

700 PUBLIC SAFETY

701 DEFINITIONS. Any term used in Chapter 700 and defined in Minnesota Statutes Section 169.01 has the meaning given it by State Statute.

702 ADMINISTRATIVE FINES

702.1 Purpose. Administrative offense procedures established pursuant to this Section are intended to provide the public and the City of Plainview with an informal, cost effective, and expeditious alternative to traditional criminal charges for violations of certain City Code provisions. The procedures are intended to be voluntary on the part of those who have been charged with administrative offenses. At any time prior to the payment of the administrative penalty as is provided for thereafter, the individual may withdraw from participation in the procedures, in which event the City may bring criminal charges in accordance with law. Likewise, the City of Plainview in its discretion, may choose not to initiate an administrative offense and may bring criminal charges in the first instance. In the event a party participates in the administrative offense procedures, but does not pay the monetary penalty which may be imposed, the City of Plainview will seek to collect the costs of the administrative offense procedures as part of a subsequent criminal sentence, in the event the party is charged and is adjudicated guilty of the criminal violation.

702.2 Administrative Offense Defined. An administrative offense is a violation of a provision of the City Code and is subject to the administrative penalties set forth in the schedule of offenses and penalties referred to in Section 9, entitled "Offenses and Penalties", hereinafter.

702.3 Notice. Any officer of the City of Plainview Police Department or any other person employed by the City, authorized in writing by the Chief of Police and having authority to enforce the City Code, shall upon determining that there has been a violation, notify the violator, or in the case of a vehicular violation, attach to the vehicle a notice of the violation. Said notice shall set forth the nature, date and time of the violations, the name of the official issuing the notice, and the amount of the scheduled penalty.

702.4 Payment. Once such notice is given, the alleged violator may, within fifteen (15) days of the time of issuance of the notice, pay the amount set forth on the schedule of penalties for the violation, or may request a hearing in writing, as is provided for hereinafter. The penalty may be paid in person or by mail, and payment shall be deemed to be an admission of the violation.

702.5 Hearing. Any person contesting an administrative offense pursuant to this section may, within fifteen (15) days of the time of issuance of the notice, request a hearing by a hearing officer who shall forthwith conduct an informal hearing to determine if a violation has occurred. The hearing officer shall have authority to dismiss the violation or reduce or waive the penalty. If the violation is sustained by the hearing officer, the violator shall pay the penalty imposed within seven (7) days.

702.6 Hearing Officer. The Mayor shall designate in writing a hearing officer. The hearing officer is authorized to hear and determine any controversy relating to administrative offenses provided for in this Section and may be compensated by the City for such hearings and related findings.

702.7 Failure to Pay. In the event a party charged with an administrative offense fails to pay the penalty, a misdemeanor or petty misdemeanor charge may be brought against the alleged violator in accordance with applicable statutes. If the penalty is paid or if an individual is found not to have

committed the administrative offense by the hearing officer, no such charge may be brought by the City of Plainview for the same violation.

702.8 Disposition of Penalties. All penalties collected pursuant to this Section shall be paid to the City of Plainview and deposited in the General Fund.

702.9 Offenses and Penalties. Offenses which may be charged as administrative offenses and the penalties for such offenses shall be established by resolution of the City Council from time to time. Copies of such resolution shall be maintained at City Hall.

703 TRAFFIC REGULATIONS

703.1 Restrictions on Turns. The Council by Resolution may, whenever necessary to preserve a free flow of traffic or to prevent accidents, designate any intersection as one where the turning of vehicles to the left or to the right or both, is to be restricted at all times or during specific hours. The Public Works Director shall mark by appropriate signs, any intersection so designated. No intersection on a Trunk Highway shall be so designated until the consent of MnDOT to such designation is first obtained. No person shall turn a vehicle at any such intersection contrary to the direction on such signs.

703.2 U Turns. No person shall turn a vehicle so as to reverse its direction on any street in the central business district or at any intersection where traffic is regulated by a traffic control device.

703.3 Through Streets; One Way Streets. The Council by Resolution may designate any street or portion of a street as a through highway or a one-way roadway, where necessary to preserve the free flow of traffic or to prevent accidents. The Public Works Director shall post appropriate signs at the entrance to such streets. No Trunk Highway shall be so designated unless the consent of the Commissioner of Highway to such designation is first secured.

703.4 Exhibition Driving Prohibited. No person shall turn, accelerate, decelerate, or otherwise operate a motor vehicle within the City, in a manner which causes unnecessary engine noise or backfiring, squealing tires, skidding, sliding, swaying, throwing of sand or gravel, or in a manner simulating a race. Squealing or screeching sounds emitted by tires or the throwing of sand or gravel by the tires, is prima facie evidence of a violation of this Section.

703.5 Traffic Laws During an Emergency. The Police Department shall enforce the provisions of this Ordinance and the state traffic laws. Police officers are authorized to direct all traffic within the City, either in person or by means of visible or audible signal, in conformity with this Ordinance and the state traffic laws. During a fire or other emergency or to expedite traffic or safeguard pedestrians, officers of the Police Department may direct traffic as conditions require, notwithstanding the provisions of this Ordinance and the state traffic laws. Officers of the Fire Department may direct or assist the police in directing traffic at the scene of a fire or in the immediate vicinity.

703.6 Speed Limits in Mobile Home Park and Camping Area. It shall be unlawful for any type vehicle to travel at a rate in excess of 10 miles per hour while within the limits of a mobile home park or a recreational camping area and such 10 miles per hour limit shall be clearly posted throughout the mobile home park. The City Police of the City of Plainview are hereby instructed to enforce the provisions of Minnesota Statutes Section 327.27, Subdivision 2, in any mobile home park or recreational camping area within the City limits of Plainview, Minnesota.

It is a petty misdemeanor for any person to violate the provisions of Minnesota Statutes Section 327.27, Subdivision 2, unless the violation is committed in a manner and under circumstances so as to

endanger or be likely to endanger any person or property, in which case said violation shall be a misdemeanor. The provisions of Minnesota Statutes Section 169.89, as amended by laws 1979, c. 233, Section 1, are hereby incorporated by reference and made a part of this ordinance as though fully set forth herein.

703.7 Traffic Laws and Regulations While Operating on Public Roads, Streets, and Alleys. All motorized and non-motorized vehicles, including bicycles, scooters, mopeds, golf carts, and other similar devices are required to follow posted traffic laws and other traffic regulations while operating on public roads, streets, and alleys.

704 PUBLIC NUISANCES

704.1 Public Nuisance Defined. Whoever by his act or failure to perform a legal duty intentionally does any of the following, is guilty of maintaining a public nuisance, which is a misdemeanor:

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

704.2 Nuisances Affecting Health. The following are hereby declared to be nuisances affecting health and shall be unlawful:

- A Milk which is produced by cows which have not been tested and found free of tuberculosis within the year previous to the offering of such milk for sale within the City.
- B Garbage cans which are not fly-tight.
- C The pollution of any public well or cistern, stream, lake, canal, or body of water by sewage, creamery, or industrial wastes or other substances.
- D All noxious weeds and other rank growths of vegetation upon public or private property.
- E Dense smoke, noxious fumes, gas or soot, or cinders in such quantities as to render the occupancy of property uncomfortable to a person of ordinary sensibilities.

704.3 Public Nuisances Affecting Morals and Decency. The following are hereby declared to be nuisances affecting public morals and decency and shall be unlawful:

- A All non-legal gambling devices, slot machines, and punch boards;
- B Betting, bookmaking and all apparatus used in such occupations.
- C All houses kept for the purpose of prostitution or, gambling houses,
- D All places where intoxicating liquor is manufactured or disposed of in violation of law or where, in violation of law, persons are permitted to congregate for the purpose of drinking intoxicating liquor, or where intoxicating liquor is kept for sale or other disposition in violation of law, and all liquor and other property used for maintaining such a place;
- E Any vehicle used for the illegal transportation of intoxicating liquor, or for prostitution , or for any other obscene or illegal purpose.

The word "obscene" refers to that term defined by the United States Supreme Court applying contemporary community standards, such definition being expressly incorporated into this Chapter as though fully set forth.

704.4 Nuisances Affecting Peace and Safety. The following are declared to be nuisances affecting public peace and safety and shall be unlawful:

- A All wires which are strung less than fifteen (15) feet above the surface of any street.
- B All buildings, walls and other structures which have been damaged by fire, decay or otherwise, and which are so situated as to endanger the safety of the public.
- C All buildings and all alterations to buildings made or erected within the fire limits as established by Ordinance in violation of the Ordinance concerning manner and materials and of construction.
- D Any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the streets or sidewalks.
- E All signs, awnings and other structures hanging over the streets or sidewalks, so situated or constructed as to endanger public safety.
- F The allowing of rainwater, ice or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk.
- G All dangerous, unguarded machinery, in any public place or so situated or operated on private property as to attract the public.
- H The distribution of handbills, pamphlets, and flyers except as provided by Ordinance.
- I All motorized vehicles that have their mufflers removed and have either straight pipes or performance mufflers on the end of the tail pipe.

704.5 Accumulation of Junk in Open Spaces on Real Property.

704.5.1 Definitions. "Open area" means that part of a residential lot or property that is not covered by an enclosed building or structure, regardless of whether the view from outside the property is shielded by a fence, vegetation or other structure. The term "open area" includes, but is not limited to, the yard, open porches, and areas under structures that are not entirely enclosed, such as a carport.

704.5.2 Open Spaces To Be Maintained. All open areas and parts of premises shall be maintained and kept in a reasonably clean and neat condition. This requirement shall include the removal of dead trees and brush, the removal of inoperable machines, appliances, fixtures and equipment; the removal of lumber piles and building materials not being used in actual construction on the premises unless such premises are being used by a business dealing in or requiring the use of such lumber and materials, and the storage of these materials for business use is allowed or permitted by ordinance; the removal of tin cans, broken glass, broken furniture, mattresses, box springs, boxes, crates, cardboard, tires, and other garbage and debris; and the removal of furniture and other items of the type not designed or intended to be stored outside or in such a manner that they are exposed to weather and climatic conditions.

704.6 Non-Conforming Motor Vehicles.

704.6.1 Definitions. "Motor vehicle" means every vehicle which is self-propelled.

704.6.2 Requirements. No person shall place, park, permit to remain, store or leave upon an open space area of any property, a motor vehicle if the motor vehicle:

- A Lacks essential parts that would render it inoperable; or,
- B Is in a rusted, wrecked, partially dismantled or junked condition.

704.6.3 Motor Vehicles Violation. If a motor vehicle, meets any of the above provisions, the owner or possessor of the motor vehicle shall be responsible to remove the motor vehicle to a duly licensed junk yard or other authorized place of deposit or storage within 10 business days of a demand by the City. In the event the owner or possessor of the motor vehicle cannot be located, then it shall be the responsibility of the owner of the premises to remove the motor vehicle to a duly licensed junk yard or other authorized place of deposit or storage within 10 business days of a demand by the City.

704.7 Violations a Public Health or Safety Hazard. A person who creates, maintains or allows to continue a condition on property which poses a risk to the health or safety of the public, including but not limited to in violations of Section 704 of this Code, shall be deemed to have created in the City a public health or safety hazard, which is subject to abatement by the City as provided in 704.9.

704.8 Penalty. Any person who shall knowingly cause or create any nuisance or permits any nuisance to be created or to be placed upon or to remain upon any premises owned or occupied by him shall upon conviction thereof be deemed guilty of a misdemeanor and shall be punished by a fine of not more than One Thousand and no/100 Dollars (\$1000.00) and costs, or by imprisonment in the County Jail for not more than ninety (90) days.

704.9 Abatement Procedure. If the owner or occupant thereof fails within five days after posting by first class mail of a notice to abate a public health or safety hazard contained on any property, the City by and through its authorized personnel may enter upon such property and abate the public health hazard by any reasonable means, including the contracting with a private person to do so. Any expenses incurred by the City in the abatement of a public health or safety hazard under this section shall be the responsibility of the property owner, and if subsequently unpaid, may be assessed against the property as provided in Minnesota Statute 429.101.

705 OFFENSES AGAINST PUBLIC PROPERTY

705.1 Violation a Misdemeanor. The violation of any of the Sections of this Ordinance by any person shall be deemed a misdemeanor and shall be punished by a fine of not more than One Thousand and no/100 Dollars (\$1000.00) or by imprisonment in the County Jail for not more than ninety (90) days, together with the costs in either case. The violation of each Section hereof shall be deemed a separate violation, each to be deemed a separate misdemeanor.

705.2 Construction and Excavation.

705.2.1 Excavations to be Guarded. Every person who shall have charge of the construction of any excavation or obstruction adjacent to or under any sidewalk or street shall during the progress of such work cause such excavation to be securely guarded by a fence with at least two (2) strings of good six inch (6") boards nailed not less than eighteen inches (18") apart to posts securely fixed in place; such posts shall be not more than six feet (6') apart and the top of the highest post shall not be less than four and one-half feet (4 1/2') from the surface of the sidewalk or street and from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise shall illuminate such excavation or obstruction with lights sufficient in number and so placed as to show the full extent thereof.

705.2.2 Removing Barricades. No person shall remove, throw down, run over or interfere with any barricade or barricades lawfully directed, placed to guard and protect any grading, paving, sidewalk construction or other work.

705.2.3 Injuring Uncompleted Construction. No person shall walk upon, drive or ride over or cross any pavement in the course of construction before the same has been opened for public travel, or over or across any uncompleted grading, or sidewalk construction which has not been opened for travel.

705.2.4 Blasting Precautions. No person shall blast or cause to be blasted within three hundred (300) feet of any building of this City, rocks or other material, without having the same covered by good sound timber or sheet metal of sufficient weight, length and thickness and so placed as effectively to prevent fragments of rock or other material blasted, from ascending into the air, or shall fail to notify persons approaching the scene of any blasting that blasting is being done.

705.3 Public Streets

705.3.1 Placing Objects on Public Highways. No person shall place, throw or cause to be placed or thrown on any street, alley, sidewalk or other public property, any glass, tacks, nails, bottles or other substances or things that might wound any person or animal or cut or puncture any pneumatic tire when passing over the same. No person shall place, throw, or cause to be placed or thrown on any street, alley, sidewalk or other public property any leaves, grass, branches, limbs, vegetation, dirt, sand, silt, mud, or other similar debris.

705.3.2 Spilling Substances in Streets. No person shall haul over the streets or alleys of this City any loose material of any kind, except in a vehicle having a tight box so constructed as to prevent the splashing or spilling of any of the substances therein contained upon said streets or alleys.

705.4 Sidewalks

705.4.1 Deposits on Sidewalks. Whenever any lot or piece of land abutting on any sidewalk shall become or remain in such a condition that earth or other substances therefrom accumulate on such sidewalk, and the owner of such lot or piece of land shall refuse or neglect to place the same in such a condition as to prevent such washing or accumulation on such sidewalk, such owner shall be guilty of a misdemeanor and each day that such owner shall refuse or neglect to abate said condition, after notice from the City Public Works Director, shall constitute a separate offense.

705.4.2 Interference With Sidewalks. No person shall loosen or remove any plank, brick, block or support from any sidewalk, crosswalk, curbing or gutter, provided however, that this action shall not apply to persons making repairs on any sidewalk, temporarily removing the same on account of building operations.

705.4.3 Obstructing Sidewalks. No person shall leave or allow to be left any implements, tools, boxes, merchandise, goods, trash, cans, crates, corn poppers, peanut roaster, ice cream containers, advertising or show cases on any sidewalk or other public way longer than is necessary for loading or unloading the same.

705.4.4 Maintaining Sidewalk Level. No owner of any property having sidewalk adjacent thereto, shall permit any plank, brick, stone or segment of said sidewalk to be raised above the established level of said sidewalk more than one-half inch (1/2") in any manner which might catch the foot of a pedestrian, or shall permit any holes or depressions to occur in the sidewalk in which a pedestrian might step or catch his foot in a manner liable to cause injury.

705.5 Hitching and Picketing Animals. No person shall hitch any animal to any street light, hydrant, drinking fountain, shrub or shade tree, or picket any animal in any of the streets, alleys, parks or public grounds of the City.

705.6 Posting Handbills. No person shall put up any hand bills, advertisements, posters, show bills or other signs on any building, pole or property not his own, without permission from the owner thereof.

705.7 Public Property

705.7.1 Defacing Public Property. No person shall cut, carve, mark, etch, engrave any character, figure, letter or name upon any building or other public property owned, occupied or used by the City, or shall in any manner mar, deface or injure any trees, shrub, plant, vines or any other public property in, on or around the grounds upon which such building is situated, nor shall any person willfully or maliciously displace, remove, injure, or destroy any other public property or any part thereof.

705.7.2 Willful Destruction of Public Park and Public Cemetery Property. No person shall willfully and without authority, cut, pluck or otherwise injure any flowers, shrubs or trees growing in or around any public park, public cemetery, or other public grounds of the City, or shall willfully injure or destroy any stand, bench or other property situated on such park, cemetery, or ground.

705.7.3 Withholding City Property. No person shall take possession of any property, real or personal, belonging to the City, or to the possession of which the City shall be entitled, or shall commit any trespass thereon, or shall unlawfully withhold the property from the City, and the unlawful withholding of such property after demand therefor has been made under the direction of the City Council, shall be deemed a new and separate offense for every day the possession is withheld after such demand.

705.8 Interference With Public Sewers and Culverts. No person shall willfully injure or destroy or attempt to injure or destroy, any public sewer or culvert, or shall molest any sewer or culvert or any part of said sewer or culvert, by removing the cover of any flash tank, grate, or other part of said public sewer system or culvert, without authority to do so.

705.9 Restriction of Awning. No person shall construct or install, or cause to be constructed or installed, any awning which is supported in whole or in part by posts or other supports set into the public right of way.

705.10 Throwing or Batting Balls on Streets, Etc. No person shall throw or bat any ball stone or other hard substance into, on or across any street or alley, or at or against any public building or vehicle, or at or toward any person.

706 NOISE

706.1 Unnecessary Noises Generally. No person shall make, continue or cause to be made or continued, any unnecessary or unusual noise between the hours of 6:00 o'clock A.M. and 8:00 o'clock P.M. which either annoys, injures or endangers the comfort, repose, health or safety of others or shall make, continue or cause to be made or continued, between the hours of 8:00 o'clock P.M. and 6:00 o'clock A.M., whether in the operation of any machine or the exercise of any trade or calling or otherwise, any noise which either annoys, injures or endangers the comfort, repose, health or safety of others, unless the making and continuing of the same be necessary for the protection or preservation of property or of the health, safety, life or limb of some person.

706.2 Operation of Radios, Stereos, Etc. No person owning, occupying or having charge of any building, premises, or vehicle, shall allow any loud, excessive or unusual noise in the operation or use of any radio, stereo, or other mechanical or electronic sound-making or reproducing device, instrument or machine, which loud, excessive or unusual noise shall disturb the comfort, quiet or repose of persons therein, or in the vicinity.

706.3 Permit-Necessary for Loudspeakers. No person shall use or operate, or cause to be used or operated in any public street or place, or from any aircraft, or in front of or outside of any building, place or premises, abutting on or adjacent to any public street or place, any device, apparatus or instrument for the amplification of the human voice or any sound or noise, or other sound-making, or sound reproducing devices, without a written permit from the City Council.

706.4 Advertising Noises. No person shall make or cause to be made for the purpose of advertising or announcing his or her vocation or presence, or in connection with the buying or selling of any goods, wares, merchandise, services or anything whatsoever, or with the carrying on of any trade, occupation, vocation, or profit-making activity, any loud or unusual use of the voice, or of any bell, gong, horn, instrument, article or device. The violation of this Section in connection with any license or permit shall be cause for the revocation thereof.

706.5 Manner of Conducting Business. No person shall carry on or permit to be carried on, any business or occupation in such a manner as to create any loud, unusual or unnecessary noise.

707 DISCHARGE OF FIREARMS AND DANGEROUS WEAPONS

707.1 Discharge of Firearms and Dangerous Weapons Prohibited Without a Permit. No person shall fire, discharge, or explode any gun, pistol, including air powered guns or pistols, or other weapon in any part of the City without a permit from the City Council. Such permit shall be in writing and shall be issued by the Council in its discretion upon application to it.

707.2 Exception. Nothing herein shall be construed to prohibit any firing of a gun or pistol or other weapon when done in the lawful defense of person, property or family or in the necessary defense or enforcement of the laws.

708 RESTRICTIONS AFTER CURFEW HOURS

708.1 Restriction After Curfew Hours. No person under eighteen (18) years of age shall remain in or upon any of the streets, alleys or public places in the City at night between the hours of 11:00 o'clock P.M. and 5:00 o'clock A.M. on the nights of Sunday through Thursday inclusive or between the hours of 12:00 o'clock midnight and 5:00 o'clock A.M. on the nights of Friday and Saturday, unless such person is accompanied by a parent, guardian or other person having the legal custody of such minor person or is in the performance of an errand or duty directed by such parent, guardian or other person having the legal custody of such minor person or whose employment makes it necessary to be upon the streets, alleys or public places during the night time, after specified hours.

708.2 Duty of Parent or Guardian. No parent, guardian or other person having the legal care and custody of any person under eighteen (18) years of age shall permit any such child, ward or other person under such age, while in such legal custody, to remain in or upon any of the streets, alleys or public places in said City within the time prohibited in Section 708.1 unless there exists a reasonable necessity therefor. Any person violating the provision of this Section shall be guilty of a misdemeanor.

708.3 Duty of Police Officers. Each member of the police force while on duty is hereby to arrest, any person violating the provisions of Section 708.1 of this Ordinance. Any person or persons so arrested shall, for a first violation of this Ordinance, be taken or sent by the officer to their homes, and their parents or guardians notified of such violation of this Ordinance; upon a subsequent violation of the provisions of the Ordinance, the person or persons so arrested shall be taken or sent home by the officer and the parents or guardians served with subpoenas to appear in Court with the person or persons so arrested, and show cause why the Ordinance has been a second time violated. If no sufficient excuse therefor is offered, the parents or guardians shall be fined according to the provisions of Section 708.2. Any police officer arresting such child or minor person, if the said child or minor person either has no home or guardian, or refuses to give the name and address of such home or guardian to the officer, shall place such child or minor person in the care of the proper authorities. All due diligence shall be used by the officer so arresting such child or minor person to find parents or guardians responsible for such child or minor person. Pending necessary investigations, such minor charges shall not be detained in custody by the police more than twenty-four (24) hours.

709 SNOWMOBILES

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

Snowmobile. A self propelled vehicle designed for travel on snow or ice or natural terrain, steered by wheels, skis or runners.

Operate. To ride in or on and control the operation of a snowmobile.

Operator. A person who operates or is in actual control of a snowmobile.

709.2 Operation. It shall be unlawful for any person to operate a snowmobile under the following circumstances:

- A No person shall drive a snowmobile on the streets of the City Of Plainview within the limits of said City, at a speed in excess of ten (10) miles per hour.
- B On public grounds without express provision or permission to do so by the proper public authority.
- C In a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.
- D In a careless, reckless or negligent manner so as to endanger or be likely to endanger the safety of any person or property of any other person.
- E Without having any such snowmobile registered as provided in Section 84.82 of Minnesota Statutes, except that this provision shall not apply to the operation of a snowmobile on the private property of the owner, by the owner, or a member of his immediate family.
- F Within the right-of -way of any public street within the City, unless the operator shall be at least eighteen (18) years of age, or between the ages of fourteen (14) years and eighteen (18) years, only if he has in his immediate possession, a valid Snowmobile Safety Certificate issued by the Minnesota Department of Natural Resources, or is accompanied by an individual eighteen (18) years of age or older, who is actually occupying a seat in the vehicle.
- G Upon any public street, alley or lot within the corporate limits of the City Of Plainview, between the hours of 10:00 o'clock P.M. and 6:00 o'clock A.M. provided, however, that if the snowmobile is being driven for the purpose of going in the most direct, practical route possible from a point outside the city limits to the residence of the operator within the city limits, or from the residence of the operator inside the city limits to a specific designation outside the city limits, then and for that purpose only, operation of a snowmobile between the hours aforesaid shall be lawful.

709.3 Park Property. Notwithstanding the provisions of this Ordinance, the Public Works Director of the City of Plainview shall have authority to supervise and regulate events or programs in connection with the events conducted by the Public Works Director in which snowmobiles are used. The Public Works Director shall have the authority to designate city park areas that they shall deem advisable for use of snowmobiles.

709.4 Equipment. All snowmobiles operated within the City of Plainview shall have the following equipment:

- A Mufflers which are properly attached, which reduce the noise of the operation of the vehicle to the minimum noise necessary for operating the vehicle and no person shall use a muffler cutout, bypass or similar device on a vehicle.
- B Adequate brakes as required by Minnesota Statutes, Chapter 169.67 and at least one (1) operable headlight and one (1) operable tail light.

C A safety or so-called "dead man" throttle in operating condition; a safety or "dead man" throttle is defined as a device which, when pressure is removed from the accelerator or throttle, causes the motor to be disengaged from the driving track.

709.5 Unattended Snowmobiles. It is unlawful for the owner or operator to leave or allow a snowmobile to be or remain unattended on public property, streets or highways while the motor is running or with the keys that start the same in the ignition switch.

709.6 Prohibition. The City Council may by Resolution prohibit the operation of snowmobiles within the right-of-way of the public roads or streets or other City property within the City of Plainview, when, in the opinion of the City Council, the public safety and welfare so requires.

709.7 State Statutes. Section 84.87, Minnesota Statutes and all the provisions thereof is hereby adopted by reference and made a part hereof as fully and completely as those set forth herein in full.

709.8 Penalty. Any person convicted of violating any provision of this Ordinance, is guilty of a petty misdemeanor.

710 ALL TERRAIN VEHICLES (ATV)

710.1 Definitions.

"All-Terrain Vehicle". An ATV shall be defined to mean any motor vehicle as that term is defined by Minnesota Statutes Chapter 169.01, subd. 3 which is designed for use primarily on surfaces or terrain outside of the traveled portion of public roadways as those terms are defined by this ordinance. This definition is specifically intended to include, but not be limited to, such common terms for- all-terrain vehicles such as "three-wheelers", "four-wheelers", "dune buggies", or "ATVs". This definition is specifically intended to exclude passenger vehicles, motorcycles, or motorized bicycles as those terms are, defined by Minnesota Statutes Chapter 169.01, subd. 3(a), 4 and 4(a), respectively. This definition is also specifically intended to exclude riding lawn mowers.

"Traveled Portion of Public Roadways". The traveled portion of a public roadway shall be defined in the case of paved, public roads as that portion which is actually paved. In the case of unpaved public roadways, the traveled portion shall refer to that portion actually used for vehicular travel and shall exclude ditches, slopes and backslopes supporting the traveled portion of the roadway.

"Operate". Operate means to ride in or on and control the operation of an ATV.

"Operator". Operator means every person who operates or is in actual physical control of a ATV.

"Owner". Owner means a person, other than a lien holder, having the property in or title to ATV, entitled to the use or possession thereof.

"Parade". For purposes of this ordinance, "parade" shall be defined as any organized procession or march for which permission to organize or march has been obtained from the city council of Plainview, Minnesota.

“Person”. Person includes an individual, partnership, corporation, the State and its agencies and subdivisions and any body of persons, whether incorporated or not.

710.2 Operation of ATV’s by Adults

710.2.1 Operation on Public Roadways Restricted. It shall be unlawful to for any person to operate, permit the operation, or be in actual physical control of any ATV upon the traveled portion of any public roadway within the city of Plainview, Minnesota except as provided in Minnesota Statutes §§84.92 to 84.929 or as specifically authorized and permitted under the terms of this ordinance.

710.2.2 Permit Requirements. Any person who intends to operate an ATV on any public roadway within the limits of the City of Plainview shall obtain an operation permit from the Plainview Police Department. The Police Department shall issue an operation permit upon verification that the applicant has:

- A A valid driver’s license.
- B Proof by the applicant of liability insurance which covers the ATV.
- C Proof that the applicant has registered the ATV with the Minnesota Department of Natural Resources.
- D Standard mufflers which are properly attached to the ATV and which reduce the noise of operation of the motor to the minimum necessary for operation. No person shall use a muffler cutout, by-pass, straight pipe, or similar device on an ATV. The apparatus shall not be audible for a distance more than 500 feet from the place or places where such devices or apparatus will be located.
- E Brakes adequate to control the movement of and to stop and hold the ATV under any condition of operation.
- F At least one clear lamp attached to the front, with sufficient intensity to reveal persons and vehicles at a distance of at least one hundred (100) feet ahead during the hours of darkness and under normal atmospheric conditions, when the ATV is operated between the hours of one-half hour after sunset to one-half hour before sunrise, or at times of reduced visibility. Such headlamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming ATV operator. The ATV shall also be equipped with at least one red tail lamp having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of five hundred (500) feet to the rear during hours of darkness under normal atmospheric conditions.

710.2.3 Restrictions on Operation of ATV’s on Public Roadways Following Permit Issuance. Once a permit has been issued to any person, it shall be unlawful for that person to drive any ATV on the portion of any right of way of any public highway, street, road, trail or alley used for motor vehicle travel, except a person may operate upon the most right hand lane of a municipal street or alley unless otherwise herein or hereafter restricted, and may, in passing or making a left turn, operate on other lanes which are used for vehicle traffic in the same direction; and they may also be operated upon the ditch bottom or the outside bank of trunk, county, state-aid and county highways which are so configured within the corporate limits. No travel is permitted on any state or county highway within the City limits.

710.2.4 Other Prohibited Places and Manners of Operation. It shall be unlawful for any person to operate an ATV:

- A On a public sidewalk providing for pedestrian traffic;
- B On private property of another without written/dated/signed permission of the owner or person in control of said property, which permission shall be on the operator's person while operating the ATV;
- C Upon any school grounds without written/dated/signed permission of responsible school authorities, which permission shall be on the operator's person while operating said ATV;

- D On any other public place or ground except as may be specifically permitted by other provisions of the City Code;
- E At any place, while under the influence of alcohol or drugs as defined in Minnesota Statute 169.121, which is hereby incorporated herein by reference.
- F At a rate of speed greater than (20) miles per hour.
- G At any place in a careless, reckless or negligent manner or heedlessly in disregard of the rights or safety of others, or in a manner so as to endanger or be likely to endanger or cause injury or damage to any person or property.
- H During the hours of 10:00 PM to 7:00 AM, Sunday through Thursday, and 12:00 AM to 7:00 AM on other days, except that during said prohibited hours of operation, such operation shall be permitted when returning to the City of Plainview for the purpose of following the most direct practical route possible from a point outside the limits of the City of Plainview to the residence of the operator or passenger, and except during the prohibited hours of operation such operation shall be permitted for the purpose of leaving the City of Plainview by the most direct practical route possible to go to a specific destination outside of the City of Plainview.
- I Without a lighted headlight and taillight at night.
- J In any trees, nursery or planting that damages or destroys growing stock or on any private property without the permission of the owner thereof.
- K Entering any intersection without yielding the right of way to any vehicles or pedestrians, which are at the intersection, or so close to the intersection as to constitute an immediate hazard.
- L Leaving an ATV in a public place without locking the ignition, removing the key, and taking the same with him/her.
- M Intentionally driving, chasing, running over, or killing any animal with a ATV.
- N All passengers and riders under the age of 18 years must wear a safety helmet.

710.2.5 Exceptions. The provisions of this chapter shall not apply to an ATV used by governmental agencies in the pursuit of their duties or during emergency use. Nothing in this Ordinance shall prohibit the use of ATVs within the right-of-way of a State Trunk or county state aid highway or upon public lands or waters under the jurisdiction of the Commissioner of Natural Resources in an organized contest or event subject to the consent of the official or board having jurisdiction over the highway or public lands or waters. Nothing in this ordinance shall prohibit the use of ATVs within the right-of-way of a state trunk or county state aid highway or upon other public streets in the City of Plainview during a parade.

710.2.6 All Other Traffic Regulations Applicable. When at any time an ATV is operated within the right-of-way of a public roadway, but outside of the traveled portion, or when an ATV is operated as permitted in crossing a public roadway, all other traffic regulations of the City of Plainview and the State of Minnesota, including, but not limited to, those pertaining to operating or being in actual physical control of a motor vehicle while intoxicated shall be applicable to the operators of such ATVs. Furthermore, for the purpose of enforcing traffic regulations at any time that any ATV is within the right-of-way of a public roadway or lawfully upon the traveled portion of a public roadway, the ATV shall be deemed to be a motor vehicle, and subject to all rules, ordinances, statutes and regulations pertaining thereto as the same term is defined by Minnesota Statutes Chapter 169.01, subd. 3.

710.3 Operation of ATV's by Minors. ATV operators who are minors and who wish to operate ATV's within the City limits are subject to the following conditions in addition to those required for adult operators:

- A. No minor under 16 years of age shall be permitted to operate an ATV in the City of Plainview.

- B All minors at least 16 years of age but less than 18 years of age may operate an ATV subject to the restrictions set forth above if the minor possesses a valid driver's license and wears a safety helmet approved by the commissioner of public safety.

710.4 Penalty. Any person convicted of violating any provision of this Ordinance, is guilty of a petty misdemeanor.

711 BICYCLES.

711.1 Traffic Laws Apply. Every person riding a bicycle on a street or upon any path set aside for the exclusive use of bicycles shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this title, except as to special regulations in this chapter and except as to those provisions of this chapter which by their nature can have no application.

711.2 Where to Ride. Every person operating a bicycle upon a street shall ride as near to the right side of the street as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction. Persons riding bicycles upon a street shall not ride more than two abreast except on paths or parts of streets set aside for the exclusive use of bicycles. Whenever a person is riding a bicycle upon a sidewalk, the person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing the pedestrian.

711.3 Operation of Bicycles. Every person operating a bicycle within the city limits shall be subject to the following conditions:

- A No person shall ride any bicycle on the sidewalks adjacent to West Broadway from First Street (1st St.) west to Seventh Street (7th St.)
- B Persons riding bicycles shall observe all traffic signs and stop at all stop signs.
- C No bicycle shall be permitted on any sidewalk, street or other public highway of the City between thirty (30) minutes after sunset and thirty (30) minutes before sunrise unless there is firmly attached to the bicycle a headlight visible under normal atmospheric conditions from the front of the bicycle for not less than 300 feet and a yellow or red light or reflector attached to the rear and visible 200 feet in that direction. The headlight shall give a clear white light and shall be properly lighted during such hours of darkness.
- D Every person riding or propelling a bicycle upon any street or other public highway in the City shall observe all traffic rules and regulations applicable thereto. The rider shall turn only at intersections, signal for all turns, ride at the right side of the sidewalk, street or highway, pass to the left when passing overtaken vehicles and individuals, and shall pass to the right, vehicles and persons proceeding in the opposite direction.
- E No person shall ride any bicycle on any sidewalk in the City Of Plainview, hereinafter described, viz: On Broadway between Fifth Street (5th St.) and Second Street (2nd St.) or on the sidewalks for one (1) block abutting this zone.

711.4 Penalty. Any person convicted of violating any provision of this Ordinance, is guilty of a petty misdemeanor.

712 ROLLER BLADES, ROLLER SKATES, ROLLER SKIS, AND SKATEBOARDS

712.1 Definitions. For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

BUSINESS DISTRICT. That part of the City so designated by council resolution.

OPERATE. To ride on or upon or control the operation of roller blades, roller skates, or a skateboard.

OPERATOR. Every person who operates or is in actual physical control of roller blades, roller skates, or a skateboard.

ROLLER BLADES/ROLLER SKATES. A shoe with wheels attached or a device with wheels which is designed to be attached to a shoe.

ROLLER SKIS. A pair of skis platformed with wheels attached which is intended to simulate skiing.

SKATEBOARD. A device for riding-upon, usually while standing, consisting of an oblong piece of wood, or of other composition, mounted on skate wheels.

712.2 Unlawful Acts.

712.2.1 Prohibited Actions. It is unlawful for any person to operate roller blades, roller skates, roller skis or a skateboard under the circumstances set forth hereafter:

- A On any public sidewalk, street, or public parking lot;
- B On private property of another without the express permission to do so by the owner or occupant of the property; or
- C In any careless, reckless, or negligent manner so as to endanger or be likely to endanger the safety of any person or property of any other person.

712.2.2 Additional Restrictions

- A It is unlawful for any person operating roller blades, roller skates, roller skis or a skateboard to attach the same, or the person of the operator, to any vehicle upon a street.
- B Every person operating roller blades, roller skates, roller skis or a skateboard upon a street shall ride as close as possible to the right-hand curb or edge of the street.
- C Every person operating roller blades, roller skates, roller skis or a skateboard upon a street shall observe the same rules of the road as required of bicycles, pursuant to M.S.169.222.

712.3 Right of Way. The operator of roller blades, roller skates, roller skis or a skateboard shall yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area, and upon entering the street shall yield the right-of-way to all vehicles approaching on the street.

712.4 Hours of Use. It is unlawful for any person to use roller blades, roller skates, roller skis or a skateboard upon a public street, sidewalk, or other roadway from 10:00 p.m. to 6:00 a.m., except on private property with express permission of owner, and except if the roller blades, roller skates, roller skis, skateboard or operator are equipped with reflective surfaces that shall be visible during the hours of darkness from 600 feet when viewed in front of lawful lower beams of head lamps on a motor vehicle. The reflective material shall be a minimum of 40 square inches. All reflective materials used in compliance with this section shall meet the requirements as prescribed by the Commissioner of Public Safety.

712.5 Violations. A person apprehended by a peace officer in violation of the provisions of this chapter does, by his or her use of the public sidewalks, streets, and public parking lots, consent to the impoundment by a police officer of the roller blades, roller skates, roller skis or skateboard for a period of three days upon a first offense, a week upon the second offense and 30 days upon a third or additional offense. Any operator aggrieved by the impoundment of his or her roller blades, roller skates roller skis or skateboard may petition the Council for a hearing thereon at the next regular Council meeting following

the impoundment. This provision is in addition to the provisions for fines and penalties as set forth in Section 100.

713 ABANDONED PROPERTY

713.1 Disposition of Abandoned Property.

713.1.1 Procedure. Except for abandoned and junked vehicles, all property lawfully coming into possession of the city shall be disposed of as provided in this section which is adopted pursuant to M.S. 471.195, as it may be amended from time to time. Abandoned and junked vehicles shall be disposed of according to the procedures of 713.2

713.1.2 Storage. The department of the city acquiring possession of the property shall arrange for its storage. If city facilities are unavailable or inadequate, the department may arrange for storage at a privately-owned facility.

713.1.3 Claim by owner. The owner may claim the property by exhibiting satisfactory proof of ownership and paying the city any storage or maintenance costs incurred by it. A receipt for the property shall be obtained upon release to the owner.

713.1.4 Sale. If the property remains unclaimed in the possession of the city for 60 days, the property shall be sold to the highest bidder at a public auction conducted by the City Clerk or his or her designee after two weeks' published notice setting forth the time and place of the sale and the property to be sold. If the property is deemed to be of nominal value (\$100 or less), it may be disposed of in the most cost-effective method as determined by the appropriate department head.

713.1.5 Disposition of Proceeds. The proceeds of the sale shall be placed in the general fund of the city. If the former owner makes application and furnishes satisfactory proof of ownership within six months of the sale, the former owner shall be paid the proceeds of the sale of the property less the costs of storage and the proportionate part of the cost of published notice and other costs of the sale.

713.2 Finding and Purpose. M.S. Ch. 168B, and Minn. Rules Ch. 7035, as they may be amended from time to time, are hereby adopted by reference. Sections of this code are adopted under the authority of M.S. 168B.09, Subd. 2, as it may be amended from time to time. If any of these provisions are less stringent than the provisions of M.S. 168B or Minn. Rules Ch. 7035, as it may be amended from time to time, the statute or rule shall take precedence.

714 FIRE HAZARDS AND FIRE PROTECTION

714.1 Uniform State Code Adopted. The State of Minnesota has adopted the International Fire Code as the official fire code of the State of Minnesota (hereinafter known as the State Fire Code). The State Fire Code, one copy of which has been marked as the official copy and which is on file in the office of the City Clerk, is hereby adopted as the Fire Code for the City of Plainview for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion is hereby adopted and made a part of this Ordinance as if fully set forth herein.

714.2 Enforcement. The Chief of the Fire Department serving the City or his representative authorized by him, shall enforce the provision of this Ordinance.

714.3 Inspection of Premises Authorized. The Fire Chief or other officer or member of the department designated by the Fire Chief shall make inspections of the properties for which permits have been issued in this City at periodic intervals and locate and report to the Council places where fire hazards exist and report and abate any conditions existing contrary to this Ordinance or the laws of the State.

714.4 Conditions Prohibited. No owner, agent or occupant of any building in the City shall allow any ashes, waste-paper, hay, straw, rags or other waste material of a combustible nature to

accumulate in the basement or on any floor of any building, or in any hallway, courtyard or alley adjoining any building owned, controlled or occupied by such person, except that hay and straw may be stored in buildings where livestock is housed. No such person shall permit to exist upon any premises as aforesaid any electric wiring or defective heating device or part thereof, including flues and chimneys of that character, or use or permit to exist on any premises, buildings or structures, or any portion thereof, which by reason of want of repairs, age, dilapidated condition or damage by fire, or any other cause, are especially liable to fire, or which are so situated or are in such condition as to endanger its occupants or persons therein, or the general public.

714.5 Access to Premises. For the purpose of making inspections, the Fire Chief or other properly designated officer shall have authority to enter any dwelling or other building and upon any premises in the City between the hours of 9:00 o'clock A.M. and 5:00 o'clock P.M. Such officer as aforesaid shall notify in writing persons violating the provisions of Section 718.2 hereof to correct any such condition found offensive to this Ordinance. Any such order concerning combustible materials shall be complied with within forty-eight (48) hours after service. Any such order concerning defective equipment or unsound construction shall be complied with within a reasonable time, and such notice shall specify such reasonable time. Upon failure to comply with any such notice, the same shall be reported to the City Council.

714.6 Establishment of Limits of Districts in Which Storage of Flammable or Combustible Liquids in Outside Aboveground Tanks is to be Prohibited. The limits referred to in Section 15.201 of the Minnesota Uniform Fire Code in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited, are hereby established as follows:

- A R-1 - Single Family Residential
- B R-2 - Multi-Family Residential
- C C-1 - Central Business District
- D C-2 - Service, Commercial

Flammable or combustible liquids stored in outside aboveground tanks which were in place at the time of adoption of this Ordinance may be continued, but only as a non-conforming use subject to the requirements set forth in Article IV, Sections 1, 2 and 3 of the Land Management Ordinances of the City of Plainview.

714.7 Establishment of Limits in Which Bulk Storage of Liquefied Petroleum Gases is to be Restricted. The limits referred to in Section 15.601 of the Minnesota State Fire Code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby established as follows:

- A R-1 - Single Family Residential
- B R-2 - Multi-Family Residential
- C C-1 - Central Business District
- D C-2 - Service, Commercial
- E T - Transition District

714.8 New Materials, Processes or Occupancies Which May Require Permits. The Mayor and the Fire Chief shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in said Code. The Chief shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

714.9 Penalties. Any person who shall violate any of the provision of this Code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who

shall build in violation of any detailed statement or specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken or who shall fail to comply with such an order as affirmed by a Court or competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and non-compliance respectively, be guilty of a misdemeanor, punishable by a fine of not exceeding One Thousand and 00/100 Dollars (\$1000.00) and by imprisonment for a period not exceeding ninety (90) days. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or ready such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

715 DISCHARGE OF FIREWORKS

715.1 Purpose. Due to the inherent risks of fire and injury to persons and property associated with the sale, possession and use of fireworks, the city council has determined that it is necessary and in the interest of public health, safety and welfare to establish reasonable regulations concerning fireworks.

715.2 Definition.

Explosive Fireworks. For purposes of this section, "explosive fireworks" are defined as any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and includes blank cartridges, toy cannons, and toy canes in which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, skyrockets, Roman candles, daygo bombs, sparklers other than those meeting the definition of consumer fireworks, or other fireworks of like construction, and any fireworks containing any explosive or inflammable compound, or any tablets or other device containing any explosive substance and commonly used as fireworks.

Consumer Fireworks. For purposes of this section, "consumer fireworks" are defined as wire or wood sparklers of not more than 100 grams of mixture per item, other sparkling items which are non-explosive and non-aerial and contain 75 grams or less of chemical mixture per tube or a total of 200 grams or less for multiple tubes, snakes, and glow works, smoke devices, or trick noisemakers, which include paper streamers, party poppers, string poppers, snappers, and drop pops, each consisting of not more than twenty- five hundredths grains of explosive mixture. Toy pistols, toy guns, in which paper caps containing 25/100 grains or less of explosive compound are used and toy pistol caps which contain less than 20/100 grains of explosive mixture are neither "explosive fireworks" nor "consumer fireworks".

715.3 Sale, Use and Possession of Fireworks. It shall be unlawful for any person to sell, use or possess explosive fireworks. It shall be unlawful for any person under the age of 18 to use or possess consumer fireworks. It shall be unlawful for any person to use or possess consumer fireworks on public property. It is unlawful for any person to sell, offer for sale, expose for sale, or sell at retail or wholesale any consumer fireworks in the City of Plainview without a license.

715.4 License Application. The applicant shall completely fill out and submit an application form for a consumer fireworks license prepared by the City. Information to be submitted as part of the license application includes, but is not necessarily limited to the following information: name, address and telephone number of the applicant; address of location where the fireworks will be sold; a description of the fireworks to be sold; estimated quantity of the fireworks that will be stored on the premises; description of the premises and facility from which the fireworks are proposed to be sold;

approval of the property owner, if different from the applicant. Prior to the issuance of a license, the premises must be inspected and approved by the City fire code official.

715.5 Conditions of License. A license to sell consumer fireworks shall be issued subject to the following conditions:

- A The license is non-transferable, either to a different person or location
- B The license must be publicly displayed on the licensed premises
- C The premises are subject to inspection by City employees including police officers during normal business hours
- E The premises for which a license will be issued must be located in a zoning district permitting retail sales.
- F Storage of consumer fireworks on the premises must be in compliance with the Uniform Fire Code
- G The premises must be in compliance with the Uniform Fire Code and the Uniform Building Code.
- H Consumer fireworks shall not be sold to persons under the age of 18
- I Consumer fireworks shall not be used on public property

715.6 License Fee. The license fee shall be established by resolution of the City Council. Licenses shall be issued for a calendar year and will not be prorated.

715.7 License Denial, Suspension and Revocation. A consumer fireworks license may be denied, suspended, or revoked in accordance with the procedures set forth in Section of the Plainview Code of Ordinances.

716 EMERGENCY MANAGEMENT

716.1 Purpose and Policy. Because of the existing possibility of the occurrence of disasters of unprecedented size and destruction resulting from fire, flood, tornado, blizzard, destructive winds or other natural causes, or from sabotage, hostile action, or from hazardous material mishaps of catastrophic measure; and in order to insure that preparations of this city will be adequate to deal with those disasters, and generally, to provide for the common defense and to protect the public peace, health, and safety, and to preserve the lives and property of the people of this city, it is hereby found and declared to be necessary:

- A To establish a city emergency management organization responsible for city planning and preparation for emergency government operations in time of disasters.
- B To provide for the exercise of necessary powers during emergencies and disasters.
- C To provide for the rendering of mutual aid between this city and other political subdivisions of this state and of other states with respect to the carrying out of emergency-preparedness functions.
- D To comply with the provisions of M.S. 12.25, as it may be amended from time to time, which requires that each political subdivision of the state shall establish a local organization for emergency management.

716.2 Definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DISASTER. A situation which creates an immediate and serious impairment to the health and safety of any person, or a situation which has resulted in or is likely to result in catastrophic loss to

property, and for which traditional sources of relief and assistance within the affected area are unable to repair or prevent the injury or loss.

EMERGENCY. An unforeseen combination of circumstances which calls for immediate action to prevent from developing or occurring.

EMERGENCY MANAGEMENT. The preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disasters caused by fire, flood, tornado, and other acts of nature, or from sabotage, hostile action, or from industrial hazardous material mishaps. These functions include, without limitation, fire-fighting services, police services, emergency medical services, engineering, warning services, communications, radiological, and chemical, evacuation, congregate care, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civil protection, together with all other activities necessary or incidental for carrying out the foregoing functions. Emergency management includes those activities sometimes referred to as “Civil Defense” functions.

EMERGENCY MANAGEMENT FORCES. The total personnel resources engaged in city-level emergency management functions in accordance with the provisions of this chapter or any rule or order thereunder. This includes personnel from city departments, authorized volunteers, and private organizations and agencies.

EMERGENCY MANAGEMENT ORGANIZATION. The staff responsible for coordinating city-level planning and preparation for disaster response. This organization provides city liaison and coordination with federal, state, and local jurisdictions relative to disaster preparedness activities and assures implementation of federal and state program requirements.

716.3 Establishment of Emergency Management Organization. There is hereby created within the city government an emergency management organization which shall be under the supervision and control of the City Emergency Management Director, called the Director. The Director shall be appointed by the City Council for an indefinite term and may be removed by the Council at any time. The Director shall serve with a stipend as established by the City Council and shall be paid his or her necessary expenses. The Director shall have direct responsibility for the organization, administration and operation of the emergency preparedness organization, subject to the direction and control of the Council.

716.4 Powers and Duties of Director.

716.4.1 Organization and Function. The Emergency Management Agency shall be organized into such divisions consistent with state and local defense plans as the Director deems necessary to provide for the efficient performance of local Emergency Management functions during an Emergency Management emergency. The agency shall perform Emergency Management functions within the City and in addition, shall conduct such functions outside the City as may be required pursuant to Minnesota Statutes.

716.4.2 Survey for Adequate Emergency Management. The Director shall make studies and surveys of the human resources, industries, resources, and facilities of the city as deemed necessary to determine their adequacy for emergency management and to plan for their most efficient use in time of an emergency or disaster. The Director shall establish the economic stabilization systems and measures, service staffs, boards, and sub-boards required, in accordance with state and federal plans and directions subject to the approval of the Mayor.

716.4.3 Emergency Plan. The Director shall prepare a comprehensive emergency plan for the emergency preparedness of the city and shall present the plan to the Council for its approval. When the Council has approved the plan, it shall be the duty of all city agencies and all emergency preparedness

forces of the city to perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner from time to time. The Director shall coordinate the emergency management activities of the city to the end that they shall be consistent and fully integrated with the emergency plans of the federal government and the state and correlated with emergency plans of the county and other political subdivisions within the state.

716.4.4 Training Programs and Public Information. In accordance with the State and City Emergency Plan, the Director shall institute training programs, public information programs and conduct practice warning alerts and emergency exercises as may be necessary to assure prompt and effective operation of the City Emergency Plan when a disaster occurs.

716.4.5 Cooperation. The Director shall utilize the personnel, services, equipment, supplies, and facilities of existing departments and agencies of the city to the maximum extent practicable. The officers and personnel of all city departments and agencies shall, to the maximum extent practicable, cooperate with and extend services and facilities to the city's emergency management organization and to the Governor upon request. The head of each department or agency in cooperation with the Director shall be responsible for the planning and programming of those emergency activities as will involve the utilization of the facilities of the department or agency.

716.4.6 Recruitment and Training. The Director shall, in cooperation with those city departments and agencies affected, assist in the organizing, recruiting, and training of emergency management personnel, which may be required on a volunteer basis to carry out the emergency plans of the city and state. To the extent that emergency personnel are recruited to augment a regular city department or agency for emergencies, they shall be assigned to the departments or agencies and shall be under the administration and control of the department or agency.

716.4.7 State Emergency Services Law. Consistent with the state emergency services law, the Director shall coordinate the activity of municipal emergency management organizations within the city and assist in establishing and conducting training programs as required to assure emergency operational capability in the several services as provided by M.S. 12.25, as it may be amended from time to time.

716.4.8 Governor. The Director shall carry out all orders, rules, and regulations issued by the Governor with reference to emergency management.

716.4.9 Reports on Emergency Preparedness. The Director shall prepare and submit reports on emergency preparedness activities when requested by the City Council.

716.5 Local Emergencies.

716.5.1 Local Emergency Declaration. A local emergency may be declared only by the Mayor or his or her legal successor. It shall not be continued for a period in excess of three days except by or with the consent of the Council. Any order, or proclamation declaring, continuing, or terminating a local emergency shall be given prompt and general publicity and shall be filed in the office of the City Clerk.

716.5.2 Response and Recovery. A declaration of a local emergency shall invoke necessary portions of the response and recovery aspects of applicable local or inter-jurisdictional disaster plans, and may authorize aid and assistance hereunder.

716.5.3 Jurisdictional and Inter-Jurisdictional Agencies. No jurisdictional agency or official may declare a local emergency unless expressly authorized by the agreement under which the agency functions. However, an inter-jurisdictional disaster agency shall provide aid and services in accordance with the agreement under which it functions.

716.6 Emergency Regulations.

716.6.1 Creation of Regulations. Whenever necessary, to meet a declared emergency or to prepare for an emergency for which adequate regulations have not been adopted by the Governor or the Council, the Council may by resolution promulgate regulations, consistent with applicable federal or state law or regulation, respecting: the conduct of persons and the use of property during emergencies; the repair, maintenance, and safeguarding of essential public services, emergency health, fire, and safety regulations,

drills or practice periods required for preliminary training, and all other matters which are required to protect public safety, health, and welfare in declared emergencies.

716.6.2 Emergency Regulations to be in Writing Every resolution of emergency regulations shall be in writing; shall be dated; shall refer to the particular emergency to which it pertains, if so limited, and shall be filed in the office of the City Clerk. A copy shall be kept posted and available for public inspection during business hours. Notice of the existence of these regulations and their availability for inspection at the City Clerk's Office shall be conspicuously posted at the front of the city hall or other headquarters of the city or at other places in the affected area as the Council shall designate in the resolution. By resolution, the Council may modify or rescind a regulation.

716.6.3 Rescinding Regulations. The Council may rescind any regulation by resolution at any time. If not sooner rescinded, every regulation shall expire at the end of 30 days after its effective date or at the end of the emergency to which it relates, whichever comes first. Any resolution, rule, or regulation inconsistent with an emergency regulation promulgated by the Council shall be suspended during the period of time and to the extent conflict exists.

716.6.4 Contracts and Obligations. During a declared emergency, the city is, under the provisions of M.S. 12.31, as it may be amended from time to time and notwithstanding any statutory or Charter provision to the contrary, empowered, through its Council, acting within or without the corporate limits of the city, to enter into contracts and incur obligations necessary to combat the disaster by protecting the health and safety of persons and property and providing emergency assistance to the victims of a disaster. The city may exercise these powers in the light of the exigencies of the disaster without compliance with the time-consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering rental equipment agreements, purchase of supplies and materials, limitations upon tax levies, and the appropriation and expenditure of public funds, including, but not limited to, publication of resolutions, publication of calls for bids, provisions of personnel laws and rules, provisions relating to low bids, and requirement for bids.

716.7 Emergency Management a Government Function. All functions and activities relating to emergency management are hereby declared to be governmental functions. The provisions of this section shall not affect the right of any person to receive benefits to which he would otherwise be entitled under this resolution or under the worker's compensation law, or under any pension law, nor the right of any person to receive any benefits or compensation under any act of Congress.

716.8 Participation in Labor Disputes or Politics. The emergency management organization shall not participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes, nor shall it be employed in a labor dispute.