or flood fringe, and determine the Regulatory Flood Protection Elevation at the site.

d. The City shall submit by mail to the Commissioner of Natural Resources, a copy of the technical evaluation and all supporting data sufficiently in advance so that the Commissioner will receive at least ten days notice before final City Council action. A copy of all final decisions shall be forwarded by mail to the Commissioner within ten days of such notice.

Subd. 12. NONCONFORMING USES.

a. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Section but which is not in conformity with the provisions of this Section may be continued subject to the following conditions.

1. No structural alteration or addition to any nonconforming structure over the life of the structure shall exceed 50 percent of its market value, unless the entire structure is permanently changed to a conforming use or unless the alteration or addition would substantially reduce potential flood damages for the entire structure.

2. Any alteration or addition to a nonconforming use which would result in substantially increasing the flood damage potential of that use shall be elevated or flood proofed.

3. If any nonconforming is destroyed by any means, including floods, to an extent of 50 percent or more of its market value, it shall not be reconstructed except in conformity with the provisions of this Section.

Subd. 13. PENALTIES FOR VIOLATION

Violation of the provisions of this code or failure to comply with any of the requirements (including violations of conditions and safeguards established in connection with grants of Variances) shall constitute a misdemeanor.
Subd. 14. AMENDMENTS

All amendments to Section 25 of this Chapter shall be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the boundaries of the Floodway or Flood Fringe Districts also require prior approval by the Office of Federal Insurance and Hazard Mitigation.

SECTION 25. CERTIFICATES OF OCCUPANCY

Subd. 1. POLICE POWER ENACTMENT. The provisions of this Code are enacted pursuant to police powers of the City Council of the City of Brownsville.

Subd. 2. CERTIFICATES OF OCCUPANCY REQUIRED. In each instance where structures are constructed anew, not having been heretofore occupied or inhabited, Certificates of Occupancy are required before such premises may be inhabited or occupied.

Subd. 3. ADMINISTRATION. The City Clerk or such other person who may be designated by the City Council by resolution duly enacted shall administer the issuance of Certificates of Occupancy on form(s) approved by the City Council.

Subd. 4. OCCUPANCY - HABITATION WITHOUT CERTIFICATE OF OCCUPANCY PROHIBITED. No person shall inhabit or occupy any structure designated or intended for human habitation or occupancy, which entitlement to construct and install was conferred by permit of any kind required by this ordinance, until CERTIFICATE OF OCCUPANCY has been issued by the Zoning Administrator, evidencing:

a) Substantial completion of such structure;

b) Compliance with all regulations of this and other Sections of this City Code, including, but not limited to Chapters 65 and 50; and

c) The payment of all applicable fees and charges including, but not limited to, those attending the issuance of any permit, for sanitary sewer assessments and hookup charges.

Subd. 5. VIOLATIONS. Violations of this Section of Chapter 65 are misdemeanors, and upon conviction thereof, punishable according to the laws of the State of Minnesota.
Passed and enacted the 5th day of August, 1987.

<table>
<thead>
<tr>
<th>CHAPT</th>
<th>SE</th>
<th>SECTION</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1.</td>
<td>ONE FAMILY DWELLINGS</td>
</tr>
<tr>
<td></td>
<td>2.</td>
<td>DUPLEXES</td>
</tr>
<tr>
<td></td>
<td>3.</td>
<td>PROFESSIONAL RESIDENCE - OFFICES</td>
</tr>
<tr>
<td></td>
<td>4.</td>
<td>PUBLIC RECREATION</td>
</tr>
<tr>
<td></td>
<td>5.</td>
<td>HISTORIC SITES</td>
</tr>
<tr>
<td></td>
<td>6.</td>
<td>ESSENTIAL SERVICES</td>
</tr>
<tr>
<td></td>
<td>7.</td>
<td>INCIDENTAL STRUCTURE OR BUILDINGS</td>
</tr>
<tr>
<td></td>
<td>a.</td>
<td>SPECIAL USES</td>
</tr>
<tr>
<td></td>
<td>b.</td>
<td>USES SPECIAL IN R DISTRICTS</td>
</tr>
<tr>
<td></td>
<td>b.</td>
<td>USES SPECIAL IN C DISTRICTS</td>
</tr>
<tr>
<td></td>
<td>c.</td>
<td>INTERPRETATION</td>
</tr>
<tr>
<td>Subd TRANSITIO 85</td>
<td>a.</td>
<td>PERMITTED USES</td>
</tr>
<tr>
<td></td>
<td>b.</td>
<td>USES PERMITTED IN R DISTRICTS</td>
</tr>
<tr>
<td></td>
<td>b.</td>
<td>USES PERMITTED IN C DISTRICTS</td>
</tr>
<tr>
<td></td>
<td>b.</td>
<td>SPECIAL USES</td>
</tr>
<tr>
<td></td>
<td>b.</td>
<td>USES SPECIAL IN R DISTRICTS</td>
</tr>
<tr>
<td></td>
<td>b.</td>
<td>USES SPECIAL IN C DISTRICTS</td>
</tr>
<tr>
<td></td>
<td>b.</td>
<td>MULTI-FAMILY STRUCTURES</td>
</tr>
<tr>
<td></td>
<td>b.</td>
<td>ESSENTIAL SERVICES</td>
</tr>
<tr>
<td></td>
<td>b.</td>
<td>MANUFACTURED HOME PARKS</td>
</tr>
<tr>
<td>Subd COMMERCIA 86</td>
<td>a.</td>
<td>PERMITTED USES</td>
</tr>
<tr>
<td></td>
<td>1.</td>
<td>COMMUNITY CENTER, MUNICIPAL BUILDING</td>
</tr>
<tr>
<td></td>
<td>2.</td>
<td>PRIVATE CLUBS</td>
</tr>
<tr>
<td></td>
<td>3.</td>
<td>BANKS</td>
</tr>
<tr>
<td></td>
<td>4.</td>
<td>BUSINESS OFFICE</td>
</tr>
<tr>
<td></td>
<td>5.</td>
<td>RETAIL ESTABLISHMENTS</td>
</tr>
<tr>
<td></td>
<td>6.</td>
<td>PERSONAL SERVICES</td>
</tr>
<tr>
<td></td>
<td>7.</td>
<td>ESTABLISHMENTS WHERE ALCOHOL &amp; OTHER BEVERAGES ARE SERVED</td>
</tr>
<tr>
<td></td>
<td>8.</td>
<td>PROFESSIONAL SERVICES</td>
</tr>
<tr>
<td></td>
<td>9.</td>
<td>REPAIR SERVICES</td>
</tr>
<tr>
<td></td>
<td>10.</td>
<td>FINANCE, INSURANCE, REAL ESTATE</td>
</tr>
<tr>
<td></td>
<td>11.</td>
<td>ENTERTAINMENT, AMUSEMENT</td>
</tr>
<tr>
<td></td>
<td>12.</td>
<td>LODGING SERVICES</td>
</tr>
<tr>
<td></td>
<td>13.</td>
<td>PUBLIC AND SEMI-PUBLIC BUILDINGS</td>
</tr>
<tr>
<td></td>
<td>14.</td>
<td>HOSPITALS AND MEDICAL CENTERS</td>
</tr>
<tr>
<td></td>
<td>15.</td>
<td>AUTOMOBILE PARKING LOTS, GARAGES, BUS STATIONS</td>
</tr>
<tr>
<td></td>
<td>b.</td>
<td>SPECIAL USES</td>
</tr>
</tbody>
</table>
89 90 90 90 90 90 90 91 91 91 91 91 91 91 92 92
92 92 92 92 93 93 93

b. SPECIAL USES

Subd. b.

1. WHAT CONSTITUTES - INDIVIDUAL, TWO OR MORE PEOPLE
2. WHAT CONSTITUTES - GROUP OF NOT MORE THAN 6 PERSONS

Subd. 9. SCREENING AND INTER-DISTRICT SETBACKS

Subd. 10. SIGNS

Subd. 11. TECHNICAL STANDARDS AND CONSIDERATIONS.

CONSERVANCY DISTRICTS

Subd. 1.

Subd. 2.

Subd. 3.

Subd. 5.

SECTION 5. VARIANCES

Subd. 96

Subd. 97

Subd. 3.

SECTION 6. IMPLEMENTATION

Subd. 1.
b. PERMIT APPLICATION REFERRED TO ZONING ADM. --- 98
1. TO BOARD OF APPEALS -------------------------- 98
2. SPECIAL USE PERMIT OR VARIANCE, REFER TO PLANNING COMMISSION -------------------------- 98
c. FINAL ACTION - VARIANCE, SPECIAL USE PERMIT -- 98
d. PROMPT PROCESSING BY ACTION OF ZONING ADM. --- 99

Subd. 2. SUPPORTING DATA, ZONING PERMITS ----------------- 99
a. ZONING PERMITS, USES PERMITTED -------------- 99
b. LEGAL DESCRIPTION ----------------------------- 99
c. PLOT PLAN OR DIAGRAM ------------------------ 99

Subd. 3. SPECIAL USES, SUPPORTING DATE -------------------------------------------- 99
Subd. 4. APPLICATIONS FOR AMENDMENT --------------------------------------- 100

Subd. 5. NOTICES ----------------------------------------------- 100

Subd. 6. EXPIRATION OF PERMITS, VARIANCES, NONASSIGNABILITY 101

SECTION 7. AMENDMENTS ---------------------------- 101
Subd. 1. ENACTMENT OF AMENDMENTS ------------------------- 101
Subd. 2. INITIATION OF AMENDMENT PROCESS --------------------- 102
Subd. 3. ENACTMENT PRECEDING BY PUBLIC HEARING -------------- 102

Subd. 4. NAMES & ADDRESSES OF PETITIONER(S) --------------- 102

SECTION 8. ZONING PERMIT FEE --------------------------- 104
SECTION 9. VIOLATIONS, PENALTIES, REMEDIES --------------- 104
SECTION 10. REPEALER - SEVERABILITY ---------------------- 104

CHAPTER 66. ZONING REGULATIONS.

SECTION 1. ENABLING - PURPOSE - SCOPE

Subd. 1. ENABLING AUTHORITY. This Chapter is enacted as authorized by, and pursuant to, Chapter 462, Minnesota General Statutes, as amended.

Subd. 2. PURPOSE. It is the purpose of this Chapter to promote the health, safety, convenience, morals and general welfare of the residents of the City of Brownsville by the orderly planned improvement of real property, public and private, so as to assure the safety, value and aesthetic qualities thereof.

Subd. 3. SCOPE. All references herein to LANDS shall relate to the lands lying and being within the corporate limits of the City of Brownsville, and STRUCTURES shall include any building, whether permanently affixed to lands or merely placed thereon, having a usable area of 60 square feet or more, whether erected above ground or subterranean. An addition to the exterior perimeter or the height of any existing building, by reason of any addition thereto, regardless of area, or the renovation or rebuilding of the interior of an existing building where the inherent structural aspects of the building are changed, shall be construed a "STRUCTURE" as shall the moving of existing buildings upon lands within the City, whether originating outside of or from another location in the City. STRUCTURE for purposes of this Chapter shall include land alterations, of any kind where 10 cubic yards of material or more are moved, or, regardless of the volume of material moved, where the land alteration affects
existing drainage, lateral or subjacent support. Lands newly annexed to the City shall, unless thereafter reclassified by amendment hereto, have the zoning district classification which said lands had prior to annexation. If such annexed lands are not classified, they shall be annexed with the RESIDENTIAL R District designation.

SECTION 2. ZONING DISTRICT - USES, PERMITTED & SPECIAL OFFICIAL MAP(S)

To fairly, effectively and conveniently accomplish implementation, administration and enforcement of the provisions of this Chapter, the lands regulated hereby shall be classified by district and as so classified shown on the official map(s) incorporated herein by this reference as: RESIDENTIAL-R; TRANSITION R/C; COMMERCIAL-C; AGRICULTURAL-A; and INDUSTRIAL-I; CONSERVANCY DISTRICT-CD; FLOOD PLAIN DISTRICT-FF; hereinafter respectively called: R, R/C, C, A, I, CD, & FF district(s). See Appendix A attached. Where references to this Chapter are made to the relative restrictiveness of Districts, such considerations shall relate to R, R/C, C, A and I Districts, and of said five district designations, R is deemed to be the most restrictive and the other districts less restrictive in the order here set forth.

The land uses PERMITTED in a given district as hereinafter specified, are such which group or cluster like uses typically best suited therein, and shall be allowed as set forth in SECTION II A through G; provided further that any and all structures as defined herein shall conform to all applicable TECHNICAL STANDARDS, hereinafter set forth.

SPECIAL USES are hereby expressly permitted by and as listed as to each respective district, but only with the prior authorization of the Zoning AUTHORITY of the City following public hearing, fact findings, and subject to any CONDITIONS which may be imposed in connection with the issuance of permits therefor.

Subd. 1. RESIDENTIAL DISTRICTS (R) a. PERMITTED USES

1. One-family dwellings including manufactured home's meeting standards as defined in Subd. 3 of Section 23 of Chapter 65 of the City Code of Brownsville.
2. Duplexes 3Dduplexes 3exes
4. Public playgrounds
5. Historical parks and buildings
7. Any incidental structure or buildings necessary to the conduct of a permitted use, including private garages, carports, screen houses, swimming pools convenient to the use of occupants of the principal structures.
b. SPECIAL USES.

1. The buildings of religious organizations, including churches.

2. Schools

3. Public recreational facilities, indoor and outdoor

4. Multi-family structures with no more than six dwelling units per structure

5. Cemeteries and funeral homes

6. Home occupations

7. Nursing homes, hospitals and sanitoria

8. Manufactured homes

9. Manufactured home parks

10. Essential services including power transmission lines except those essential services included in Subd. 1, a. 6. supra.

Subd. 2. TRANSITION DISTRICTS (R/C) a.

PERMITTED USES.

1. All uses PERMITTED in R Districts subject to Section 2, Subd. 1., a. supra.

2. Multi-family structures containing six dwelling units or less.

3. Uses permitted in C Districts subject to Paragraph c., infra.

b. SPECIAL USES.

1. Uses SPECIAL in R Districts.

2. Uses SPECIAL in C Districts.

3. Multi-family structures containing more than six dwelling units.

4. Manufactured home parks.

c. INTERPRETATION. Where at least one adjoining property is already devoted to a use (either Commercial or Residential) of the same classification as the use sought to be made by zoning permit applicant, such applicant need not make application for "Special Use" Permit where the owners of record of all lands within 300 feet of the parcel sought
to be improved execute a writing consenting thereto. "Adjoining" shall include properties across streets or other public thoroughfares. In instances where two or more adjoining properties are already devoted to the use sought to be implemented by a zoning permit applicant, the Zoning Permit shall be granted in the same fashion as with regard to permitted uses. In all other instances, Zoning Permits are available only through the Special Use Permit issuing process.

Subd. 3. COMMERCIAL DISTRICT (C) a. PERMITTED USES.

1. Community center and Municipal Building including Police and Fire Stations.

2. Private clubs
3. Banks
4. Business office
5. Retail establishments such as groceries, bakery, department stores, hardware, drug, clothing and furniture stores, flower shops
6. Personal services such as laundry, barber, shoe repair shop and photography studios.
7. Establishments where alcohol containing and other beverages are served, including restaurants, cafes and supper clubs.
8. Professional services such as medical and dental clinic, architects' and attorneys' offices.
9. Repair services such as jewelry, radio and television repair shops.
10. Finance, insurance and real estate services.
11. Entertainment and amusement services such as motion picture theaters, bowling alleys, art galleries.
12. Lodging services such as hotel and motel.
13. Public and semi-public buildings such as post office, city hall, fire and police stations.
15. Automobile parking lots, parking garages, bus stations.
16. Uses incidental to the principal uses such as off-street
parking and loading and unloading areas, storage of merchandise.

b. SPECIAL USES

Other general business uses upon the finding by the Zoning Authority that such uses are of the same general character as those permitted and which will not be detrimental to other uses or unfavorably impact land values within the district, especially those of adjoining lands, whether within the district or in an adjacent district. No uses shall be permitted in this district, however, which are described as permitted uses or special uses in Industrial Districts as enumerated infra.

Subd. 4. INDUSTRIAL DISTRICTS (.)

a. PERMITTED USES.

1. Wholesale business establishments

2. Warehouse; packing and crating establishment, truck yard or terminal

3. Contractor's shops, roofing, electrical, paperhanging, ventilating, welding, fencing, building.


7. The manufacture, compounding, processing, packing and treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals, toiletries and food products except the rendering of fats and oils.

8. The manufacture of pottery and figurines and other similar ceramic products, using only previously pulverized clay, and kilns fired by electricity or gas only.

9. The manufacture of boats, cameras, electrical appliances, radio and television receivers, musical instruments, medical appliances and photographic equipment except film.

10. The manufacture of sporting and athletic equipment, small tools, toys, children's vehicles, caskets, and burial vaults.

11. Trade schools.

12. Offices of firms implementing uses permitted in this District.

14. Storage garages, buildings and loading facilities as regulated in this Chapter.


16. Essential public service facilities except power transmission lines.

17. Essential security and safety facilities as approved by the City Council.

b. SPECIAL USES.

1. Dwelling for watchmen or custodians of industrially used property only.

2. Outdoor storage of materials or open sales lots except sales lots not exceeding 7,200 square feet in area. Said sales lots having a lesser area to be permitted uses in this District.

3. Restaurants, lunch counters, confectioneries to serve the employees of the district.

4. Mining and extraction of minerals including sand; earthen pits and rock quarries.

5. Manufacturing, refining and processing of chemicals.

6. Salvage or recycling business.

7. Power Transmission lines and related facilities not including individual service drops, the latter being permitted uses in this District.

Subd. 5 AGRICULTURAL DISTRICTS (A) a. PERMITTED USES.

1. Non-commercial types of agriculture and horticulture businesses.

2. Farm buildings and structures.

3. Single family residential structures including manufactured homes as defined in Subd. 1 of Chapter 65 of the Brownsville City Code.

4. Farm irrigation systems.

5. Roadside stands for the sale of agricultural products.

6. Historic sites.

7. Public recreation.
8. Essential services - telephone, telegraph, power lines, and necessary appurtenant equipment and structures except power transmission lines.

9. Signs, subject to provisions of Section 3 of this Chapter infra.


11. Municipal buildings, including police and fire stations.

12. Any incidental machinery, structure or buildings necessary to the conduct of non-commercial agricultural, single-family residential and other permitted uses.

Private garages, carports, screen houses, swimming pools, and storage buildings convenient to the use of occupants of the principal structure.

b. SPECIAL USES.

1. Commercial agriculture and horicultural businesses including feedlots, provided that no feedlot shall be located within 500 feet of a residential district.

2. Cemeteries.

3. Agricultural products and livestock processing plants.

4. Manufactured home parks.

5. Resort campgrounds.


7. Mining, sand and gravel and quarry operations as described in Section 2 of this Chapter.

8. Nursing homes, hospitals, sanitoria.

9. Those essential services including power transmission lines not included in Section 2 of this Chapter.

10. Drainage systems. Subd. 6. CONSERVANCY DISTRICTS (CD)

This district designation is intended to assure the preservation of natural features, especially where terrain presents substantial slope tending to create lateral support and surface water drainage problems and where the providing of public utilities, police and fire protection and ambulance services are difficult or impracticable. The Conservancy District designation is also assigned to the areas located in the Flood Plain and such other areas prone to erosion. Intending by this designation to preserve these areas from development, the relocation of which would be costly in the event flood protection structures
are required to be expanded, rebuilt, or the location thereof modified. Because its natural aesthetics are one of the most valuable resources of the City of Brownsville, the preservation of unobstructed view is an objective of the highest priority to the residents of the City. For this reason, all lands adjacent to the Mississippi River and lying easterly of Minnesota State Trunk Highway No. 26 are likewise designated CONSERVANCY District. Conservancy Districts prescribe additional regulation to those other districts upon which Conservancy District designation is superimposed. The regulation of both district designations apply but in instances where conflict in regulation OCCURS, Conservancy District regulation, being the more restrictive, shall control.

In addition to all areas in the flood plain, all other areas within the City where 50% or more of the area of a given developable parcel has a slope of 15 degrees or greater shall be designated Conservancy District. The Official Map(s) is intended to generally delineate lands which have an apparent 15% or greater pitch. The Official Map(s) notwithstanding, where reliable technical data furnished with Zoning Permit Application demonstrates to the satisfaction of the Zoning Authority that a given area is not appropriately included in the Conservancy District, such parcel shall be excluded from Conservancy District and thereafter be regulated by the provisions relative to the underlying zoning district. The Zoning Authority may likewise impose Conservancy regulation where technical data provided from any reliable source demonstrate that a given parcel not shown by official map(s) to be in the Conservancy District does possess characteristics which determine Conservancy classification to be applicable.

a. PERMITTED USES.

All uses permitted in the districts superimposed by the Conservancy District, except structures and land alterations of any kind.

b. SPECIAL USES.

All other uses permitted in the district superimposed by the Conservancy District not included in a. supra but subject to such additional technical standards which may be specifically provided for in Conservancy Districts, infra, and which may be required as condition(s) with regard to issuance of a given Special Use Permit.

Subd. 7. FLOOD PLAIN (FP)

City of Brownsville Flood Plain provisions are codified in Section 24 of Chapter 65 supra. Ordinance are hereby incorporated herein and made a part hereof by this reference as if set out hereat in full. In all instances where the regulations of this Chapter conflict with those prescribed by the Flood Plain provisions, the provision of the more restrictive shall prevail.

SECTION 3. TECHNICAL STANDARDS.

Subd. 1. BASIC REQUIREMENTS - APPENDIX B. Minimum lot area, lot width, front yard setback from right-of-way, sideyard and rear yard setbacks and maximum height specifications and off-street parking requirements are set forth in Appendix B at the end of this Chapter.

Subd. 2. PRIVATE RESTRICTIVE COVENANTS. The provisions of this Chapter are to be construed minimum requirements and standards, and shall be in no sense in derogation of private restrictive covenants. In the event a
private restrictive covenant deals with the same specific subject matter as a provision or regulation of this Chapter, and such private regulations are deemed by the Zoning Authority to be less restrictive than the provisions of this Chapter, the Provisions of this Chapter shall control. In any event, the enforcement of private restrictive covenants is a private matter, hence privately, not municipally, enforceable.

Subd. 3. LAWS OF THE STATE OF MINNESOTA & AGENCY REGULATIONS.

Nothing herein shall be construed to supercede or take precedence over any statute of the State of Minnesota or agency regulation thereof or other governmental regulation unless the regulation(s) herein is more restrictive.

Subd. 4. FAIR HOUSING POLICY. The Fair Housing Policy of the City of Brownsville is that part of the Title VIII of the Federal Civil Rights Act of 1968 which addresses housing marketing practices, which portions hereof are incorporated herein as it set out hereat in full.

Subd. 5. ZONING AUTHORITY. "Zoning authority" shall mean the administrative officer(s) of the City of Brownsville to the extent the various levels of authority are involved or become operative pursuant to this Chapter and is described as follows:

a. FIRST LEVEL. The first level of authority being that of the duly appointed, qualified and acting Zoning Administrator of the City who shall issue zoning permits for all permitted uses for which sufficient application has been made, provided all technical requirements are satisfied.

b. SECOND LEVEL. The second level of authority being with respect to the issuing of Special Use Permits and Variances where ZONING AUTHORITY shall mean combined involvement of the Zoning Administrator, the Planning Commission which shall make Findings and recommendations in the case of Special Use Permits and Variance applications to be thereupon certified to the City Council for final determination, which determination shall be by resolution incorporating written Findings of Fact.

c. THIRD LEVEL. The third level of authority being with respect to questions of interpretation which

Subd. 6. ACCESSORY BUILDINGS.

An accessory building is a building which complements, is consistent with and furthers or facilitates the primary use and as such, shall not be permitted PRIOR to the completion of the primary structure unless constructed simultaneous therewith. No accessory building shall be utilized for HOME OCCUPATIONS and shall not in any manner change the character of the land use at such location, and shall conform to all TECHNICAL STANDARDS.
Subd. 7. HOME OCCUPATIONS.

Home occupations shall be permitted in the districts indicated only if conducted entirely within the principal structure, but shall not occupy more than 25% of the usable floor space thereof. No storage or other aspects of a home occupation shall be evident on the exterior of the principal structure and no sign except a single sign no larger than one square foot in area be permitted on the exterior of or observable from the exterior of the principal structure. If the conduct of a home occupation will noticeably increase traffic or unfavorably impact existing parking, it shall not be permitted or, even if initially permitted, may be subject to abatement.

Subd. 8. DWELLING UNIT.

a. Dwelling unit consists of one or more rooms, including a bathroom and complete kitchen facilities, which are arranged, designed, or used as living quarters for one family or household.

b. Single-family dwelling is a building designed and/or used exclusively for residential purposes for one family only and containing not more than one dwelling unit.

c. Family:

1. An individual, or two or more persons related by blood, marriage, or adoption, living together as a single housekeeping unit; or

2. A group of not more than six persons who need not be related by blood, marriage, or adoption, living together as a single housekeeping unit.

Subd. 9. SCREENING AND INTER-DISTRICT SETBACKS.

The Zoning Authority as to all special uses and with regard to permitted uses on lands adjacent to a district boundary where the adjoining district is a more restrictive one may require as a condition to issuance of a Special Use Permit or may impose as a technical requirement as to Permitted Uses that applicant screen the intended use with natural plantings, fencing or in such other manner as may be reasonably prescribed.

In all instances where Agricultural Districts are adjacent to any other district, no agricultural structure where animals are kept shall be permitted nearer to such common district boundary than 200 feet.

Subd. 10. SIGNS.

No signs or billboards shall be permitted in any district except as specifically permitted herein as follows:

a. SIGNS IN RESIDENTIAL DISTRICTS.

1. Customary professional and home occupation signs not larger than one square foot, and "For Rent" and "For Sale" signs, not exceeding four square feet in area.

2. Signs necessary for the identification, operation or protection of a public utility installation, or necessary to the public welfare.
b. SIGNS IN COMMERCIAL, AGRICULTURAL AND INDUSTRIAL DISTRICT.

1. All signs permitted in Residential Districts.

2. One identifying sign not larger than one square foot for each one lineal foot of frontage occupied by the establishment, advertising a business or activity conducted on the premises.

3. A directory sign provided that it announces only services offered within the building located on the premises whereon the sign is located, not exceeding ten square feet in area.

Subd. 11. TECHNICAL STANDARDS AND CONSIDERATIONS. CONSERVANCY DISTRICTS.

a. Lateral and subjacent support to safeguard adjoining properties from silting and other hazards presented by development activities in this District.

b. Accessibility for:

1. Public utilities;

2. Fire, Police, Ambulance and other emergency services;

3. Municipal maintenance.

c. Elevations of proposed structure to enable the Zoning Authority to make a determination concerning the impact of the proposed structure on visibility. In this regard, the maximum height of structures as provided for in Appendix B shall not apply in Conservancy Districts but the relative acceptability of the height of a proposed structure shall be determined on a parcel-by-parcel, permit-by-permit basis.

d. The impact on land values of adjacent properties. For purposes of this District, "adjacent" includes all properties which command a view, which view, if the structure is constructed as planned, could be unreasonably obstructed.

e. The Zoning Authority may require additional relevant data in the same manner as with respect to variance and special use permit applications.

SECTION 4. NONCONFORMING USES. A nonconforming use is a structure or a use existing on lands within the City of Brownsville as of the effective date of this City Code which, in the particular district wherein located, is not a permitted or special use therein as specified in this City Code.

Subd. 1. DURATION. Nonconforming uses may be continued for the period which is the remaining useful life of such structures provided that no such use shall be expanded.

Subd. 2. RESTORATION. In instances where a nonconforming structure is
no more than 50% destroyed, the owner thereof may restore the structure, but not expand it. All nonconforming structures more than 50% destroyed shall not be rebuilt.

Subd. 3. DISCONTINUATION. Any nonconforming use discontinued for a continuous period of twelve months or longer shall be deemed abandoned and the resumption of the nonconforming use thereafter prohibited.

Subd. 4. TRANSFERABILITY. Property whereon nonconforming uses are maintained may be sold and may descend and any such transfer shall not be construed as an abandonment of the nonconforming use.

Subd. 5. NUISANCES DISTINGUISHED. The provisions of this Chapter enabling the continuance of nonconforming uses notwithstanding, in instances where the continued maintenance of a use constitutes a nuisance, public or private, or where existing structures are subject to removal under the regulation of the State of Minnesota such as prescribed by the State Fire Marshall may be removed, and such nuisances abated under the general laws of the State of Minnesota.

SECTION 5. VARIANCES.

No variance shall be granted, the granting of which would in effect allow a use of any lands which is inconsistent with the provisions of this Chapter of the La Crescent City Code.

Variances may only be granted with respect to technical requirements.

Subd. 1. CRITERIA FOR GRANTING VARIANCES.

A variance from the technical provisions of this Chapter of the Brownsville City Code may be issued by the Zoning Authority to provide relief to the landowner in those cases where the City Code imposes undue hardship or practical difficulties to the property owner in the use of his land. A variance may be granted only in the event the following circumstances exist:

a. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography, or other circumstances over which the owner(s) of property since enactment of this City Code has/have no control

b. The literal interpretation of the provisions of this City Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this City Code.

c. That the special conditions or circumstances do not result from the actions of or omissions of the applicant.

d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Chapter to owners of other lands, structures or buildings in the same district.

e. That the variance requested in the minimum variance which would alleviate the hardship. Economic conditions alone shall not be considered a hardship.
f. The variance would not be materially detrimental to the purpose of this Chapter, or to other property in the same district.

g. The proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

h. The Planning Commission may recommend to the City Council, and the City Council may adopt or itself impose such restrictions and conditions upon the premises concerning which a variance is granted as may be necessary to comply with the standards established by this Chapter, or to reduce or minimize the effect of such variance upon other properties in the neighborhood, and to better carry out the intent of the variance.

i. No variance shall be granted, the effect of which would be to impair visibility so as to produce circumstances hazardous to general public.

Subd. 2. REQUIRED SUPPORTING DATE FOR VARIANCES.

a. Abstractor's Property Certificate showing property owners' names and addresses within 350 feet of the outer boundaries of the property in question.

b. Preliminary building and site development plan and, if requested by the Zoning Authority, a boundary survey.

c. Evidence of ownership or enforceable option with respect to the property.

Subd. 3. PROCEDURES.

The procedure for obtaining a variance from the regulations of this Chapter is as follows:

a. The property owner or his agent shall meet with the Zoning Administrator to explain the situation, to learn the procedures and obtain an application form.

b. The applicant shall file the completed application form together with the required supporting data with the Zoning Administrator and shall pay the filing fee established therefor by the City Council.

c. The Zoning Administrator shall transmit the application to the Planning Commission for review and shall notify all property owners within 350 feet of the outer boundaries of the property in question. Failure of any property owner to receive such notification shall not invalidate the proceedings.

d. The Planning Commission shall hold a public hearing on the proposed variance and shall make a decision within 60 days, with written Findings in support thereof, either approve, deny, or conditionally approve the variance application. The Planning Commission Findings shall be thereupon transmitted to the City Council which shall approve, deny or
conditionally approve the variance application at its next regular or a
duly convened special meeting making written Findings in connection
therewith.

e. No application by a property owner for a variance shall be
resubmitted within a six month period

following a denial of such a request, except the Planning Commission may
permit a new application if, in its option, new evidence of change of
circumstances warrant it.

f. The City Council may revoke a variance if any condition
imposed by Board as part of granting the variance is violated.

SECTION 6. IMPLEMENTATION.

Subd. 1. ZONING PERMITS REQUIRED. No structure as herein defined shall
be made or erected without the prior issuance of a Zoning Permit by the
Brownsville Zoning Authority.

a. Where the use contemplated is PERMITTED, and the application
together with fees imposed therefor satisfies all TECHNICAL REQUIREMENTS,
the permit shall be summarily granted by the Zoning Administrator unless
the contemplated use and intended structure, even though permitted in the
district where sought to be implemented is on land adjacent to a district
having more restrictive regulations, in which case the permit application
shall be referred to the Planning Commission for review with respect to
screening requirements.

b. In all other instances, the permit application shall be
referred to the Zoning Administrator to be further processed as follows:

1. To the Board of Appeals if the sole issue is the
interpretation of any provision of the Chapter, which Board shall transmit
its Findings and Recommendation to the City Council which shall, at its
next regular or at a special meeting, duly convened make final
determination of
any such interpretations.

2. If Special Use Permit or Variance, the Zoning
Administrator shall refer the application to the Planning Commission for
public hearing. The Planning Commission shall thereafter make written
Findings of Fact, and Recommendations which shall be transmitted to the
City Council for action by it at its next regular or at a special meeting
duly convened.

c. All final action resulting in the granting of a VARIANCE or
SPECIAL USE PERMIT shall be evidenced by the issuance by the City Clerk of
a certificate reciting the precise substance of the variance or subject
matter of the Special Use Permit with a precise of the Findings upon which
it is based and all conditions to which it is subject, containing a legal
description of the premises describing the premises to which it relates
which certificate shall be duly

recorded in the Office of the County Recorder in and for Houston County,
Minnesota.
d. All permit applications requiring action of the Zoning Administrator only shall be promptly processed by the Zoning Administrator. Applications or subject matter requiring the action of the Board of Appeals shall be acted upon by the Board of Appeals within the time hereinbefore specified. Failure of the Board or the Planning Commission, (as the case may be) to act within the time specified, unless said time period for good cause shown is extended by the City Council, shall vest the City Council with authority to proceed without the action of said Board or said commission or the recommendations thereof. Final determination in such instances, or in instances where findings and recommendations are received from such Board or Commission by the City Council shall be forthcoming from the City Council within thirty days thereafter.

The time sequence with respect to the processing of Special Use Permits and Variances shall be the same with regard to actions taken by the Planning Commission as by the Board of Appeals with respect to matters within said Board's jurisdiction, and final City Council action shall be taken within thirty days of date such matters are filled with the City Clerk for further action by the City Council.

Subd. 2. SUPPORTING DATE; ZONING PERMITS. Applications for Zoning Permits shall contain minimally the following:

a. With respect to Zoning Permits for uses which are permitted, a statement of standing to make application therefor, either as owner of the fee title, equitable owner as under contract for deed, or optionee with a bonafide enforceable option.

b. A precise legal description of the lands to which the application relates.

c. A plot plan or diagram showing minimally the dimensions of the land on which the use is contemplated to be implemented, showing the location of any structures to be erected or made thereon, indicating setbacks, sideyards, and rear yard, proposed screening where lands are adjacent to the boundary with a more restrictive district, elevations to show height and a designation of what is deemed to be the front of such intended improvement.

Subd. 3. SPECIAL USES: SUPPORTING DATA.

a. All of the data required with respect to the basic zoning permit application specified above, together with a concise statement addressing:

1. Off-street parking provision. 2. Surface water drainage. 3. Design.

4. Noise, dust & odor or other such environmental considerations.

5. Traffic flow.

6. Availability of solar energy.
7. Such other detail, engineering or architectural data as may be reasonably prescribed by the zoning authority at any level thereof.

Subd. 4. QUESTIONS OF INTERPRETATION.

No question with respect to interpretation shall be cognizable by the zoning authority unless arising out of a bonafide application for zoning permit or variance except that the City Council on its own motion may certify to the Board of Appeals any question with reference to interpretation which may arise in the administration of this Chapter. Matter for interpretation shall also encompass the detail set forth on the Official Map(s).

Subd. 5. NOTICES.

a. All hearings and proceedings before the Board of Appeals and Planning Commission shall, except in the case of mandated PUBLIC HEARINGS, be held after reasonable notice to applicants and the signed waiver of notice by interested-affected parties shall be deemed reasonable notice.

b. Notice where public hearings are mandated shall be by one publication in the official newspaper of the City no later than ten days before the appointed time of hearing and by mailed notice to all persons owning lands within 350 feet of the property to which the variance or special use relates, posted with first class postage prepaid at least ten days before the appointed time for hearing. Notice mailed and addressed according to the official tax list maintained in the Office of the County Treasurer in and for said County shall be deemed properly made. The omission of a mailed notice, where bonafide attempt to comply with the provision of this Chapter with respect to notice has been made, shall not invalidate the proceedings or any action taken thereat.

1. Off-street parking provision. 2. Surface water drainage. 3. Design.

4. Noise, dust & odor or other such environmental considerations.

5. Traffic flow.

6. Availability of solar energy.

7. Such other detail, engineering or architectural data as may be reasonably prescribed by the zoning authority at any level thereof.

Subd. 4. QUESTIONS OF INTERPRETATION.

No question with respect to interpretation shall be cognizable by the zoning authority unless arising out of a bonafide application for zoning permit or variance except that the City Council on its own motion may certify to the Board of Appeals any question with reference to interpretation which may arise in the administration of this Chapter. Matter for interpretation shall also encompass the detail set forth on the Official Map(s).
Subd. 5. NOTICES.

a. All hearings and proceedings before the Board of Appeals and Planning Commission shall, except in the case of mandated PUBLIC HEARINGS, be held after reasonable notice to applicants and the signed waiver of notice by interested-affected parties shall be deemed reasonable notice.

b. Notice where public hearing are mandated shall be by one publication in the official newspaper of the City no later than ten days before the appointed time of hearing and by mailed notice to all persons owning lands within 350 feet of the property to which the variance or special use relates, posted with first class postage prepaid at least ten days before the appointed time for hearing. Notice mailed and addressed according to the official tax list maintained in the Office of the County Treasurer in and for said County shall be deemed properly made. The omission of a mailed notice, where bonafide attempt to comply with the provision of this Chapter with respect to notice has been made, shall not invalidate the proceedings or any action taken thereat.

c. Notice with regard to hearings required for application to amend this Chapter shall be by publication in the Official Newspaper of the City ten days prior to the appointed hearing date except that in instances where changes in Zoning Districts or rezoning is sought and the lands affected thereby are five acres or less in area there shall be additionally mailed notice to owners of all lands affected and to the owners of land situate within 350 feet of the boundaries of the affected area, the identity and addresses of said owners as disclosed by records maintained in the Office of County Treasurer shall be deemed appropriate for notice purposes.

Subd. 6. EXPIRATION OF PERMITS - VARIANCES - NONASSIGNABILITY.

The issuance of variances, Special Use Permits and Zoning Permits contemplates the completion within a reasonable period of time of the structure the construction, installation or erection of which necessitated issuance of Variance or Permit. Except for good cause shown by written application to the City Council for extension, which application is made prior to the expiration thereof, a Variance or Permit not utilized to completion by the applicant within one year of the day of the date of the issuance thereof, shall expire. An expired permit or Variance requires reapplication before construction, installation or erection of the structure may be recommenced. The fee for extension shall be as may be established by the City Council. No Permit or Variance shall be assignable except for good cause shown to the City Council for which application in writing shall be made, and the consent of the City Council to assignment shall not be unreasonably withheld where it appears in the discretion of the City Council that the request for assignment was not predicated upon motives, the object of which is to circumvent the letter and spirit of this Chapter.

All applications for Permits, Variances and amendments except, when in the proper circumstances, made by the Planning Commission or City Council on its own motion, shall be made by the landowner(s), and where the
application is by a landowner, "Owner" shall mean that the applicant is either fee owner of the property to which the application relates, is equitable owner as a contract vendee, or holds a bonafide legally enforceable option to acquire such land and the availability of the relief applied for is the purpose for which the option was utilized.

SECTION 7. AMENDMENTS.

Subd. 1. The City Council may enact amendments to the language of this Chapter or assign or reassign zoning district designation or change district boundary lines and thus amend the official districts map(s) as provided in this Section.

Subd. 2. Initiation of the amendment process may be by the City Council on its own motion, by recommendation of the Planning Commission transmitted to the City Council, or by application of the property owner(s) whose lands are affected by the sought change.

Subd. 3. Among other provisions prescribed by the laws of the State of Minnesota, the enactment of any amendment to this Chapter shall be preceded by public hearing after notice prescribed by Section 6, Subd. 5. c. supra, such notice to set forth the time, place and purpose of the hearing.

Subd. 4. Applications for amendment to this Chapter, if the amendment applied for concerns a change in language, shall include:

a. The reasons for the requested change.

b. A statement with reference to the relative compatibility of the proposed change to the Comprehensive Plan.

c. The text or an excerpt from the existing Chapter sought to be amended.

d. The language proposed to be enacted as amendment or the text of the proposed addition to the Chapter.

e. The names and addresses of the applicants together with a statement of the basis for standing to make the application for amendment.

f. Any additional information which may be requested by the Planning Commission and/or the City Council.

Subd. 5. With reference to applications to amendment district boundaries or land use, the application for amendment shall contain:

a. The names and addresses of the Petitioner or Petitioners together with a statement demonstrating their standing as Petitioners.

b. A specific description of the area proposed to be rezoned together with the names and addresses of all owners of property lying within the affected area and the names and addresses of all owners of property lying within 350 feet of any part of the lands affected in instances where the amendment sought is with reference to the boundaries of a
district and the area thereof is five acres or less.

c. The present district classification of the area in question together with the proposed district classification.

d. Proposed change in use from that currently permitted or authorized by special use under the Chapter in its present form.

e. The relative compatibility to the Comprehensive Plan of the proposed amendment.

f. A legal description unless the description called for in Paragraph b. above contains a legal description of the property or properties to be rezoned or to which the amendment relates.

g. A map, plot plan, and if requested by the Planning Commission or the City Council, a survey print of the property to be rezoned or amended showing specific location thereof, dimensions, together with the zoning designation of property adjacent thereto.

h. Such other information or exhibits as may be requested by the Planning Commission or the City Council.

Subd. 6. APPLICATION TO BE SUBMITTED. The application for amendment in proper form and accompanied by required supporting data shall be submitted, except for Petitions which originate with the Planning Commission, to the Planning Commission for review, Findings and recommendation which shall be transmitted in writing to the City Council. The City Council shall then schedule the public hearing in accordance with the requirements prescribed by the laws of the State of Minnesota and this Chapter. Following public hearing, the City Council shall make its determination concerning the pending application for amendment and in connection therewith shall make in writing its Findings of Fact and Conclusions. Applications for amendment which originate with the Planning Commission shall be transmitted to the City Council together with written Findings and recommendations and processed thereafter in the same fashion as applications originating elsewhere, as provided by Chapter 66. The time frame for processing applications for amendment shall be consistent with State law and as in the case of Special Use Permit applications.

In instances of changes in Zoning Districts where the relief sought in the application for amendment is granted, the City Council shall cause appropriate language changes to be made in the Official Copy of this Chapter 66 and the

Official Map(s) incorporated herein and shall cause a Certificate to be prepared and issued at its order over the signature and seal of the City Clerk reciting the substance of the amendment together with a complete legal description of the land affected by the amendment all in form enabling said certificate to be filed for record in the Office of the County Recorder in and for Houston County, Minnesota.

SECTION 8. ZONING PERMIT FEE.

All applications for zoning permits shall be in form prescribed by the City Council and accompanied by such fees as the City Council may, from time to time by resolution duly enacted, impose. Such fees so established and all other fees prescribed by the City Council shall be in a sum which will
reasonably defray the mailing expenses, administrative costs, and where appropriate, recording fees. Any unexpended fees shall be refunded and additional fees which may be incurred in excess of those paid when application is initially submitted shall be promptly paid by the applicant. Failure to pay any fees required to be paid in connection with the administration of Chapter 66 shall be deemed to be in violation hereof, and be appropriate basis, moreover for denial of the relief initially sought.

SECTION 9. VIOLATIONS, PENALTIES, REMEDIES.

Violation of any provision of Chapter 66 is deemed a misdemeanor and a public nuisance as well. The City Council shall authorize all prosecutions or other legal proceedings instituted in the enforcement of Chapter 66. Where such relief is warranted, in the discretion of the City Council, actions at law or equity to abate nuisances or enjoin violations hereof may be instituted.

SECTION 10. REPEALER - SEVERABILITY.

The provisions of other code provisions of the City conflicting with the provisions hereof except more restrictive regulations are to the extent of such conflict hereby repealed. If any provision of Chapter 66 is nullified by the order of a Court of competent jurisdiction, all other provision of Chapter 66 shall nevertheless remain in full force and effect.

Passed and enacted the 6th day of November, 1985.

MAP OF
DUOWNSVILLE
HOUSTON COUNTY

R- Residential R/C = Transition C- Commercial
I- Industrial
A- Agricultural
A. All unplatted lands within 330 feet of the centerline of:

1. Houston County State Aid Highways 18 & 3;
2. streams;
3. FLOOD PLAIN-(FP) refers to those lands referred to •
4. described in Ordinance No. 7

MAP OF
DUOWNSVILLE
HOUSTON COUNTY
CONSERVANCY DISTRICTS are subject to regulation in addition to that prescribed by other underlying district designations as are FLOOD PLAIN DISTRICTS.
The following tables shall be used as a guide for determining the number of ERU's for various user classes.

**TABLE 1: Equivalent Residential Units (ERU's) for Various Residential Dwellings**

<table>
<thead>
<tr>
<th>Residential Dwellings</th>
<th>ERU's</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single family homes, townhouses, and duplex units</td>
<td>1.0 Unit</td>
</tr>
<tr>
<td>Condominiums and apartment units</td>
<td>1.0 Unit</td>
</tr>
<tr>
<td>Mobile Homes</td>
<td>1.0 Unit</td>
</tr>
</tbody>
</table>

**TABLE 2: Equivalent Residential Units (ERU's) for Various Commercial, Public and Institutional Facilities**

<table>
<thead>
<tr>
<th>Commercial, Public and Institutional Facilities</th>
<th>ERU's</th>
</tr>
</thead>
<tbody>
<tr>
<td>Automobile Service</td>
<td>1.0 Unit</td>
</tr>
<tr>
<td>Banquet Room</td>
<td>1.0 Unit</td>
</tr>
<tr>
<td>Barber Shop</td>
<td>1.0 Unit</td>
</tr>
<tr>
<td>Bowling Alley</td>
<td>3.0 Units</td>
</tr>
<tr>
<td>Campgrounds/Seasonal Trailer Home Sites</td>
<td>4.0 Units</td>
</tr>
<tr>
<td>Car Wash – Self Service</td>
<td>1.0 Unit</td>
</tr>
<tr>
<td>Car Wash – Service Station</td>
<td>1.0 Unit</td>
</tr>
<tr>
<td>Churches</td>
<td>1.0 Unit</td>
</tr>
<tr>
<td>Fast Service Restaurant</td>
<td>2.0 Units</td>
</tr>
<tr>
<td>General Office Building</td>
<td>1.0 Unit</td>
</tr>
<tr>
<td>Hospitals</td>
<td>1.0 Unit</td>
</tr>
<tr>
<td>Laundromats</td>
<td>1.0 Unit</td>
</tr>
<tr>
<td>Motels &amp; Hotels</td>
<td>1.0 Unit</td>
</tr>
<tr>
<td>Nursing Home</td>
<td>1.0 Unit</td>
</tr>
<tr>
<td>Restaurant</td>
<td>4.0 Units</td>
</tr>
<tr>
<td>Retail Store</td>
<td>0.5 Unit</td>
</tr>
<tr>
<td>Rooming House</td>
<td>0.5 Unit</td>
</tr>
<tr>
<td>Schools (Elementary)</td>
<td>1.0 Unit</td>
</tr>
<tr>
<td>Schools (Secondary)</td>
<td>2.0 Units</td>
</tr>
<tr>
<td>Service Station (Gas pumping only)</td>
<td>0.5 Unit</td>
</tr>
<tr>
<td>Service Station (with Service center)</td>
<td>1.0 Unit</td>
</tr>
<tr>
<td>Service Station (with Service Center &amp; Car Wash)</td>
<td>3.0 Units</td>
</tr>
<tr>
<td>Swimming Pool</td>
<td>1.0 Unit</td>
</tr>
<tr>
<td>Theatre</td>
<td>1.0 Unit</td>
</tr>
<tr>
<td>Theatre, Drive-In</td>
<td>1.0 Unit</td>
</tr>
<tr>
<td>Warehouse</td>
<td>1.0 Unit</td>
</tr>
</tbody>
</table>

*The areas listed in the utilized by the public and facility. Parameters include all interior areas the employees for the conduct of the.

APPENDIX B TECHNICAL STANDARDS

**PARKING, NON-RESIDENTIAL.** Off-street parking spaces shall be provided in the ratio of 1 parking stall for:

1. Each sleeping accommodation in any automobile court, motel or tourist home, and each camp unit in any automobile camp.
2. Each trailer coach or mobile home occupied or available for occupancy for living quarters.
3. Each 3 sleeping accommodations in any hotel, boarding
house, fraternity or sorority house, or dormitory.
4. Each 3 beds in any hospital.
5. Each 6 beds in any sanitarium, convalescent home or similar establishment.
6. Each doctor in any medical or dental clinic, plus 1 parking stall for each 3 employees and 1 for each 3 patients of the total patients in the clinic at any one time.
7. Each 4 seats or other accommodations for customers and those in attendance in any restaurant, theater, auditorium, stadium, church, entertainment or recreation use, hall for meeting, dancing, social or athletic events, and other places where such accommodations may be used by 12 or more persons at the same time, provided that for any public or private school the number of parking spaces shall not be less than one space for each 8 classroom seats, plus those required for employees.
8. Each 500 square feet of ground floor area in business or commercial use, each 1000 square feet of upper floor area and each 1000 square feet of basement floor area in such use, provided that for such establishments as drive-in markets and for similar and other businesses and uses catering to drive-in patronage, and for uses in C and I Districts, the required ratio shall be 4 parking stalls for each 2500 square feet of total area in business or commercial use within buildings and outside.
9. Each 2 persons, including proprietors, of maximum employment on the main shift and those of any immediately preceding or following shift, whichever is larger in any institutional, public, business or industrial use.

APPENDIX B

PARKING, RESIDENTIAL. Two Parking stalls shall be provided for each dwelling unit.

PARKING STANDARDS. Each parking stall shall not be less than 162 feet in area exclusive of aisles, driveways, and walks.
1. Access driveways to a single stall or parking lot shall be no less than 12 feet nor more than 24 feet in width where crossing the front property line from a street or road, except that driveways serving parking spaces for residential uses shall be not less than 10 nor more than 18 feet in width.
2. Required parking stalls for dwellings, trailer coaches, mobile homes, motels, auto courts and auto camps and similar uses shall be located on the same premises as the use they serve. For other uses they shall be located on the premises or within a 500 foot distance provided that stalls required for employees may be located within 1000 feet of distance from the place of employment.
3. The number of parking stalls required for serving several uses is the sum of the separate requirements, provided that upon application to the Commission for a special use permit showing that the parking demands of different uses served occur at different times, the Commission may approve a reduction in the number of stalls required to that which will serve the maximum demand at any one time.
4. Required parking spaces provided on a lot or in a
building shall be kept available for parking during the times of parking demand and shall not be reduced in number.

5. Parking stalls, truck loading spaces, aisles and access driveways shall be so graded and surfaced as to be smooth and to be free of dust, dirt and mud.

6. Truck loading spaces and truck parking and storage spaces off the street shall be provided as needed in connection with all buildings and uses delivering and receiving goods, materials and supplies by trucks.

7. Drives within parking areas shall meet the following minimum widths:

<table>
<thead>
<tr>
<th>Angle of</th>
<th>Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>90°</td>
<td>24 feet</td>
</tr>
<tr>
<td>60°</td>
<td>18 feet</td>
</tr>
<tr>
<td>45° 14'</td>
<td>12 feet</td>
</tr>
</tbody>
</table>

8. All parking lots shall have areas reserved for snow storage that will not reduce the number of spaces available.

Appendix B
Page 3 of 3 pages
INDEX

Animal Control -------------------------------------- 10
Dogs; --------------------------------------------- 10
   At Large ---------------------------------------- 10
   Barking ---------------------------------------- 11
Innoculations - Vaccinations ---------------------- 11,13
Licenses ----------------------------------------- 12
Public Nuisances --------------------------------- 10
Soiling, Defiling or Defecating ------------------- 10

Beverages; Alcoholic -------------------------------- 1
   Licenses -------------------------------------- 1
      Applications, Liquor Licenses --------------- 5
         Conditions ----------------------------- 8
         Fees ---------------------------------- 2,3,6
      Non-Intoxicating Malt Liquor --------------- 2
      On-Sale ---------------------------------- 2
      Off-Sale ---------------------------------- 2
      Preliminary Investigations ----------------- 7
      Refunds ---------------------------------- 6
      Requirements ----------------------------- 4,5

Curfew -------------------------------------------- 14

Elections ------------------------------------------ 15
   Appointments to Vacancies ---------------------- 16
   Biennial Systems, Mayor - Council Persons ------ 15
   Council Persons and Mayor Terms --------------- 16

Firearms; Discharge Prohibited --------------------- 20
Discharge allowed by gunsmiths
Fire Control
Fire Department Membership
Appointments To
Fire Department Structures
Cooperative Agreements
Interference With
Loss of Membership
Practice Drills
Records
Fireworks Prohibited
Franchises
Tri-County Electric
Gambling
Bingo and Gambling Devices
Garbage

Devices
Inspection - Investigation
Manager
Paraphernalia
Proceeds Disbursement
Prohibited
Records
Wagering

Burning Prohibited
Containers
Franchising Collection
Minnesota Statutes
Policy
Violations; Penalties
Itinerant Merchants
Farm Produce Exempted
Licenses
Registration Required
Junked, Abandoned Motor Vehicles
Noise, Motor Vehicles ------------------------------------------------- 62
Order, Public -------------------------------------------------------------58
  Minnesota Statutes Incorporated ----------------------------------------58
  Sleding, Coasting in Streets ------------------------------------------59
Parking, Off Street ----------------------------------------------- APP - "B" 2 6,
Public Order -------------------------------------------------------------58
Sanitary Sewer Regulations ---------------------------------------------35
  Deferred Assessments -----------------------------------------------37
  Definitions, Miscellaneous -------------------------------------------38,39,40,41,42,43
  Excavation Expense -----------------------------------------------37
  Grease Interceptions Required ----------------------------------------35
  Hookup Mandated ------------------------------------------------------35,36,43
  Individual System Requirements --------------------------------------43
  Private Septic Systems Phased Out -----------------------------------35
  Relevy of Abated Assessments ----------------------------------------36
  Specifications; Hookup ---------------------------------------------38
  Treatment Standards Definitions -----------------------------------38,39
  Unit Assessment; Amount --------------------------------------------38
  User and Rates ------------------------------------------------------38
Public Sewer, General -----------------------------------------------44

Billng Practices -------------------------------------------------------52
Connections by Authorized Persons Only -----------------------------53,54

Remedies ---------------------------------------------------------------104
Residential Districts ----------------------------------------------- 84, Appendix "A"
  Screening -------------------------------------------------------------93
  Setback Regulations --------------------------------------------------69
  Signs ---------------------------------------------------------------93,9,4
  Special Uses ---------------------------------------------------------89
Subdivision Regulations -----------------------------------------------
Technical Standards 91,94, Appendix "B": 1,2
Technical Standards -----------------------------------------------91,94, Appendix "B": 1,2
Transition Districts -----------------------------------------------...85, Appendix "A"
Variance --------------------------------------------------------------104
Watercraft Regulations -----------------------------------------------65
Waterfront Improvements ---------------------------------------------65