

GENERAL FLOODPLAIN ORDINANCE.

SECTION 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE

1.1 Statutory Authorization. The legislature of the State of Minnesota has, in Minnesota Statutes Chapters 103F and Chapter (304 for counties or 462 for municipalities) delegated the authority to local governmental units to adopt regulations designed to minimize flood losses. Minnesota Statute, Chapter 103F further stipulated that communities subject to recurrent flooding must participate and maintain eligibility in the Nations Flood Insurance Program. Therefore the Cleveland City Council, Minnesota does ordain as follows:

1.2 Statement of Purpose. The purpose of this ordinance is to maintain the community's eligibility in the National Flood Insurance Program and to minimize potential losses 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.

1.3 Warning of Disclaimer of Liability. This Ordinance does not imply that areas outside of the flood plain district or land uses permitted within such districts will be free from flooding and flood damages. This Ordinance shall not create liability on the part of the City of Cleveland or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decisions lawfully made there under.

SECTION 2.0 GENERAL PROVISIONS

2.1 Adoption of Flood Insurance Rate Map. The Flood Insurance Rate Map of LeSueur County, Minnesota and Incorporated Areas, Panel 255 of 435, as revised to reflect a Letter of Map Revision (LOMR) issued by the Federal Emergency management Agency effective on November 15, 2002, is hereby adopted by reference as the Official Flood Plain Zoning District Map and made a part of this ordinance. The Official Flood Plain Zoning District Map shall be kept on file in the office of the City Clerk / Treasurer.

2.2 Lands to which Ordinance Applies. This ordinance shall apply to all lands designated as flood plain within the jurisdiction of the City of Cleveland.

2.3 Interpretation. The boundaries of the flood plain district shall be determined by scaling distances on the Official Flood Plain Zoning District Map. Where interpretation is needed as to the exact location of the boundaries of the flood plain district, the Cleveland City Council shall make the necessary interpretation based on elevations on the regional (100-year) flood profile, if available. If 100-year flood elevations are not available, the community shall; 1) Require a flood plain evaluation consistent with Section 4.3 of this Ordinance to determine a 100-year flood elevations for the site, or 2) base its decision on available hydraulic/hydrologic or site elevation survey data which demonstrates the likelihood the site is within or outside of the flood plain.

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

2.41 Accessory Use of Structures - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principle use or structure.

2.42 Basement - means any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

2.43 Flood Fringe - that portion of the flood plain outside of the floodway.

2.44 Flood Plain - The channel or beds proper and the area adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood. Flood plain areas within the City of Cleveland shall encompass all areas designated as Zone A on the Flood Insurance Rate Map.

2.45 Floodway - the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.

2.46 Obstruction - any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, dredge spoil, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, stockpile of sand or gravel or other material, or matter in, along, across, or projecting into any channel, watercourse, lake bed, or regulatory flood plain which may impede, retard, or change the direction of flow, either in itself or by catching or collecting debris carried by floodwater

2.47 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 Rate Map.

2.48 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

2.49 Structure - anything constructed or erected on the ground or attached to the ground or onsite utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins manufactured homes, travel trailers/vehicles not meeting the exemption criteria specified in Section 12.1 of this ordinance and other similar items.

## SECTION 3.0 CONFLICT WITH PRE-EXISTING ZONING REGULATIONS AND GENERAL COMPLIANCE

3.1 The Flood Plain District as Overlay Zoning District. The flood plain zoning district shall be considered an overlay zoning district to all existing land use regulations of the community. The uses permitted in Sections 4.0 and 5.0 of this ordinance shall be permitted only if not prohibited by any established, underlying zoning district. The requirements of this ordinance shall apply in addition to other legally established regulations of the community and where this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

3.2 Compliance: No new 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 Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance. Within the Floodway and Flood Fringe, all uses not listed as permitted uses in Section 4.0 shall be prohibited. In addition, a caution is provided here that:

3.21 New manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provisions of this Ordinance and specifically Sections 4.0 and 12. 0;

3.22 Modifications, additions, structural alterations or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this Ordinance and specifically Section 9.0; and

3.23 As-build elevations for elevated structures must be certified by ground surveys as stated in Section 7.0 of this Ordinance.

## SECTION 4.0 PERMITTED USES, STANDARDS AND FLOOD PLAIN EVALUATION CRITERIA

4.1 Permitted Uses in the Flood Plain. The following uses of land are permitted uses in the flood plain district:

4.11 Any use of land which does not involve a structure, an addition to the outside dimensions to an existing structure or an obstruction to flood flows such as fill, excavation, or storage of materials or equipment.

4.12 Any use of land involving the construction of new structures, the placement or replacement of manufactured homes, the addition to the outside dimensions of an existing structure or obstructions such as fill or storage of materials or equipment, provided these activities are located in the flood fringe portion of the flood plain. These uses shall be subject to the development standards in Section 4.2 of this ordinance and the flood plain evaluation criteria in Section 4.3 of this Ordinance for determining floodway and flood fringe boundaries.

4.13 Travel trailers and travel vehicles are regulated by Section 12.0 of this Ordinance.

#### 4.2 Standards for Flood Plain Permitted Uses.

4.22 Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation - FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

#### 4.23 Storage of Materials and Equipment:

(a) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

(b) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning or if placed on fill to the Regulatory Flood Protection Elevation.

4.24 No use shall be permitted which will adversely affect the capacity of the channels or floodway of any tributary to the main stream, or of any drainage ditch, or any other drainage facility or system.

4.25 All. Structures, including accessory structures, additions to existing structures and manufactured home, shall be 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 must be no lower than one foot below the Regulatory Flood Protection Elevation and shall extend at such elevation at least 15' beyond the limits of the structure constructed thereon.

4.26 All Uses. Uses that do not have vehicular access at or above an elevation not more than two feet below the Regulatory Flood Protection Elevation to lands outside of the flood plain shall not be permitted unless granted a variance by the Board of Adjustment. In granting a variance, the Board shall specify limitations on the period of use or occupancy of the use and only after determining that adequate flood warning time and local emergency response and recovery procedures exist.

4.27 Commercial and Manufacturing Uses. Accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the Regulatory Flood Protection Elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth greater than two feet or be subject to flood velocities greater than four feet per second upon occurrence of the regional flood.

4.28 On-site Sewage Treatment and Water Supply Systems: Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this Section.

4.29 All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

#### 4.3 Flood Plain Evaluation

4.31 Upon receipt of an application for a permit, manufactured home park development or subdivision approval within the flood plain district, the Cleveland City Council shall require the applicant to furnish sufficient site development plans and a hydrologic/hydraulic analysis by a qualified engineer or hydrologist specifying the nature of the development and whether the proposed use is located in the floodway or flood fringe and the Regulatory Flood Protection Elevation for the site. Procedures consistent with Minnesota Rules 1983 Parts 6120.5600 (Technical Standards and Requirements For Floodplain Evaluation) and 6120-5700 (Minimum Floodplain Management Standards for Local Ordinances) shall be followed during the technical evaluation and review of the development proposal.

4.32 The Cleveland City Council shall submit one copy of all information required by Section 4.31 of this Ordinance to the respective Department of Natural Resources Area Hydrologist for review and comment at least 20 days prior to the granting of a permit or manufactured home park development/subdivision approval by the community. The Cleveland City Council shall notify the respective Department of Natural Resources Area Hydrologist within 10 days after a permit or manufactured home park development/subdivision approval is granted.

#### SECTION 5.0 UTILITIES, RAILROADS, ROADS AND BRIDGES IN THE FLOOD PLAIN DISTRICT

All utilities and transportation facilities, including railroad tracks, roads and bridges, shall be constructed in accordance with state flood plain management standards contained in Minnesota Rules 1983 Parts 6120.5000 - 6120.6200.

## SECTION 6.0 SUBDIVISIONS

6.1 No land shall be subdivided and no manufactured home park shall be developed or expanded where the site is determined to be unsuitable by the Cleveland City Council for reason of flooding inadequate drainage, water supply or sewage treatment facilities. The Cleveland City Council shall review the subdivision/development proposal to insure that each lot or parcel contains sufficient area outside of the floodway for fill placement for elevating structures, sewage systems and related activities.

6.2 In the Flood Plain District, applicants for subdivision approval or development of a manufactured home park or manufactured home park expansion shall provide the information required in Section 4.31 of this Ordinance. The Cleveland City Council shall evaluate the proposed subdivision or mobile home park development in accordance with the standards established in Sections 4.2, 4.3 and 5.0 of this Ordinance.

6.3 For all subdivisions in the flood plain, the Floodway and Flood Fringe boundaries, the Regulatory Flood Protection Elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.

6.4. Removal of Special Flood Hazard Area Designation: The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation.. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

## SECTION 7.1 ADMINISTRATION

7.1 Permit Required. A Permit issued by the City Clerk/Treas. and Mayor shall be secured prior to the construction, addition or alteration of any building or structure; prior to the use or change of use of a building, structure, or land; prior to the change or extension of a nonconforming use; and prior to excavation or the placement of an obstruction within the flood plain.

7.2 State and Federal Permits. Prior to granting a Permit or processing an application for a Variance, the Mayor and City Clerk/Treas. shall determine that the applicant has obtained all necessary State and Federal permits.

"This Section is not intended as a substitute for a comprehensive city or county subdivision. It can, however, be used as an interim control until the comprehensive subdivision ordinance can be amended to include necessary flood plain management provisions.

7.3 Certification of Lowest Floor Elevations. The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. The Mayor and City Clerk/Treas. shall maintain a record of the elevation of the lowest floor (including basement) for all new structures and alterations or additions to existing structures in the flood plain district.

## SECTION 8.0 VARIANCES

8.1 A variance means a modification of a specific permitted development standard required in an official control including this ordinance to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance as defined and elaborated upon in a community's respective planning and zoning enabling legislation.

8.2 The Board may authorize upon appeal in specific cases such relief or variance from the terms of this Ordinance as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. In the granting of such variance, the Board of Adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in the respective enabling legislation which justified the granting of the variance

8.3 Variances from the provisions of this Ordinance may be authorized where the Board of Adjustment has determined the variance will not be contrary to the public interest and the spirit and intent of this ordinance. No variance shall allow in any district a use prohibited in that district or permit a lower degree of flood protection than the Regulatory Flood Protection Elevation Variances may be used to modify permissible methods of flood protection.

8.4 The Board shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed Variance sufficiently in advance so that the commissioner will receive at least ten days notice of the hearing. A copy of all decisions granting a Variance shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action

8.5 Appeals. Appeals from any decision of the Board may be made, and as specified in this Community's Official Controls and also Minnesota Statutes.

8.6 Flood Insurance Notice and Record Keeping. The Zoning Administrator shall notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$ 100 of insurance coverage and 2) Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. A community shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.

## SECTION 9.0 NONCONFORMITIES

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

9.1 No such use shall be expanded, changed, enlarge, or altered in a way which increases its nonconformity.

9.2 An alteration within the inside dimensions of a nonconforming use or structure is permissible provided it will not result in increasing the flood damage potential of that use or structure.

9.3 The cost of all structural alterations or additions both inside and outside of a structure to any nonconforming structure over the life of the structure shall not exceed 50 percent of the market value of the structure unless the conditions of this Section are satisfied. The cost of all structural alterations and additions constructed since the adoption of the Community's initial flood plain controls must be calculated into today's current cost which will include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the current cost of all previous and proposed alterations and additions exceed 50 percent of the current market value of the structure, then the structure must meet the standards of Section 4.0 of this Ordinance for new structures.

9.4 If any nonconforming use of a structure or land or nonconforming structure is destroyed by any means, including floods, to an extent of 50 percent or more of its market value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance. The Cleveland City Council may issue a Permit for reconstruction if the use is located outside the floodway and, upon reconstruction, is adequately elevated on fill in conformity with the provision of this ordinance.

## SECTION 10.0 PENALTIES FOR VIOLATION

A violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of Variance) shall constitute a misdemeanor.

10.1 In responding to a suspected ordinance violation, the Zoning Administrator and Local Government may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The community must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.



10.2 When an ordinance violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonable possible, this information will be submitted to the appropriate Department of Natural Resources' and Federal Emergency Management Agency Regional Office along with the Community's plan of action to correct the violation to the degree possible.

10.3 The Zoning Administrator shall notify the suspected party of the requirements of this Ordinance and all other Official Controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the Community. If the construction or development is already completed, then the Zoning Administrator may either (1) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls, or (2) notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30 - days.

10.4 If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this Ordinance and shall be prosecuted accordingly. The Zoning Administrator shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this Ordinance

## SECTION 11.0 AMENDMENTS

All amendments to this ordinance, including revisions to the Official Flood Plain Zoning District Map, shall be submitted to and approved by the Commissioner of Natural Resources prior to adoption. The flood plain designation on the official Flood Plain Zoning District Map shall not be removed unless the area is filled to an elevation at or above the Regulatory Flood Protection Elevation and is contiguous to lands outside of the flood plain. Changes in the Official Zoning Map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given 10-days written notice of all hearings to consider an amendment to this Ordinance and said notice shall include a draft of the ordinance amendment or technical study under consideration.

## SECTION 12.0 TRAVEL TRAILERS AND TRAVEL VEHICLES

Travel trailers and travel vehicles that do not meet the exemption criteria specified in Section 12.1 below shall be subject to the provisions of this Ordinance and as specifically spelled out in Sections 12.3-1.4 below.

12.1 Exemption - Travel trailers and travel vehicles are exempt from the provisions of this Ordinance if they are placed in any of the areas listed in Section 12.2 below and further they meet the following criteria:

- (a) Have current licenses required for highway use.
- (b) Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and trailer parks and the travel trailer/travel vehicle has no permanent structural type additions attached to it.
- (c) The travel trailer or travel vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.

12.2 Areas Exempted For Placement of Travel/Recreational Vehicles:

- (a) Individual lots or parcels of record.
- (b) Existing commercial recreational vehicle parks or campgrounds.
- (c) Existing condominium type associations.

12.3 Travel trailers and travel vehicles exempted in Section 12.1 lose this exemption when development occurs on the parcel exceeding 500 dollars for a structural addition to the travel trailer/travel vehicle or an accessory structure such as a garage or storage building. The travel trailer/travel vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation requirements and the use of land restrictions specified in Sections 4.0 of this Ordinance.

12.4 New commercial travel trailer or travel vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five (5) units or dwelling sites shall be subject to the following:

- (a) Any new or replacement travel trailer or travel vehicle will be allowed in the Floodway or Flood Fringe Districts provided said trailer or vehicle and its contents are placed on fill above the Regulatory Flood Protection Elevation determined in accordance with the provisions of Section 4.3 of this Ordinance and proper elevated road access to the site exists in accordance with Section 4.0 of this Ordinance. No fill placed in the floodway to meet the requirements of this Section shall increase flood stages of the 100-year or regional flood.

(b) All new or replacement travel trailers or travel vehicles not meeting the criteria of (a) above may, as an alternative, be allowed if in accordance with the following provisions. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100 year flood. Said plan shall be prepared by a registered engineer or other qualified individual and shall demonstrate that adequate time and personnel exist to carry out the evacuation. All attendant sewage and water facilities for new or replacement travel trailers or other recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with Section 4.28 of this Ordinance.

<u>Chapter</u>	<u>Title</u>	<u>Page</u>
I	GENERAL PROVISIONS AND DEFINITIONS APPLICABLE TO THE ENTIRE CITY CODE INCLUDING PENALTY FOR VIOLATION	1
2	OPERATIONS AND ADMINISTRATION	12
3	STREETS, PARKS, PUBLIC PROPERTY AND IMPROVEMENTS	41
4	WATER UTILITY RULES AND REGULATIONS, RATES, CHARGES AND COLLECTIONS	71
5	MUNICIPAL REGULATIONS, LICENSING AND PERMITS	131
6	BEER AND LIQUOR LICENSING AND REGULATIONS	177
7	TRAFFIC AND MOTOR VEHICLES	206
8	PARKING REGULATIONS	221
9	NUISANCES AND OFFENSES	241
11	RESERVED FOR EXPANSION	266

B

SUB-ANALYSIS

TITLE

CHAPTER I            GENERAL PROVISIONS AND DEFINITIONS  
                          APPLICABLE TO THE ENTIRE CITY CODE  
                          INCLUDING PENALTY FOR VIOLATION

Section 1000.00 Application .....	I
1010.00 City Code .....	I
Subd. 1010.01 Additions .....	I
Subd. 10 10. 02            Copies .....	1
1020.00                    Definitions .....	1
1030.00                    Violation a Misdemeanor or a Petty Misdemeanor .....	3
1040.00                    Otherwise Unlawful .....	3
1050.00                    Severability .....	3
1060.00                    Payment into City Treasury of Fines and Penalties .....	3
1070.0.0                   Meanings .....	4
1080.00                    Citation .....	4
1090.00                    Penalties for Each Offense .....	4
1100.00-1990.00           Reserved .....	4

C	Title	Page
CHAPTER 2	OPERATIONS AND ADMINISTRATION	12
Section 2000.00	Authority and Purpose .....	12
2010.00	Departments Generally .....	12
Subd. 2010.01	Control .....	12
Subd. 2010.02	Appointment .....	12
Subd. 2010.03	Compensation .....	12
Subd. 2010.04	Budgetary Information .....	12
2020.00-2060.00	Reserved .....	12
2070.00	Council Meetings .....	13
Subd. 2070.01	Regular Meetings .....	13
Subd. 2070.02	Special Meetings.....	13
Subd. 2070.03	Organizational Meeting. ....	13
Subd. 2070.04	Public Meetings .....	13
2080.00-2120.00	Reserved .....	13
2130.00	Council Rules .....	14
Subd. 2130.01	Presiding Officer .....	14
Subd. 2130.02	Minutes .....	14
Subd. 2130.03	Order of Business .....	15
Subd. 2130.04	Quorum and Voting .....	15
Subd. 2130.05	Ordinances, Resolutions, Motions, Petitions and Communications .....	16
Subd. 2130.06	Council Salaries .....	16
2140.00-2180.00	Reserved .....	16
2210.00		
2220.00-2240.00		
	Fire Department .....	17
	Reserved .....	17
2250.00	Public Works Department .....	18
2260.00	Waste Treatment Department . ....	18
2270.00	Water Department .....	18
2280.00-2300.00	Reserved .....	18
2310.00	Park and Recreation Department. ....	19
2330.00	Legal Department .....	19
2340.00	Forestry Department .....	19
2350.00-2390.00	Reserved .....	19

D	Title	Page
2400.00	Boards and Commissions ...	20
2410.00-2980.00	Reserved .....	20
2990.00	Violation a Misdemeanor or Petty Misdemeanor .....	21

E	<u>Title</u>	<u>Page</u>
CHAPTER 3	STREETS, PARKS, PUBLIC PROPERTY AND IMPROVEMENTS	41
Section 3000.00	Introduction	41
3010.00	Definition	41
3020.00	Application	41
3030.00	Scope and Orders of Officers.	41
Subd. 3030.01	Scope .....	41
Subd. 3030.02	Orders of an Officer .....	41
3040.00	Traffic and Parking Control . . . . .	41
Subd. 3040.01	Council Action .....	41
Subd. 3040.02	Temporary Restrictions.....	41
Subd. 3040.03	Traffic Restrictions and Prohibitions .....	41
Subd. 3040.04	Parking Restrictions and Prohibitions .....	42
Subd. 3040.05	Damaging or Moving Markings .....	42
3050.0.0-3090.00	Reserved .....	42
3100.00	Regulation of Grass, Weeds, and Trees in Streets, Alleys, Boulevards and Other Rights-Of-Way .....	43
Subd. 3100.01	City to Control Tree Planting	43
Subd. 3100.02	Permit Required	43
Subd. 3100.03	Duty of Property Owners to Cut Grass and Weeds and Maintain Trees and Shrubs.	43
Subd. 3100.04	City May Order Work Done- Assessment .....	43
3110.00	Grass and Weeds on Private Property	44
Subd. 3110.01	Height Limitations	44
Subd. 3110.02	Expenses Incurred by Failing to Comply .....	44
3160.00	Obstructions in Streets .....	44
Subd. 3160.01	Obstructions .....	44
Subd. 3160.015	Removal of Obstructions .....	44



F	<u>Title</u>	<u>Page</u>
Subd. 3160.02	Fire .....	45
Subd. 3160.03	Dumping in Streets .....	45
Subd. 3160.04	Signs and Other Structures .....	45
Subd. 3160.05	Placing Snow or Ice in a Roadway .....	45
Subd. 3160.06	Continuing Violation .....	45
Subd. 3160.07	Condition .....	45
Section 3170.00	Street Openings or Excavations .....	45
Subd. 3170.01	Application .....	46
Subd. 3170.02	Investigation and Payment of Estimated Costs .....	46
Subd. 3170.03	Issuance of Permit .....	46
Subd. 3170.04	Repairs .....	46
Subd. 3170.05	Cost Adjustment .....	46
Subd. 3170.06	Alternate Method of Charging .....	46
Subd. 3170.07	Street Openings .....	46
3180.00-3210.00	Reserved .....	46
3220.00	Requirement of Sewer and Water Main Service Lateral Installment .....	47
Subd. 3220.01	Requirement of Sewer and Water Laterals .....	47
Subd. 3220.02	Sewer System Service and Water Main Service Laterals.	47
Subd. 3220.03	Wavier	47
3230.00	Sidewalk Maintenance and Repair. .	47
Subd. 3230.01	Joint Responsibility	47
Subd. 3230.02	Duties of Abutting Property Owners .....	47
Subd. 3230.03	Duties of the City .....	47
Subd. 3230.04	Sidewalk Construction, Reconstruction, and Repair. .	48
Subd. 3230.05	Chargeback .....	48
3300.00	Private Use of Public Streets and Parking Lots .....	48
Subd. 3300.01	Authority, Permission and Procedure .....	48
Subd. 3300.02	Forbidden Practices .....	49

G

Title

Page

Section 3310.00	Parades	49
Subd. 3310.01	Definition .....	49
Subd. 3310.02	Permit Required .....	49
Subd. 3310.03	Investigation .....	49
Subd. 3310.04	Council Action .....	49
Subd. 3310.05	Unlawful Acts .....	49
Subd. 3310.06	Exceptions .....	50
3320.00	Policy on Blacktopping Newly Acquired Roads .....	50
Subd. 3320.01	Petition .....	50
Subd. 3320.02	Motion .....	50
Subd. 3320.03	Obtain Approval of City Council .....	50
Subd. 3320-04	Costs .....	50
3330.00-3350.00	Reserved for Street and Alley Closings and Evacuations .....	50
3360.00-3980.00	Reserved .....	50
3990.00	Violation a Misdemeanor or Petty Misdemeanor .....	51

H	<u>Title</u>	<u>Page</u>
CHAPTER 4	WATER UTILITY RULES AND REGULATIONS, RATES, CHARGES AND COLLECTIONS	71
Section 4000.00	Rules and Regulations to Water Service .....	71
Subd. 4000.01	Deficiency of Water and Shutting Off Water .....	71
Subd. 4000.02	Deficiency of Water and Shutting Off Water .....	71
Subd. 4000.03	Repair of Leaks .....	71
Subd. 4000.04	Abandoned Services Penalties .....	72
Subd. 4000.05	Service Pipes .....	72
Subd. 4000.06	Private Water Supplies .....	72
Subd. 4000.07	Restricted Hours for Sprinkling .....	72
Subd. 4000.08	Private Fire Hose Connections .....	73
Subd. 4000.09	Opening Hydrants .....	73
Subd. 4000.10	Unmetered Service .....	73
Subd. 4000.11	Water Meters .....	73
Subd. 4000.12	Connection Fees .....	73
Subd. 4000.13	Billing and Payment .....	74
Subd. 4000.14	Delinquency and Utility Shutoff .....	74
Subd. 4000.15	Cold Weather Rule: Municipal Utilities .....	75
Subd. 4000.16	Nonresident Use of Municipal Utilities .....	76
Subd. 4000.17	Municipal Utility Rate for Nonresident Users .....	76
4010.00-4050.00	Reserved .....	76
4060.00	Fixing Rates and Charges for Public Utilities .....	77
4070.00-4130.00	Reserved .....	77
4140.00	Municipal Utility Charges a Lien. . . . .	78
Subd. 4140.01	Payment for Service .....	78
Subd. 4140.02	Charges Made a Lien .....	78
4190.00	City of Cleveland Water Rates .....	78-80

I	<u>Title</u>	<u>Page</u>
Section 4200.00	An Ordinance Establishing Sewer Use Regulations	81
Article I	Definitions	81-86
Article 2	Control by the Wastewater Superintendent .....	86
Article 3	Deposit of Waste.	86
Article 4	Private Wastewater Disposal	87
Article 5	Building Sewers and Connections .....	88
Article 6	Use of Public Services. .	91
Article 7	Damage of Wastewater Facilities .....	98
Article 8	Use Rate Schedule for Charges	98
Article 9	Powers and Authority of Inspectors	98
Article 10	Penalties	99
Article 11	Validity	99
 4300.00	 An Ordinance Establishing a Sewer Service Charge System for the City of Cleveland, Minn .....	   101
Article I	Definitions .....	101
Article 2	Establishment of a Sewer Service Charge System. . . . .	105
Article 3	Determination of Sewer Service Charges .....	106
Article 4	Sewer Service Fund. . . . .	110
Article 5	Administration	111
Article 6	Penalties	112
Article 7	Validity	113
 4400.00-4980.00	 Reserve	 113
 4990.00	 Violation a Misdemeanor or Petty Misdemeanor .....	  113

J

Title

Page

CHAPTER 5 MUNICIPAL REGULATIONS, LICENSING AND PERMITS  
131

Section 5000.00

	Rules Pertaining to the issuance of Licenses and Permits and Agreements With Public Utility	
	Companies .....	131
5010.00	Dances .....	131
Subd. 5010.01	Definitions .....	131
Subd. 5010.02	Permit Required .....	131
Subd. 5010.03	Permit Fee .....	131
Subd. 5010.04	Application and Permit .....	131
Subd. 5010.05	Dance Regulations .....	132
5020.00-5060.00	Reserved .....	133
5070.00	Tobacco .....	135
Subd. 5070.01	Definitions .....	135
Subd. 5070.02	License Required .....	135
Subd. 5070.03	Restrictions .....	135
5080.00	License Fee for Tobacco .....	135
Subd. 5080.01	Fee .....	135
5090.00-5100.00	Reserved .....	135
5110.00	Refuse Hauler .....	136
Subd. 5110.01	Refuse Defined .....	136
Subd. 5110.02	License Required .....	136
Subd. 5110.03	Exception .....	136
Subd. 5110.04	Hauler Licensee Requirements .....	136
5120.00-5160.00	Reserved .....	137
5170.00	Contract for Collection, Transportation and Disposal of Refuse .....	138-139g
5180.00-5200.00	Reserved .....	138
	AGREEMENT FOR WASTE PROCESSING	140-163
5210.00	Contract with Minnegasco .....	164-165e

K	<u>Title</u>	<u>Page</u>
Section 5220.00-5260.00	Reserved	164
	CONTRACT WITH NSP	166-168
5270.00	Kenels .....	169
Subd. 5270.01	Defined .....	169
Subd. 5270.02	License Required .....	169
Subd. 5270.03	Exception .....	169
5280.00-5300.00	Reserved .....	169
5310.00	Dog, Cat, Farm and Wild Animal	
	Regulations and Licenses .....	170
Subd. 5310.01	Definitions .....	170
Subd. 5310.02	License Requirement. . . . .	170b
Subd. 5310.03	License Application .....	170b
Subd. 5310.04	Tag Requirement .....	170b
Subd. 5310.05	Expiration of License. ....	170b
Subd. 5310.06	Fees and Costs .....	170b
Subd. 5310.07	Wild and Exotic Animals Exceptions	
	Permit Required .....	170c
Subd. 5310.08	Farm Animals and Poultry.	170c
Subd. 5310.09	Exemptions from Subd.8	170c
Subd. 5310.10	Sanitation	170d
Subd. 5310.11	Limits on # of Dogs or Cats	170d
Subd. 5310.12	Animal Care	170d
Subd. 5310.13	Abuse Prohibited	170d
Subd. 5310.14	Animals in Motor Vehicles	170d
Subd. 5310.15	Guard Dogs	170d
Subd. 5310.16	Resident Occupant	170d
Subd. 5310.17	Running at Large Prohibited	170e
Subd. 5310.18	Animal Noise	170e
Subd. 5310.19	Public Nuisance Declaration	170e
Subd. 5310.20	Immobilization	170g
Subd. 5310.21	Dangerous Animals	170g
Subd. 5310.22	Animal Pound	170i
Subd. 5310.23	Notice of Impounding	170j
Subd. 5310.24	Disposition of Animal Impounded	170j
Subd. 5310.25	Quarantine	170k

L	<u>Title</u>	<u>Page</u>
Section 5320.00	Penalties and Violations ...	170m
Subd. 5320.01	Adoption of Penalty	170m
Subd. 5320.02	Penalties and Late Licenses	170m
Subd. 5320.03	Existing Dogs, Cats, Farm and Wild Animals	170m
Subd. 5320.04	Violations .....	170m
5330.00-5360.00	Reserved .....	170m
5370.00	Peddlers, Solicitors and Transients .....	173
Subd. 5370.01	Definitions .....	173
Subd. 5370.02	License Required .....	173
Subd. 5370.03	Application and Issuance .....	173
Subd. 5370.04	Exemptions .....	174
Subd. 5370.05	Duration of License .....	174
Subd. 5370.06	License Not Transferable .....	174
Subd. 5370.07	Practice Prohibited .....	174
5380.00-5430.00	Reserved .....	174
5440.00	An Ordinance to License the Sale of Soft Drinks and to Regulate Soft Drink Places .....	175
Subd. 5440.01	License Required .....	175
Subd. 5440.02	Application .....	175
Subd. 5440.03	Term .....	175
Subd. 5440.04	Alcohol Restriction .....	175
Subd. 5440.05	Room Restriction .....	175
Subd. 5440.06	Hours of Sale .....	175
Subd. 5440.07	Violation .....	175
5450.00-5980.00	Reserved .....	175
5990.00	Violation a Misdemeanor or Petty Misdemeanor .....	176

<i>M</i>	<u><i>Title</i></u>	<u><i>Page</i></u>
CHAPTER 6 BEER AND LIQUOR LICENSING AND REGULATIONS		177
Section 6000.00	Rules and Regulations Contained Herein to Private Distributors as Well as Municipal Operations (Unless Stated Otherwise) .....	177
6010.00	Definitions .....	177
Subd. 6010.01	Application .....	177
Subd. 6010.02	Applicant .....	177
Subd. 6010.03	License .....	177
Subd. 6010.04	Licensee .....	177
Subd. 6010.05	License Fee .....	177
Subd. 6010.06	Intoxicating Liquor .....	177
Subd. 6010.07	Beer .....	177
Subd. 6010.08	Off Sale .....	177
Subd. 6010.09	On Sale .....	177
Subd. 6010.10	Sale, Sell, and Sold .....	177
Subd. 6010.11	Manufacturer .....	178
Subd. 6010.12	Wholesaler .....	178
Subd. 6010.13	Package and Original Package .....	178
Subd. 6010.14	Club .....	178
Subd. 6010.15	Fraternal Club .....	178
Subd. 6010.16	Restaurant .....	178
Subd. 6010.17	Hotel and Motel .....	179
Subd. 6010.18	Exclusive Liquor Store. . . . .	179
6020.00-6030.00	Reserved .....	179
6040.00	Applications and Licenses Under This Chapter-Procedure and Administration .....	180
Subd. 6040.01	Application .....	180
Subd. 6040.02	False Statements .....	180
Subd. 6040.03	Application and Investigation Fees .....	180
Subd. 6040.04	Action .....	180
Subd. 6040.05	Duplicate Licenses .....	182
Subd. 6040.06	Posting .....	182
Subd. 6040.07	Resident Manager or Agent .....	182
Subd. 6040.08	Persons Disqualified .....	183
6050.00-6080.00	Reserved .....	183



N	<u>Title</u>	<u>Page</u>
Section 6090.00	Renewal of Licenses	184
6100.00	Delinquent Taxes and Charges.	184
6110.00	Conditional Licenses	184
6120.00	Premises Licensed .....	184
6130.00	Conduct on Licensed Premises.	184
6140.00	Sale by Employee	184
6150.00	License Condition and Unlawful Act .....	184
Subd. 6150.01	Open to Inspection .....	184
Subd. 6150.02	Hindering Inspection. . . . .	184
6160.00	Unlawful Acts .....	185
Subd. 6160.01	Consumption .....	185
Subd. 6160.02	Closing .....	185
6170.00	Beer License Required .....	185
6180.00	Beer License Fees .....	185
Subd. 6180.01	Annual On-Sale .....	185
Subd. 6180.02	Annual Off-Sale .....	185
Subd. 6180.03	Daily Temporary On Sale .....	185
6190.00	Temporary Beer License .....	185
Subd. 6190.01	Applicant .....	185
Subd. 6190.02	Conditions .....	185
6200.00-650.00	Reserved .....	186
6260.00	Beer License Restrictions and Regulations .....	187
Subd. 6260.01	Gambling .....	187
Subd. 6260.02	Federal Retail Liquor Dealees Tax Stamp .....	187
Subd. 6260.03	Wholesale or Manufacturer Having Financial Interest	187
Subd. 6260.04	Eighteen Years of Age to Sell .....	187
Subd. 6260.05	Restaurants and Bona Fide Clubs .....	187
Subd. 6260.06	License Granted Subject to Provisions of Chapter.	187
6270.00	Hours of Beer Sales	187

	Title	Page
Section 6280.00	Unlawful Acts .....	187
Subd. 6280.01	Beer for Minors .....	187
Subd. 6280.02	Induce Minor To Purchase .....	187
Subd. 6280.03	Minor Misrepresenting Age .....	187
Subd. 6280.04	Minor Consuming .....	187
Subd. 6280.05	Minor Having in Possession .....	188
Subd. 6280.06	Selling or Serving Minors 188	
Subd. 6280.07	Minor to Purchase 188	
Subd. 6280.08	Induce Another to Make an Illegal Sale .....	188
Subd. 6280.09	Selling or Serving Intoxicated Person .....	
188		
Subd. 6280.10	Proof of Age .....	
188		
Subd. 6280.11	Selling When Sales are Not Allowed .....	188
Subd. 6280.12	Allowing Consumption When Not Allowed By Law .....	188
Subd. 6280.13	Purchasing Beer When Not Allowed By Law .....	
188		
6290.00-6330.00	Reserved .....	
188		
6340.00	Liquor License Required .....	189
6350.00	Liquor License Fees .....	189
Subd. 6350.01	Annual On-Sale .....	189
Subd. 6350.02	Annual Fraternal Club On-Sale .....	189
Subd. 6350.03	Annual Sunday Liquor. . .	189
6360.00	Liquor License Restrictions and Regulations	190
Subd. 6360.01	Security-Insurance	190
Subd. 6360.02	Manufacturer or Whole saler Holding Financial Interest .....	190
Subd. 6360.03	Permit Required .....	190
Subd. 6360.04	License Granted Subject To Provisions of This Chapter .....	190
Subd. 6360.05	Gambling .....	190

Q

Subd. 6360.06	No Person Employed Under 18 .....	190
Subd. 6360.07	Refilled or Partly Refilled Packages .....	190
Subd. 6360.08	Displaying Liquor .....	190
Subd. 6360.09	Licenses Granted to .....	190
Section 6370.00	Hours and Days of Liquor Sales.	191
6380.00	Sunday Sales	191
6390.00	Unlawful Acts	191
Subd. 6390.01	Minor to Misrepresent Age	191
Subd, 6390.02	Minor to Consume	191
Subd. 6390.03	Minor to Have in Possession .....	191
Subd. 6390.04	Minor o Enter Premises .	191
Subd. 6390.05	Induce to Make Illegal Sale or Purchase .....	191
Subd. 6390.06	Sell When Not Allowed By Law .....	191
Subd. 6390.07	Purchase When Not Allowed By Law .....	191
Subd. 6390.08	Minor to be In or Upon Licensed Premises .....	191
Subd. 6390.09	Licensee to Sell or Serve to Intoxicated Person .....	191
Subd. 6390. 10	Licensee to Sell or Serve Minor .....	192
Subd. 6390.11	Proof of Age .....	192
Subd. 6390.12	Purchase for Minor .....	192
Subd. 6390.13	Procure Another to Purchase for Him .....	192
6400.00-6440.00	Reserved .....	192
6450.00	Nudity or Obsenity Prohibited - - .....	193
Subd. 6450.01	Definitions .....	193
Subd. 6450.02	Unlawful Act .....	193
6460.00-6980.00	Reserved .....	193
6990.00	Violation a Misdemeanor or Petty Misdemeanor .....	194

R	<u>Title</u>	<u>Page</u>
CHAPTER 7	TRAFFIC AND MOTOR VEHICLES	206
Section 7000.00	Definitions, Scope and Application .....	206
7010.00	Highway Traffic Regulation Act Adopted by Reference .....	206
7020.00	Truck Route .....	206
7030.00	U-Turns .....	206
7040.00	Truck Parking .....	206
Subd. 7040.01	Parking of Vehical in Excess of 9 Ton per Axle .....	206
Subd. 7040.02	Parking Limitations .....	206
Subd. 7040.03	Trucks Driving Home. ....	206
7050.00-7080.00	Reserved .....	207
7090.00	Certain Left Turns Prohibited. ....	208
Subd. 7090.01	Unlawful Act-Turning Across Oncoming Lane.....	208
Subd. 7090.02	Unlawful Act-Backing Across Lane .....	208
7100.00	Driving Through Private Property to Avoid Traffic Signal .....	208
7110.00	An Ordinance Defing Exhibition Driving and Providing Penalties for Said Violation .....	208
Subd. 7110. 01	Exhibition Driving .....	208
Subd. 7110.02	Penalties .....	208
7120.00-7160.00	Reserved .....	208
7170.00	Snowmobile Regulations. . . .	209
Subd. 7170.01	Speed .....	209
Subd. 7170.02	Travel .....	209
Subd. 7170.03	Traffic Regulations .....	209
Subd. 7170.04	Snowmobile Safety Laws.....	209
Subd. 7170.05	Travel on Streets and Alleys .....	209

S	Title	Page
Section 7180.00-7980.00	Reserved .....	209
7990.00	Violation a Misdemeanor or Petty Misdemeanor .....	210

T	Title	Page
CHAPTER 8	PARKING REGULATIONS	221
Section 8000.00	Definitions, Scope and Application	
		221
8010.00	Presumption	221
8020.00	General Parking Prohibitions	221
8030.00-8070.00	Reserved	221
8080.00	Unauthorized Removal	222
8090.00	Direction to Proceed	222
8100.00	Parallel Parking	222
8110.00-8160.00	Reserved	222
8170.00	Angle Parking	223
8180.00-8220.00	Reserved	223
8230.00	Streets Without Curb	224
8240.00	Parking Hours	224
Subd. 8240.01	Continous Parking - .	224
Subd. 8240.02	Limited Parking Zones	224
8250.00	Snow Emergency	224
Subd, 8250.01	Definition	224
Subd. 8250.02	Declaration of Emergency	224
Subd. 8250.03	Unlawful Act	224
Subd. 8250.04	Exceptions	224
8251.00	Parking Rules in City Parking	
	Lots and Ramps .....	224
8252.00	Impounding and Removing	
	Vehicles .....	225
8253.00	Loading Zones .....	225
8260.00-8980.00	Reserved .....	225
8990.00	Violation a Misdemeanor or	
	Petty Misdemeanor .....	226

U	<u>Title</u>	<u>Page</u>
CHAPTER 9	NUISANCES AND OFFENSES	
		241
Section 9000.00	Public Protection	241
9010.00	Dangerous Weapons and Articles .....	241
Subd. 9010.01	Acts Prohibited .....	241
Subd. 9010.02	Exception .....	241
Subd. 9010.03	Discharge of Firearms and Explosives .....	241
Subd. 9010.04	Exception .....	242
Subd. 9010.05	Possession and Sale of Fireworks .....	242
Subd. 9010.06	Exposure of Unused Container .....	242
Subd. 9010.07	Use of Bow and Arrow.	242
Subd. 9010.08	Fireworks Defined	242
9020.00-9060.00	Reserved	242
9070.00	Disorderly Conduct	243
9080.00-9120.00	Reserved	243
9130.00	Consumption and Possession of Beer, Wine or Liquor on Private Parking Lots .....	244
9140.00-9180.00	Reserved .....	244
9190.00	Public Nuisances .....	245
Subd. 9190.01	Definitions .....	245
Subd. 9190.02	Property as Public Nuisance .....	245
Subd. 9190.03	Junk Cars, Household Furnishings and Appliances Stored on Public or Private Property .....	245
Subd. 9190.04	Causes of Blight or Blighting Factors .....	245
9200.00-9290.00	Reserved .....	246
9300.00	Curfew .....	247
Subd. 9300.01A	Minors Underage of Eighteen .....	247

V

	<u>Title</u>	<u>Page</u>
Subd. 9300.01B	Minors, Underage of Sixteen.	247
Subd. 9300.02	Curfew-Parents-Guardians.	247
Subd. 9300.03	Curfew-Places of Amusement, Entertainment or Refreshment	247
Subd. 9300.04	Exception .....	247
Subd. 9300.05	Penalties.....	247
Section 9400.00	Park Hours .....	
Subd. 9300.01	Hours . .	248
Subd. 9300.02	Penalty	248
9500.00-9980.00	Reserved	248
9990.00	Violation a Misdemeanor or Petty Misdemeanor .....	248



---

W  
CHAPTER 11

Title  
(RESERVED FOR EXPANSION)

Page  
266-285

## CHAPTER I

### GENERAL PROVISIONS AND DEFINITIONS APPLICABLE TO THE ENTIRE CITY CODE INCLUDING PENALTY FOR VIOLATION

SECTION 1000.00. APPLICATION. The provisions of this Chapter shall be applicable to all the chapter, sections, subdivision, paragraphs and provisions in the City Code, and the City Code shall apply to all persons and property within the City of Cleveland, Minnesota, and within such adjacent area as may be stated in specific provisions.

SEC. 1010.00. CITY CODE. How cited. This code of ordinances shall be known as the Cleveland City Code and may be so cited.

Subd. 10 10. 0 1. Additions. New ordinances proposing amendments or additions to the code shall be assigned appropriate code numbers and shall be incorporated into the code as of their effective date. Reference or citation to the code shall be deemed to include such amendments and additions. When an ordinance is integrated into the code, there may be omitted from the ordinance the title, enacting clause, section numbers, definitions of terms identical to those contained in this ordinance, the clause indicating date of adoption, and validating signatures and dates. In integrating ordinances into the code, the clerk, in cooperation with the city attorney, may correct obvious grammatical, punctuation, and spelling errors; change reference numbers to conform with sections, articles, and chapters; substitute figures for written words and vice versa; substitute dates for the words "the effective date of this ordinance"; and perform like actions to insure a uniform code of ordinances without, however, altering the meaning of the ordinances enacted.

Subd. 1010.02. Copies. Copies of this code shall be kept in the office of the clerk for public inspection or sale for a reasonable charge.

SEC. 1020.00. DEFINITIONS. Unless the language or context clearly indicates that a different meaning is intended, the following words, terms and phrases, for the purpose of every chapter, "section, subdivision, paragraph and provision of this City Code, shall have the following meanings and inclusions:

1. "City" - The City of Cleveland, Minnesota, acting by or through its duly authorized representative.
2. "Council" and "City Council" - The City Council of the City of Cleveland,
3. "City Clerk" - The person duly appointed by the City Council and acting in

4. "Person" - Includes all firms, partnerships, associations, corporations and natural persons.

5. "Written" and "In Writing" - Any mode of representing words and letters in the English Language

6. "Street" - The entire area dedicated to public use, or contained in an easement or other conveyance or grant to the City, and shall include, but not be limited to, roadways, boulevards, sidewalks, alleys and other public property between lateral property lines in which a roadway lies.

7. "Public Property" and "Public Place" - Any place, property or premises dedicated to public use, owned by the City, occupied by the City as a lessee, or occupied by the City as a street by reason of an easement, including, but not limited to, streets, parks or parking lots so owned or occupied.

8. "Private Property" - All property not included within the definition of public property or public place.

9. "Intersection" - The area embraced within the prolongation or connection of the lateral curb line or, if no curb, then the lateral boundary lines of the roadways or streets which join one another at, or approximately at, right angles or the area within which vehicles traveling upon different streets joining at any other angle may come in conflict.

10. "Roadway" - That portion of a street improved, designed, or ordinarily used for vehicular travel. In the event a street includes two or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

11. "Police Officer" and "Peace Officer" - Every officer, including special police, authorized to direct or regulate traffic, keep the peace, and appointed or employed for the purpose of law enforcement.

12. "Misdemeanor" - The crime for which a sentence of not more than ninety (90) days or a fine of not more than \$700.00, or both, may be imposed.

13. "Petty Misdemeanor" - An offense, which does not constitute a crime, and for which a sentence of a fine of not more than \$ 100. 00 may be imposed,

14. "Conviction" - Either of the following accepted and recorded by the Court:

A. A plea of guilty; or

B. A verdict of guilty by a jury or a finding of guilty by the Court.

15. "Crime" - Conduct which is prohibited by ordinance and for which the actor may be sentenced to imprisonment or fine.

16. "Ordinance" - An ordinance duly adopted by the City Council of Cleveland, Minnesota

17. "Ex Officio Member" - A person who is not counted for the purpose of determining a quorum, and has no right to vote, but shall have the right and obligation (within his discretion) to speak to any question coming before the board, commission or other deliberative body of which he is such member.

18. "May" -Is permissive.

19. "Shall" - Is mandatory.

20. "Violate" - Includes failure to comply with.

21. "Premises" - Any lot, piece or parcel of land within a continuous boundary whether publicly or privately owned, occupied or possessed.

SEC. 1030.00. VIOLATION A MISDEMEANOR OR A PETTY MISDEMEANOR. Every person violates a chapter, section, subdivision, paragraph or provision of this City Code when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof shall be punished as for a misdemeanor, or as for a petty misdemeanor, except as otherwise stated in specific provisions herein, as set forth in the specific chapter in which the section, subdivision, paragraph or provision violated appears. Upon conviction for a crime, the actor may be convicted of either the crime charges if it is a misdemeanor, or a petty misdemeanor as an included offense necessarily proved if the misdemeanor charge were proved. The cost of prosecution may also be added (passed 12-19-84).

SEC. 1040.00. OTHERWISE UNLAWFUL. The City Code does not authorize or omission otherwise prohibited by law.

SEC. 1050.00. SEVERABILITY. Every chapter, section, subdivision, paragraph or provision of the City Code shall be, and is hereby declared, severable from every other such chapter, section, subdivision, paragraph or provision and if any part or portion of any of them shall be held invalid, it shall not affect or invalidate any other chapter, section, subdivision, paragraph or provision.

SEC. 1060.00. PAYMENT INTO CITY TREASURY OF FINES AND PENALTIES All fines, forfeitures and penalties recovered for the violation of any ordinance, charter, rule or regulation of the City shall be paid into the City Treasury by the Court or Officer thereof

receiving such monies. Payment shall be made in the manner, at the time, and in the proportion provided by law.

SEC. 1070.00. MEANINGS. As used in this City Code, words of the male gender shall include the female and neuter, and the singular shall include the plural and the plural shall include the singular.

SEC. 1080.00. CITATION. This codification of the ordinances of the City of Cleveland shall henceforth be known as the City Code and cited thus: "CITY CODE, Sec. 10 10.

SEC. 1090.00. PENALTIES FOR EACH OFFENSE. When a penalty or forfeiture is provided for the violation of a chapter, section, subdivision, paragraph or provision of this City Code, such penalty or forfeiture shall be construed to be for each such violation.

Source: City Code  
Effective Date: 8-5-85

(Sections I 100. 00 through 1990. 00, inclusive, reserved for future expansion.)

(Pages through 11 reserved)

## CHAPTER 2

### OPERATIONS AND ADMINISTRATION

SECTION 2000.00. AUTHORITY AND PURPOSE. Pursuant to authority granted by statute, this chapter of the City Code is enacted so as to set down for enforcement the government and good order of the city by and through the Council.

#### SEC. 2010.00. DEPARTMENTS GENERALLY.

Subd. 2010.01. Control. All Departments of the City are under the overall control of the Council. Heads of all Departments are responsible to the Council and subject to its supervision and direction, except as otherwise provided herein.

Subd. 2010.02. Appointment. All Department Heads and employees shall be appointed by the Council. All appointments shall be for an indeterminate term and subject to any applicable Civil Service Regulations in effect in the City.

Subd. 2010.03. Compensation. All wage and salary scales shall be fixed and determined by the Council, except as otherwise provided by law.

Subd. 2010.04. Budgetary Information. The Heads of all Departments shall, prior to July I in each year, file with the City Clerk the projected financial needs of his Department for the ensuing year. Such projections shall include information as to maintenance and operation of equipment, new equipment, personnel, and such other information as may be requested by the Council.

Source: City Code  
Effective Date: 12-19-84

(Sections 2020.00-2060.00., inclusive, reserved for future expansion.)

## SECTION 2070.00 COUNCIL MEETINGS.

Subd. 2070.01 Regular Meetings. Regular meeting of the council shall be held on the first Monday of each calendar month. The time of the meeting shall be set by the council and a schedule of the regular meetings shall be kept in the city offices. Regular meetings falling upon a holiday shall be held on the next following business day at the same time and place. The council may amend the Regular Meeting Schedule by announcing the new time or date at a regular meeting and posting a new schedule of Regular Meetings as amended. If the council wishes to change a single meeting date and / or time, the new meeting shall be designated a special meeting and must meet all of the notice requirements for a special meeting. All meetings, including special and adjourned meetings, shall be held in the city hall.

Subd. 2070.02. Special Meetings. The mayor or any two members of the council may call an emergency meeting of the council upon at least 24 hours written notice to each member of the council. This notice shall be delivered personally to each member or shall be left at this usual place of residence with some responsible person. A copy shall be posted at the city hall, at the bank and at the post office (M.S. 412.191). For all other special meetings, the public body shall post written notice of the date, time, place and purpose of the meeting on the door of its usual meeting room.

The notice shall also be mailed or otherwise delivered to each person who has filed a written request for notice of special meetings with the public body. This notice shall be posted and mailed or delivered at least three days before the date of the meeting.

As an alternative to mailing or otherwise delivering notice to persons who have filed a written request for notice of special meetings, the public body may publish the notice once, at least three days before the meeting, in the official newspaper of general circulation within the area of the public body's authority.

Subd. 2070.03. Organizational Meeting. At the first regular council meeting in January of each year the council shall

1. Designate the depositories of city funds;
2. Designate the official newspaper;
3. Choose one of the council members as acting mayor, who shall perform the duties of the mayor during the disability or absence of the mayor from the city or, in case of a vacancy in the office of mayor, until a successor has been appointed and qualifies;
4. Appoint such officers and employees and such members of board, commissions, and committees as may be necessary, including but not limited to Health Officer, Attorney, Accountant, Bank Depositor, Fire Chief, Ass't. Fire Chief, Police Officer and Dog Catcher, Community Education Committee, Civil Defense Director, Ambulance Service, Christmas Decorations Committee, Liquor Committee and Ordinance and Regulation Commission.

Subd. 2070.04. Public Meetings. All council meetings, including special and adjourned meetings and meetings of council committees, shall be open to the public. (M.S. 471.705)

Source: City Code  
Effective Date: 8-5-85

(Sections 2080.00-2120.00., inclusive, reserved for future expansion.)



## SEC. 2130.00. COUNCIL RULES.

## Subd. 2130.01. Presiding Officer.

A. Who Presides. The mayor shall preside at all meetings of the council. In the absence of the mayor, the acting mayor shall preside. In the absence of both, the clerk shall call the meeting to order and shall preside until the council members present at the meeting choose one of their number to act temporarily as presiding officer.

B. Procedure. The presiding officer shall preserve order, enforce the rules of procedure herein prescribed, and determine without debate, subject to final decision of the council on appeal, all questions of procedure and order. Except as otherwise provided by statute or by these rules, the proceedings of the council shall be conducted in accordance with Robert's Rules of Order. Revised.

C. Appeal Procedure. Any member may appeal to the council from a ruling of the presiding officer. If the appeal is seconded, the member may speak once solely on the question involved and the presiding officer may explain his ruling but no other member shall participate in the discussion. The appeal shall be sustained if it is approved by a majority of the members present exclusive of the presiding officer.

D. Rights of Presiding Officer. The presiding officer may make motions, second motions, or speak on any question except that on demand of any council member he shall vacate the chair and designate a council member to preside temporarily.

## Subd. 2130.02. Minutes.

A. Who Keeps. Minutes of each council meeting shall be kept by the clerk or, in his/her absence, by the deputy clerk. In the absence of both, the presiding officer shall appoint a secretary pro'tem. Ordinances, resolutions, and claims need not be recorded in full in the minutes if they appear in other permanent records of the clerk and can be accurately identified from the description given in the minutes.

B. Approval. The minutes of each meeting shall be reduced to typewritten form, shall be signed by the clerk, and copies thereof shall be delivered to each council member as soon as practical after the meeting. At the next regular council meeting following such delivery, approval of the minutes shall be considered by the council. The minutes need not be read aloud, but the presiding officer shall call for any corrections or additions. If there is no objection to a proposed addition or correction, it may be made without a vote of the council. If there is an objection, the council shall vote upon the addition or correction. If there are no corrections or additions, the minutes shall stand approved.

Subd. 2130.03. Order of Business.

A. Order Established. Each meeting of the council shall convene at the time and place appointed therefore. Council business shall be conducted in the following order:

1. Call to order
2. Roll call
3. Approval of minutes
4. Public hearings
5. Petitions, requests, and communications
6. Ordinances and resolutions
7. Reports of officers, board, and committees
8. Unfinished business
9. New business
10. Comments and suggestions from citizens
11. Adjournment

B. Varying Order. The order of business may be varied by the presiding officer; but all public hearings shall be held at the time specified in the notice of hearing.

C. Agenda. The clerk shall prepare an agenda of business for each regular council meeting and file a copy in his office not later than five days before the meeting. The agenda shall be prepared in accordance with the order of business and copies thereof shall be delivered to each council member as far in advance of the meeting as time for preparation will permit. No item of business shall be considered unless it appears on the agenda for the meeting or is approved for addition to the agenda by a unanimous vote of the council members present.

Subd. 2130.04. Quorum and Voting.

A. Quorum. At all council meetings a majority of all the council members elected shall constitute a quorum for the transaction of business.

B. Voting. The votes of the members on any question may be taken in any manner which signifies the intention of the individual members, and the votes of the members on any action taken shall be recorded in the minutes. The vote of each member shall be recorded on each appropriation of money, except for payments of judgments, claims, and amounts fixed by statute. If any member is present but does not vote, the minutes, as to his name, shall be marked "Present-Not Voting."

C. Votes Required. A Majority vote of all members of the council shall be necessary for approval of any ordinance unless a larger number is required by statute. Except as otherwise provided by statute, a majority vote of a quorum shall prevail in all other cases.

Subd. 2130.05. Ordinances, Resolutions, Motions, Petitions, and Communications.

A. Readings. Every ordinance and resolution shall be presented in writing. Every ordinance shall receive two readings before the council prior to final adoption, but shall ' not be read twice at the same meeting unless the rules are suspended for that purpose. An ordinance or resolution need not be read in full unless a member of the council requests such a reading.

B. Signing and Publication Proof Every ordinance and resolution passed by the council shall be signed by the mayor, attested by the clerk, and filed by him in the ordinance or resolution book. Proof of publication of every ordinance shall be attached and filed with the ordinance.

C. Repeals and Amendments. Every ordinance or resolution repealing a previous ordinance or resolution or a section or subdivision thereof shall give the number, if any, and the title of the ordinance or code number of the ordinance or resolution to be repealed in whole or in part. Each ordinance or resolution amending an existing ordinance or resolution or part thereof shall set forth in full each amended section or subdivision as it will read with the amendment.

D. Motions, Petitions, Communications. Every motion shall be stated in full before it is submitted to a vote by the presiding officer and shall be recorded in the minutes. Every petition or other communication addressed to the council shall be in writing and shall be read in full upon presentation to the council unless the council dispenses with the reading. Each petition or other communication shall be recorded in the minutes by title and filed with the minutes in the office of the clerk.

Subd. 2130.06. Council Salaries.

A. The salary for the Mayor shall be \$750.00 per year plus \$30.00 per authorized meeting with additional \$5.00 per hour for hours past four hours at any one meeting. The salary for each Councilmember shall be \$500.00 per year plus \$30.00 per authorized meeting with additional \$5.00 per hour for hours past four hours at any one meeting. The same rate shall apply to meetings attended by either Mayor or Council members representing the Council, with approval of the Council. The date of the increase shall be January 1, 1991.

Source: City Code  
Effective Date: 8-5-85

(Sections 2140.00-2190.00, inclusive, reserved for future expansion.)

SEC. 2210.00. FIRE DEPARINENT. A Volunteer Fire Department under the control of the Council is hereby established. The size, composition and remuneration shall all be established by resolution of the Council which may be changed from time to time by subsequent resolution. The Council shall also establish written rules and regulations of the Department, a copy of which shall be distributed to each of its members. The members of the Department shall elect their own Chief, Assistant Chief, and other officers subject to confirmation and approval by the Council. The Chief of the Fire Department shall have general superintendence of the Fire Department and the custody of all property used and maintained for the purposes of said Department. He shall see that the same are kept in proper order and that all rules and regulations and all provisions of the laws of the State and ordinances of the City relative to a Fire Department and to the prevention and extinguishment of fires are duly observed. He shall superintend the preservation of all property endangered by fire and shall have control and direction of all persons engaged in preserving such property. In case of the absence or disability of the Chief for any cause, the Assistant Chief shall exercise all the powers, perform all the duties and be subject to all the responsibilities of the Chief. The Chief of the Fire Department shall make and file quarterly written reports as to all fires occurring during the previous quarter stating the probable cause thereof and estimated damages; such report should also state the other activities of the reports and also make and file such other reports as may be requested by the Council. The Council will also file a copy of the Fire Department's By-Laws.

Source: City Code  
Effective Date:. 12-19-84

(Sections 2220.00-2240.00, inclusive, reserved for future expansion.)

SEC. 2250.00. PUBLIC WORKS DEPARTMENT. A Public Works Department is hereby established. The Head of this Department shall be known as the Public Works Superintendent. Streets, alleys, weed control and underground sewers shall be under the direct supervision of the Public Works Superintendent, and he shall have supervision of all labor and custody of all property used and maintained for the purposes of such Department. It is also the duty of the Public Works Superintendent, at each regular Council meeting in each month, to make an oral report with his recommendations for significant repairs or improvements he deems advisable, together with a report on the activities of his Department during the preceding month and a proposed plan of action and work schedule for the upcoming month. The Public Works Superintendent shall also make and file such other reports as may be requested by the Council.

SEC. 2260.00. WASTE TREATMENT DEPARTMENT. A Waste Treatment Department is hereby established. The Head of this Department shall be known as the Waste Treatment Superintendent. The Superintendent shall have the supervision and management of the operation and maintenance of the sewage disposal plant. It is also the duty of the Waste Treatment Superintendent, at each regular Council meeting in each month, to make an oral report with his recommendations for significant repairs or improvements he deems advisable, together with a report on the activities of his Department during the preceding month and a proposed plan of action and work schedule for the upcoming month. The Waste Treatment Superintendent shall also make and file such other reports as may be requested by the Council.

SEC. 2270.00. WATER DEPARTMENT. A Water Department is hereby established. The Head of this Department shall be known as the Water Superintendent. The Water Superintendent shall have the supervision and management of the operation and maintenance of all water facilities. It is also the duty of the Water Superintendent, at each regular council meeting in each month, to make an oral report with his recommendations for significant repairs or improvements he deems advisable, together with a report on the activities of his Department during the preceding month and a proposed plan of action and work schedule for the upcoming month. The Water Superintendent shall also make and file such other reports as may be requested by the Council.

Source: City Code  
Effective Date: 12-19-84

(Sections 2280.00-2300.00, inclusive, reserved for future expansion.)

SEC. 2310.00. PARK AND RECREATION DEPARTMENT. A Park and Recreation Department is hereby established. The Head of this Department shall be known as the Park and Recreation Superintendent. All park grounds and City recreational sites and programs shall be under the supervision and control of the Superintendent. The Superintendent shall have supervision of all labor and custody of all property used in the maintenance of City parks, City playgrounds and the operation of City recreational programs. The park and Recreation Superintendent shall be responsible to the Park and Recreation Board in the performance of these duties. It is also the duty of the Park and Recreation Superintendent, at each regular council meeting in each month, to make an oral report with his recommendations for significant repairs or improvements he deems advisable, together with a report on the activities of his Department during the preceding month and a proposed plan of action and work schedule for the upcoming month. The Park and Recreation Superintendent shall also make and file such other reports as may be requested by the Council.

SEC. 2330.00. LEGAL DEPARTMENT. A Legal Department is hereby established. The Council shall appoint a City Attorney, who shall be Head of the Legal Department, together with such assistants as may be necessary who shall serve at the pleasure of the Council. The City Attorney shall perform such duties as are required of him by law or referred to him by the Council. It shall be the official duty of the City Attorney to act as "Revisor of Ordinances".

SEC. 2340.00. FORESTRY DEPARTMENT. A Forestry Department is hereby established. The Head of this Department shall be known as the City Forester. It shall be the duty of the City Forester to insure that the laws of the State and provisions of the City Code relating to shade tree diseases are observed. The City Forester shall also have the responsibility for the maintenance of trees on City-owned property.

Source: City Code  
Effective Date: 12-19-84

(Sections 2350.00-2390.00, inclusive,, reserved for future expansion.)

SEC. 2400.00. BOARDS AND COMMISSIONS. Appointments to any board or commission, whether now existing or hereafter created, shall be made by the Council, and such appointment confirmed prior to the expiration of the existing term. The term of each appointee shall be established and stated at the time of his appointment, and terms of present board and commission members may be re-established and changed so as to give effect to this Section. New appointees shall assume office on the first day of the first month following their appointment and qualification, or on the first day of the first month following the expiration of the prior term and qualification, whichever shall occur last. All vacancies shall be filled in the same manner as for an expired term, but the appointment shall be effective immediately when made and only for the unexpired term. No appointed board or commission member shall be an employee of the City, but an ex officio member may be so employed. All appointed board and commission members shall serve without remuneration, but may be reimbursed for out-of-pocket expenses incurred in the performance of their duties when such expenses have been authorized by the Council before they were incurred. The Chairman and Secretary shall be chosen from and by the board or commission membership annually to serve for one year. Any board or commission member may be removed by the Council for misfeasance, malfeasance or nonfeasance in office and his position filled as any other vacancy. Each board and commission shall hold its regular meetings at a time established and approved by the Council. The City Clark shall be an ex officio member of all boards and commissions; provided, that if he is unable to attend a meeting or act in the capacity of such membership, he may be represented by his assistant or some person duly authorized by him. No member of the Council shall serve on a board or commission except as an ex officio member. Except as otherwise provided, this Section shall apply to all boards and commissions.

Source: City Code  
Effective Date: 12-19-84

(Sections 2410.00-2980.00, inclusive, reserved for future expansion.)

SEC. 2990.00. VIOLATION A MISDEMEANOR OR PETTY MISDEMEANOR

Violation of any Ordinance in this chapter constitutes a misdemeanor or petty misdemeanor. No penalty shall exceed a fine of \$700 or imprisonment in the County Jail for a period of ninety (90) days or both, but in either case the cost of prosecution may be added. This Ordinance was duly adopted at a regular meeting of the Common Council of the City of Cleveland, Minnesota, on December 19, 1984.



## CHAPTER 3

### STREETS, PARKS, PUBLIC PROPERTY AND IMPROVEMENTS

SECTION 3000.00. This chapter contains provisions as to definitions, application and scope relating to chapters 7 and 8 as well as this chapter.

SEC. 3010.00. DEFINITIONS. Except as otherwise defined in the City Code, or where the context clearly indicates a contrary intent, the words and terms defined in Minnesota Statutes, Chapter 169, shall be applicable to City Code, Chapters 3, 7 and 8.

SEC. 3020.00. APPLICATION. The provisions of City Code, Chapters 3, 7 and 8, are applicable to the drivers of all vehicles and animals upon streets including but not limited to, those owned or operated by the United States, the State of Minnesota, or any county, town, city, district, or other political subdivisions.

#### SEC. 3030.00. SCOPE AND ORDERS OF OFFICERS.

Subd. 3030.01. Scope. The provisions of Chapters 3, 7 and 8 relate exclusively to the streets, alleys and private roads in the City, and the operation and parking of vehicles refer exclusively to the operation and parking of vehicles upon such streets, alleys and private roads.

Subd. 3030.02. Orders of an Officer. It is a misdemeanor for any person to willfully fail or refuse to comply with any lawful order or direction of any police or peace officer invested by law with authority to direct, control or regulate traffic.

#### SEC. 3040.00. TRAFFIC AND PARKING CONTROL.

Subd. 3040.01. Council Action. No device, sign or signal shall be erected or maintained for traffic or parking control unless the Council shall first have approved and directed the same, except as otherwise provided in this Section, provided, that when traffic and parking control is marked or sign-posted, such marking or sign-posting shall attest to Council action thereon.

Subd. 3040.02. Temporary Restrictions. The City, acting through the Police Department, may temporarily restrict traffic or parking for any private, public or experimental purpose. It is the duty of the Police Officer to so restrict traffic or parking when a hazardous condition arises or is observed.

Subd. 3040.03. Traffic Restrictions and Prohibitions. It is a misdemeanor for any person to drive a vehicle contrary to lane restrictions or prohibitions painted on any street, or contrary to sign-posted, fenced, or barricaded restrictions or prohibitions.

Subd. 3040.04. Parking Restrictions and Prohibitions. It is unlawful for any person to park a vehicle contrary to lane restrictions or prohibitions painted on any curb, or contrary to sign-posted, fenced, or barricaded restrictions or prohibitions.

Subd. 3040.05. Damaging or Moving Markings. It is a misdemeanor for any person to deface, mar, damage, move, remove, or in any way tamper with any structure, work, material, equipment, tools, sign, signal, barricade, fence, painting or appurtenance in any street unless such person have written permission from the City or is an agent, employee or contractor for the City, or other authority having jurisdiction over a particular street, and acting within the authority or scope of a contract with the City or such other authority.

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(Sections 3050.00-3090.00, inclusive, reserved for future expansion.)

SEC. 3100.00. REGULATION OF GRASS, WEEDS, AND TREES IN STREETS, ALLEYS, BOULEVARDS AND OTHER RIGHTS-OF-WAY.

Subd. 3 100.01. City to Control Tree Planting (Standards). The City shall have control and supervision of planting shrubs and trees upon, or overhanging all the streets or other public property. The City may establish and enforce uniform standards relating to the kinds and types of trees to be planted and the placement thereof Such standards shall be kept on file in the office of the City Clerk and may be revised from time to time by action of the Council upon the recommendation of the City Clerk.

Subd. 3100.02. Permit Required. It is a misdemeanor for any person to plant, or remove trees or other plants which are upon City property, including rights-of-way, without first procuring from the City a permit in writing to do so.

Subd. 3100.03. Duty of Property Owners to Cut Grass and Weeds and Maintain Trees and Shrubs. Every owner of property abutting on any street shall cause the grass and weeds to be cut from the line of such property nearest to such street to the center of such street. If the grass or weeds in such a place attain a height in excess of six (6) inches it shall be prima facie evidence of a failure to comply with this Subdivision. Every owner of property abutting on any street shall, subject to the provision herein requiring a permit therefore, trim, cut and otherwise maintain all trees and shrubs from the line of such property nearest to such street to the center of such street. Provided, however, that the duty of abutting property owners under this Subdivision shall not extend to trimming or removing diseased or unsafe trees which shall be done in the discretion and at the expense of the City.

Subd. 3100.04. City May Order Work Done-Assessment. If any such owner, occupant or agent fails to comply with this height limitation and after notice give by the City Clerk, has not within seven (7) days of such notice complied, the City shall cause such weeds or grass to be cut and the expenses thus incurred shall be a lien upon such real estate. The City Clerk shall certify to the County Auditor of Le Sueur County, a statement of the amount of the cost incurred by the City. Such amount together with interest shall be entered as a special assessment against such lot or parcel of land and be collected in the same manner as real estate taxes.

Source: City Code  
Effective Date: 12-20-85

**SEC. 3110.00. GRASS AND WEEDS ON PRIVATE PROPERTY.**

Subd. 3110.01. It is unlawful for any owner, occupant or agent of any lot or parcel of land in the City to allow any weeds or grass growing upon any such lot or parcel of land to grow to a greater height than six (6) inches or to allow such weeds or grass to go to seed. The City Superintendent will govern the inspections.

Subd. 3110.02. If any such owner, occupant or agent fails to comply with this height limitation and after notice given by the City Clerk, has not within seven (7) days of such notice complied, the City shall cause such weeds or grass to be cut and the expenses thus incurred shall be a lien upon such real estate. The City Clerk shall certify to the County Auditor of Le Sueur County, a statement of the amount of the cost incurred by the City. Such amount together with interest shall be entered as a special assessment against such lot or parcel of land and be collected in the same manner as real estate taxes.

**SEC. 3160.00. OBSTRUCTIONS IN STREETS.**

Subd. 3160.01. Obstructions. It is a misdemeanor for any person to place, plant, deposit, display or offer for sale, any fence, trees, shrubbery, goods or other obstructions over, upon, across or under any street without first having obtained a written permit from the Council, and then only in compliance in all respects with the terms and conditions of such permit, and taking precautionary measures for the protection of the public. An electrical cord or device of any kind is hereby included, but not by way of limitation, within the definition of an obstruction.

Subd. 3160.015. Removal of authorized and unauthorized obstructions from city streets and alleyways.

A. Removal of authorized obstructions. The City retains the unilateral power to remove obstructions from its streets and alleyways regardless of whether the obstruction is authorized by the City Council pursuant to the procedures established in City Ordinance Section 3160.01. If the City Council decides to remove an authorized obstruction the removal would be at the property owners' expense.

B. Unauthorized obstruction. The City reserves the right to remove an obstruction in its streets or alleyways not authorized under the procedures established in Ordinance Section 3160.01 at any time and without compensation to the person or entity responsible for or owning the obstruction. Furthermore, the City shall have the right to charge the person or entity responsible for or owning the obstruction a reasonable fee to recompense the City for its cost in removing the unauthorized obstruction. Prior to the City removing the unauthorized obstruction, however, the City shall give seven (7) days written notice to the owner or person responsible for the obstruction of the City's intent to remove the obstruction that said responsible person shall have an opportunity to remove the obstruction prior to City action.

Subd. 3160.02. Fires. It is a misdemeanor for any person to build or maintain a fire upon a street.

Subd. 3160.03. Dumping in Streets. It is a misdemeanor for any person to throw or deposit in any street any nails, dirt, glass or glassware, cans, discarded cloth or clothing, metal scraps, garbage, leaves, grass or tree limbs, paper or paper products, shreds or rubbish, oil, grease or other petroleum products, or to empty any water containing salt or other injurious chemical thereon, or, between the dates of November 1 and March 15, to discharge or permit the discharge, of water from a roof, a sump pump, or other ground waters from the premises occupied by him. It is a violation of this Section to haul any such material, inadequately enclosed or covered, thereby permitting the same to fall upon streets. It is also a violation of this Section to place or store any building materials or waste resulting from building construction or demolition on any street without first having obtained a written permit from the Council.

Subd. 3160.04. Signs and Other Structures. It is a misdemeanor for any person to place or maintain a sign, advertisement, or other structure in any street without first having obtained a written permit from the Council. In a district zoned for commercial or industrial enterprises special permission allowing an applicant to erect and maintain signs overhanging the street may be granted upon such terms and conditions as may be set forth in the zoning or construction provisions of the City Code.

Subd. 3160.05. Placing Snow and Ice in a Roadway.

A. It is a misdemeanor for any person, not acting under a specific contract with the City or without special permission from the City Clerk, to remove snow or ice from private property and place the same in any roadway.

B. Where permission is granted by the City Clerk the person to whom such permission is granted shall be initially responsible for payment of all direct or indirect costs of removing the snow or ice from the street. If not paid, collection shall be by civil action or assessment against the benefited property as any other special assessment.

Subd. 3160.06. Continuing Violation. Each day that any person continues in violation of this Section shall be a separate offense and punishable as such.

Subd. 3160.07. Condition. Before granting any permit under any of the provisions of this Section, the Council may impose such insurance or bonding conditions thereon as it, considering the projected danger to public or private property or to persons, deems proper for safeguarding such persons and property. Such insurance or bond shall also protect the City from any suit, action or cause of action arising by reason of such obstruction.

SEC. 3170.00. STREET OPENINGS OR EXCAVATIONS. It is a misdemeanor for any person, except a City employee acting within the course and scope of his employment or a contractor acting within the course and scope of a contract with the City, to make any excavation,

opening or tunnel in, over, across or upon a street or other public property without first having obtained a written permit from the City Clerk as herein provided.

Subd. 3170.01. Application. Application for a permit to make a street excavation shall describe with reasonable particularity the name and address of the applicant, the place, purpose and size of the excavation, and such other information as may be necessary or desirable to facilitate the investigation hereinafter provided for, and shall be filed with the City Clerk

Subd. 3170.02. Investigation and Payment of Estimated costs. Upon receipt of such application the City Clerk shall cause such investigation to be made as he may deem necessary to determine estimated cost of repair, such as back-filling, compacting, resurfacing and replacement, manner of procedure and time limitation upon such excavation. The foregoing estimated costs shall include permanent and temporary repairs due to weather or other conditions, and the cost of such investigation shall be included in such estimate.

Subd. 3170.03. Issuance of Permit. The City Clerk shall issue such permit after (1) completion of such investigation; (2) payment by the applicant in advance of all estimated costs as aforesaid; (3) agreement by the applicant to the conditions of time and manner as aforesaid; and, (4) agreement in writing by the applicant to pay all actual cost of repairs over and above such estimate, including cost of such investigation.

Subd. 3170.04. Repairs. All temporary and permanent repairs, including back-filling, compacting and resurfacing shall be made, or contracted for, by the City in a manner prescribed by the City Clerk, and an accurate account of costs thereof shall be kept.

Subd. 3170.05. Cost Adjustment. Within sixty (60) days following completion of such permanent repairs the City Clerk shall determine actual costs of repairs, including cost of investigation, and prepare and furnish to such permit holder an itemized statement thereof and claim additional payment from, or make refund to, the permit holder, as the case may be.

Subd. 3170.06. Alternate Method of Charging. In lieu of the above provisions relating to cost and cost adjustment for street openings, the City may charge on the basis of surface square feet removed, excavated cubic feet, or a combination of surface square feet and excavated cubic feet, on an established unit price uniformly charged.

Subd. 3170.07. Street Openings. In case of an emergency an application can be made to the Public Works Supt. who may issue an emergency permit if upon investigation he decides the circumstances warrant it.

Source: City Code  
Effective Date: 12-20-84

(Sections 3180.00-3210.00, inclusive, reserved for future reference.)

SEC. 3220.00. REQUIREMENT OF SEWER AND WATERMAIN SERVICE LATERAL INSTALLATION.

Subd. 3220.01. Requirement of Sewer and Water Laterals. No petition for the improvement of a street shall be considered by the Council if such petition contemplates constructing therein any part of a pavement or stabilized base, or curb and gutter, unless all sewer and water main installations shall have been made therein, including the installation of service laterals to the curb, if the area along such street will be served by such utilities installed in the street.

Subd. 3220.02. Sewer System Service and Water Main Service Laterals. No sewer system shall be hereafter constructed or extended unless service laterals to platted lots and frontage facing thereon shall be extended simultaneously with constriction of mains.

Subd. 3220.03. Wavier. The Council may waive the requirement of this Section only if it finds the effects thereof are burdensome and upon such notice and hearing as the Council may deem necessary or proper.

SEC. 3230.00. SIDEWALK MAINTENANCE AND REPAIR.

Subd. 3230.01. Joint Responsibility. It is the joint responsibility of the City of Cleveland and the owner of property abutting any municipal or public sidewalk in the City of Cleveland to keep and maintain such sidewalk in safe and serviceable condition.

Subd. 3230.02. Duties of Abutting Property Owners. The property owner abutting an existing sidewalk in the City of Cleveland has the duty to notify the city public works supervisor in writing of any hazardous condition in the abutting sidewalk. Further, except for reasonable wear and tear, the abutting property owner has a duty not to damage the abutting sidewalk. Finally, abutting property owners shall keep their sidewalks clear of all snow, ice and any other debris which may be a hazard to pedestrians. After snowstorms, property owners abutting sidewalks in the business district shall remove snow and ice within twenty-four (24) hours, and property owners abutting sidewalks in residential districts shall remove snow and ice within thirty-six (36) hours. If the abutting property owner fails to remove ice, snow or other debris in a timely fashion the public works superintendent shall report such failure to the City Council and the Council may order such work to be done under its direction and the cost thereof shall be charged back to the abutting property owner.

Subd. 3230.03. The Duties of the City of Cleveland. The City of Cleveland shall have the. duty to inspect, construct, reconstruct or repair all sidewalks in the City of Cleveland. The public works superintendent shall inspect or direct the inspection of all sidewalks within the city on a reasonable, regular basis. All construction, reconstruction or repair of sidewalks within the City of Cleveland shall be carried out by the City of Cleveland at the sole discretion of the City Council.

Subd. 3230.04. Sidewalk Construction, Reconstruction or Repair. The City of Cleveland shall pay for the construction, reconstruction and repair of all sidewalks within the city limits out of the General Fund and this cost shall not be specially assessed or charged back solely to the property owner abutting the affected sidewalk unless the reconstruction or repair is due to the actions of the abutting property owner, his family, or the abutting property owner's employees or agents. The purpose of this subdivision is to ensure that sidewalk reconstruction, repair, or construction is the responsibility of the City through its General Fund rather than the responsibility of the abutting property owner, except when the construction, reconstruction, or repair is necessitated by the actions of the abutting property owner, his family, or the abutting property owner's employees or agents, as provided for elsewhere in this section. In the event the sidewalk reconstruction or repair is necessitated by the actions of the abutting property owner, his family, or the abutting property owner's employees or agents, 100% of the cost of the reconstruction or repair shall be specially assessed or charged back to the abutting property owner.

Subd. 3230.05. Any chargeback made by the City against an abutting property owner under Subd. #3230.02 and #3230.04 shall be made a lien upon the premises served. All such charges which are on August 31 of each year more than 6 months past due, shall be certified by the City Clerk to the County Auditor between the 1st and 10th day of September of each year, and the City Clerk in so certifying such charges to the County Auditor shall specify the amount thereof, the description of the premises served, and the name of the owner thereof. The amount so certified shall be extended by the Auditor on the tax rolls against such premises in the same manner as other taxes, and collected by the County Treasurer, and paid to the City along with other taxes.

#### SEC. 3300.00. PRIVATE USE OF PUBLIC STREETS AND PARKING LOTS.

Subd. 3300.01. Authority, Permission and Procedure. Upon an application duly made to the City Clerk and reviewed and recommended by the Police Department, the Council may in its discretion, grant special permission whereby on-street parking or the use of City owned parking lots or ramps or public sidewalks may be temporarily or permanently prohibited or restricted for private reasons and purposes (including, but not limited to, establishment of private or "leased" parking, "loading zones", or display of merchandise on sidewalks) at such places, on such terms and for such compensation as the Council may deem just and equitable. In establishing the amount of such compensation to be paid to the City, the Council shall consider the amount of space, location thereof, public inconvenience, and hazards to persons or property. Upon complaint of any aggrieved person at any time and by reason of any specific special permission so granted, the Council shall at its next regular meeting after receipt of such complaint, call a hearing thereon to be held after ten (10) days' notice in writing to applicant and complainant and published notice at least ten (10) days prior to such hearing. After such hearing the Council shall by resolution decide whether to terminate, continue or redefine the terms of such permission and such decision shall be final and binding on all persons directly or indirectly interested therein, except that the Council may, on its own motion, reconsider the same.



Subd. 3300.02. Forbidden Practices. It is unlawful for any person to park or otherwise infringe upon a grant of right under this Section, when clearly and distinctly marked or sign-posted. It is unlawful for any person not granted such right to assert the same, or for any grantee of such right to exceed the same under claim thereto.

#### SEC. 3310.00 PARADES.

Subd. 3310.01. Definition. The term "parade means any movement of vehicles, persons or animals, or any combination thereof, which either moves together and as a body so as to in some way impede or affect the free and unobstructed flow of vehicular or pedestrian traffic or which moves so that some part thereof is in violation of one or more traffic laws or regulations, if such movement is without a permit hereunder.

Subd. 3310.02. Permit Required. It is unlawful to sponsor or participate in a parade for which no permit has been obtained from the City, and it is also unlawful to obtain a parade permit and not conduct the same in accordance with the permit granted by the City. Application for such permit shall be made to the City Clerk at least thirty (30) days in advance of the date on which it is to occur and shall state the sponsoring organization or individual, the route, the length, the estimated time of commencement and termination, the general composition, and such application shall be executed by the individuals applying therefore or the duly authorized agent or representative of the sponsoring organization.

Subd. 3310.03. Investigation. The City Clerk shall forthwith refer all applications for parades to the Police Officer for his consideration which shall take no longer than seven (7) days. If any State Trunk highways are in the route the Police Officer shall make all necessary arrangements with the Minnesota Department of Public Safety for alternate routes or whatever may be necessary. If the Police Officer finds that such a parade will not cause a hazard to persons or property, and will cause no great inconvenience to the public, and if he is able to make arrangements for necessary direction and control of traffic, he shall endorse his acceptance and return the application to the City Clerk. If the Police Officer finds the parade described in the application to be a hazard, a substantial inconvenience, or if he is unable to make adequate arrangements for direction or control of traffic, he shall return the same to the City Clerk with his findings.

Subd. 3310.04. Council Action. The City Clerk shall refer the application and results of investigation to the Council at its next regular meeting. The Council may either (1) deny the permit, (2) grant the permit, or (3) grant the permit on condition that a date, time or route are acceptable to applicant which differ from such as stated in the application. Applicant shall have three (3) days within which to communicate his acceptance to the City Clerk.

#### Subd. 3310.05. Unlawful Acts.

A It is unlawful for any person to hamper, obstruct, or impede or interfere with any parade, parade assembly or any person, animal or vehicle participating in the parade.

B. It is unlawful for any person to drive a vehicle between the vehicles or persons comprising a parade when such parade is in motion.

C. It is unlawful for any person to enter into a parade without prior authorization from the parade chairman.

Subd. 3310.06. Exceptions. This Section shall not apply to (1) funeral processions, or (2) a governmental agency acting within the scope of its functions.

**SEC. 3320.00. POLICY ON BLACKTOPPING NEWLY ACQUIRED ROADS.**

Subd. 3320.01. A petition was presented to the Council for the blacktopping of Pleasant Street. The Mayor informed them that the developer brings water, sewer and streets to acceptable conditions and the city then takes them over, but the property owners are responsible for the payment of blacktopping the street. Property owners cost can be assessed to their taxes. (July 5, 1977)

Subd. 3320.02. Motion made and carried that the city pay for maintenance of new streets after the homeowners (property owners) have paid for the original blacktopping with a 3 "mat. (August 1, 1977)

Subd. 3320.03. The landowner or developer doing the original blacktopping must obtain prior approval of the City Council that the proposed blacktopping is in conformance with all provision of the City Code.

Subd. 3320.04. The city, at the sole discretion of the City Council, on a case by case basis, may share with the developer all or part of the initial cost of installation of water lines and storm sewers in a development within the City. (January 3, 1996)

(Sec. 3330.00-3350.00 reserve for street and alley closings and evacuations.)

Source: City Code  
Effective Date: 12-20-84

(Sec. 3360.00-3980.00, inclusive, reserved for future reference.)

SECTION 3990.00. VIOLATION A MISDEMEANOR OR PETTY MISDEMEANOR.

Violation of any Ordinance in this chapter constitutes a misdemeanor or petty misdemeanor. No penalty shall exceed a fine of \$700 or imprisonment in the County Jail for a period of ninety (90) days or both, but in either case the cost of prosecution may be added. This Ordinance was duly adopted at a regular meeting of the Common Council of the City of Cleveland, Minnesota, on December 19, 1984.

## CHAPTER 4

### MUNICIPAL AND PUBLIC UTILITIES RULES AND REGULATIONS, RATES, CHARGES AND COLLECTIONS

#### SECTION 4000.00. RULES AND REGULATIONS RELATING TO WATER SERVICE.

Subd. 4000.01. DEFINITIONS. The following terms, as in this Chapter, shall have the meanings stated:

1. "Utility" - All utility services, whether the same be public City-owned facilities or furnished by public utility companies.

2. "Municipal Utility" - Any City-owned utility system, including, but not be way of limitation, water, sewerage and refuse service.

3. "Company", "Grantee", and "Franchisee" - Any public utility system to which a franchise has been granted by the City.

4. "Consumer" and "Customer" - Any user of a utility whether located within the City limits or supplied outside of City limits.

5. "Service" - Providing a particular utility to a customer or consumer.

6. "Residential Use" - Any use of utilities inside a residence. Utilities not used for business, Industrial, commercial, livestock, or agricultural.

Subd. 4000.02. Deficiency of Water and Shutting Off Water. The City is not liable for any deficiency or failure in the supply of water to customers whether occasioned by shutting the water off for the purpose of making repairs or connections or by any other cause whatever. In case of fire, or alarm of fire, water may be shut off to insure a supply for fire fighting. In making repairs or construction of new works, water may be shut off at any time and kept off so long as may be necessary.

Subd. 4000.03. Repair of Leaks. It is the responsibility of the consumer or owner to maintain the service pipe from the curb stop into the house or other building. In case of failure upon the part of any consumer or owner to repair any leak occurring in his service pipe within twenty-four (24) hours after oral or written notice has been given the owner or occupant of the premises, the water may be shut off and will not be turned on until a reconnection charge has been paid and the water service has been repaired. When the waste of water is great or when damage is likely to result from the leak, the water will be turned off if the repair is not proceeded with immediately.

Subd. 4000.04. Abandoned Services Penalties. All service installations connected to the water system that have been abandoned or, for any reason, have become useless for further service shall be disconnected at the main. The owner of the premises, served by this service, shall pay the cost of the excavation. The City shall perform the actual disconnection and all pipe and appurtenances removed from the street right-of-way shall become the property of the City. When new buildings are erected on the site of old ones, and it is desired to change the old water service, a new permit shall be taken out and the regular tapping charge shall be made as if this were a new service. It is unlawful for any person to cause or allow any service pipe to be hammered or squeezed together at the ends to stop the flow of water, or to save expense in improperly removing such pipe from the main. Also, such improper disposition thereof shall be corrected by the City and the cost incurred shall be borne by the person causing or allowing such work to be performed.

Subd. 4000.05. Service Pipes. Every service pipe must be laid in such manner as to prevent rupture by settlement. The service pipe shall be placed not less than six feet below the surface in all cases so arranged as to prevent rupture and stoppage by freezing. Frozen service pipes between the curb stop and the building shall be the responsibility of the owner. Service pipes must extend from the curb stops to the inside of the building; or if not taken into a building then to the hydrant or other fixtures which they are intended to supply. A valve, the same size as the service pipe, shall be placed close to the inside wall of the building, ahead of the meter and well protected from freezing. Joints on copper tubing shall be flared and kept to a minimum. Not more than one joint shall be used for a service up to seventy feet in length. All joints shall be left uncovered until inspected. Minimum size connection with the water mains shall be 3/4 inch in diameter. Service lines must be either copper or plastic and 3/4 inch in diameter.

Subd. 4000.06. Private Water Supplies. No water pipe of the City water system shall be connected with any pump, well, pipe, tank, or any device that is connected with any other source of water supply and when such are found, the City shall notify the owner or occupant to disconnect the same and, if not immediately done, the City water shall be turned off. Before any new connections to the City system are permitted, the City shall ascertain that no cross-connections will exist when the new connection is made. When a building is connected to "City Water" the private water supply may be used only for such purposes as the City may allow. Any heating system or sprinkling system connected to City water lines, shall be equipped with anti-siphon valve or vacuum breaker valve.

Subd. 4000.07. Restricted Hours for Sprinkling. Whenever the City shall determine that a shortage of water threatens the City, it may limit the times and hours during which water may be used from the City water system for lawn and garden sprinkling, irrigation, car washing, air conditioning, and other uses, or either or any of them. It is unlawful for any water consumer to cause or permit water to be used in violation of such determination after public announcement thereof has been made through the news media specifically indicating the restrictions thereof

Subd. 4000.08. Private Fire Hose Connections. Owners of structures with self-contained fire protection systems may apply for and obtain permission to connect the street mains ,with hydrants, large pipes, and hose couplings, for use in case of fire only, at their own installation expense and at such rates as the Council may adopt by resolution as herein provided.

Subd. 4000.09. Opening Hydrants. It is unlawful for any person, other than members of the Fire Department or other person duly authorized by the City, in pursuance of lawful purpose, to open any fire hydrant or attempt to draw water from the same or in any manner interfere therewith. It is also unlawful for any person so authorized to deliver or suffer to be delivered to any other person any hydrant key or wrench, except for the purposes strictly pertaining to their lawful use.

Subd. 4000. 10. Unmetered Service. Unmetered service may be provided for construction, flooding skating rinks, and other purpose. Such service shall be at a duly adopted rate. Where it is difficult or impossible to accurately measure the amount of water taken, Unmetered service may be provided and the unmetered rate applied; provided, however, that by acceptance thereof the consumer agrees to have the City estimate the water use. In so estimating the City shall consider the use to which the water is put and the length of time of unmetered service. .

Subd. 4000.11. Water Meters. All water meters exceeding one inch in size shall be maintained by the property owner. All repairs of water meters not resulting from normal usage shall be the responsibility of the property owner. All water meters shall be installed and controlled by the City, and the cost of installation shall be the responsibility of the property owner. Any meter I " or under in need of replacement shall be replaced by the city with a remote reading type at city expense and shall be maintained by the City. Remote meters shall be installed at the City's discretion. It is the sole duty and responsibility of the landowner to ensure and provide the City with prompt, timely and reasonable access to any water meter on his property for the purpose of monthly meter reading, repaid, and shutoff The City Council may at its discretion, in the same manner as provided in Subdivisions 4000.14 and 4000.15 shut off the water of any landowner who has failed to provide with prompt, timely, and reasonable access to any water meter on his property for the purposes set out elsewhere in this subdivision.

Subd. 4000.12. Connection Fees. Service shall be furnished only after proper application has been made and connection fees paid in full.

Subd. 4000.13. Billing and Payment. All municipal utilities shall be paid monthly. All utility charges must be paid at the close of business on the 20th day following such billing, provided that if the 20th day shall fall on a Saturday, Sunday, or legal holiday the time shall be extended to the close of business on the next succeeding day on which business is normally transacted.

Subd. 4000.14. Delinquency and Utility Shutoff. All utility charges shall be delinquent if they are unpaid at the close of business on the 20th day following such billing, provided that if the 20th day shall fall on a Saturday, Sunday, or legal holiday the time shall be extended to the close of business on the user. next succeeding day on which business is normally transacted. A penalty of 10% added monthly shall be added to and become part of all delinquent utility bills. Utility service shall be suspended after 60 days past due. At least 20 days prior to the utility shutoff the municipality must serve notice of the impending shutoff, including the date the utility will be shut off, upon the delinquent utility. Notice of the impending utility shutoff shall be by first class mail. Notice shall be sent to the address where the service is rendered and to the address where the bill is sent if different from the address where the service is rendered. A representative of the utility must make an affidavit under oath that he deposited in the mail the notice properly addressed to the customer. In lieu of mailing, notices may be delivered by a representative of the utility. Such notices must be in writing and receipt of them must be signed by the customer, if present, or some other member of the customers family of the responsible age or the utility representative must made an affidavit under oath that he delivered the notice to the customer or his residence. A record of all notices and all affidavits required by this ordinance shall be kept on file by the city and must be made available to the public. Disconnection notices shall contain the date on or after which disconnection will occur, reason for disconnection, and methods of avoiding disconnection in normal, easy to understand language. All notice required by this ordinance must precede the action to be taken by at least 20 days excluding Sundays and legal holidays. Once the certified letter of utility termination has been sent to the property owner, only the total balance due on the account will be accepted--partial payments will not be accepted.

The utility shutoff notice shall also contain the following language informing the utility user that the individual has a right to a hearing on the issue of utility shutoff before the City Council prior to the utility shutoff- "The utility user has the right to a hearing before the City Council on the issue of whether the schedules utility shutoff should occur. The utility user shall exercise his or her right to be heard before the City Council by delivering written notice of this request to the City Administrator at least three calendar days prior to the scheduled shutoff date. The utility user shall then be heard before the City Council at the next regularly scheduled meeting or pay for a special meeting, depending of the shut off date. The utility user's failure to deliver written notice to the City Clerk at least three calendar days prior to the scheduled shutoff date constitutes a waiver of the utility user's right to a hearing on the issue before the City Council. At the hearing the City Council shall determine whether the scheduled utility shutoff shall occur on the scheduled date, whether it should be delayed, or whether it should not occur at all. If the next regularly scheduled City Council meeting shall occur after the date of the scheduled utility shutoff, the utility shutoff shall be delayed until after the next regularly scheduled City Council meeting." If service is suspended due to delinquency it

shall not be restored at that location until a reconnection charge of \$75.00 has been paid for each utility reconnected in addition to amounts owed for service and penalties. Notice to the utility user under this section is in addition to and in conjunction with the notice required under Sub division 4000.15. Subsection B.

Subd. 4000.15. Cold Weather Rule: Municipal Utilities.

A. Application; Notice to Residential Customers.

I - The municipal utility shall not disconnect utility service of a residential customer if the discontinuation affects the primary heat source for the residential unit when the following conditions are met: (1) the disconnection would occur during the period between October 15 and April 15; (2) the customer has declared inability to pay on forms provided by the utility; (3) the household income of the customer is less than 185 percent of the federal poverty level, as documented by the customer to the utility; (4) the customer's account is current for the billing period immediately prior to October 15 or the customer has entered into a payment schedule and is reasonable current with payments under the schedule; and (5) the burden of showing the disconnection would affect the primary heat source for the residential unit is on the resident and can be met by permitting the city building inspector to inspect the residence's heating source to verify the resident's claim that it is the primary heating source and that it is the type of heating source contemplated by this subdivision.

2. A municipal utility or a cooperative electric association must, between ' August 15 and October 15 of each year, notify all residential customers of the provisions of this section.

B. Notice to Residential Customer Facing Disconnection. Before disconnecting service to a residential customer during the period between October 15 and April 15, the municipal utility shall provide the following information to a customer; (1) a notice of proposed disconnection; (2) a statement explaining the customer's rights and responsibilities; (3) a list of local energy assistance providers; (4) forms on which to declare inability to pay; and (5) a statement explaining available time plans and other opportunities to secure continued utility service.

C. Restrictions if Disconnection Necessary.

1. If a residential customer must be involuntarily disconnected between October 15 and April 15 for failure to comply with the provisions of Subsection A, the disconnection must not occur on a Friday or on the day before a holiday. Further, the disconnection must not occur until at least 20 days after the notice required in subsection B has been mailed to the customer or 15 days after the notice has been personally delivered to the customer.



2. If a customer does not respond to a disconnection notice, the customer must not be disconnected until the utility investigates whether the residential unit is actually occupied. If the unit is found to be occupied, the utility must immediately inform the occupant of the provisions of this section. If the unit is unoccupied, the utility must give seven days' written notice of the proposed disconnection to the local energy assistance provider before making a disconnection.

3. If, prior to disconnection, a customer appeals a notice of involuntary disconnection, as provided by the utility's established appeal procedure, the utility must not disconnect until the appeal is resolved.

Subd. 4000.16. Nonresident use of Municipal Utilities. The City shall have the right to grant or deny to individual nonresidents the right to use the municipal utilities of the City of Cleveland, An individual nonresident seeking use of municipal utilities shall apply for said service at the City Clerk's Office. The application shall be filled out in writing and signed by the applicant. The application shall then be put before the Cleveland City Council. The City Council may, by majority vote, agree to provide utility services to nonresidents. The City Council shall retain the right, by majority vote, to continue or discontinue the nonresidents user's use of municipal utilities for any non-residential use, if consumption exceeds it's present average rate.

Subd. 4000.17. Municipal Utility Rates for Nonresident Users. The city Council shall fix the rates and charges for municipal utilities for nonresident users at the same time it sets the yearly rates for resident users. The nonresident user rates shall be the same as the resident rate plus any assessment, real estate tax, water and sewer assessment, or any other charge that a resident is required to pay. This total charge shall be calculated by the City Council and amended as needed. The utility payments shall be on the same payment schedule as resident users. Nonresidents shall be subject to regulations in Subd. 4000.01. through 4000.15., 4060.00., 4140.00. All city sewer use regulations, if city sewer is connected, shall be enforced.

(Sections 4010.00-4050.00. inclusive, reserved for future reference.)

SEC. 4060.00. FIXING RATES AND CHARGES FOR PUBLIC UTILITIES. All rates and charges for municipal utilities, including, but not by way of limitation, rates for service, permit fees, connection and meter reading fees, disconnection fees, reconnection fees including penalties for non-payment if any, shall be fixed, determined and amended by the Council and adopted by resolution. Such resolution, containing the effective date thereof, shall be kept on file and open to inspection in the office of the City Clerk and shall be uniformly enforced.

Source: City Code  
Effective Date: 12-20-85

(Sections 4070.00 - 4130.00, inclusive, reserved for future expansion.)

SEC. 4140.00. MUNICIPAL UTILITY CHARGES A  
LIEN.

Subd. 4140.01. Payment for service and charges provided for herein shall be the primary responsibility of the owner of the premises served and shall be billed to him unless otherwise authorized in writing by the tenant and owner and consented to by the City. The City may collect the same in a civil action or, in the alternative and at the option of the City, as otherwise provided in this Subdivision.

Subd. 4140.02. Each such charge is hereby made a lien upon the premises served. Notice shall be sent to the property owner stating that if payment is not made before the date of certification, the entire amount unpaid plus penalties will be certified to the county auditor for collection as other taxes are collected. The notice shall also state that the occupant may, before such certification date, attend a hearing on the matter to object to the certification. A hearing shall be held at the next Regular City Council meeting. The property owner will have the option to pay the delinquent amount with no additional interest up to 10 days after the hearing. On the eleventh day, the amount will be certified to the county. The amount will be payable with interest for a term of one year. All such charges shall be certified by the City Clerk to the County Auditor prior to December 20<sup>th</sup> each year, and the City Clerk in so certifying such charges to the County Auditor shall specify the amount thereof, the description of the premises served, and the name of the owner thereof. The amount so certified shall be extended by the Auditor on the tax rolls against such premises in the same manner as other taxes, and collected by the County Treasurer, and paid to the City along with other taxes. If a delinquent account has been certified to the county for collection, a deposit equal to their average 60 day account balance will be collected. If service is terminated due to delinquency, the deposit may be required prior to service being restored. The property owner must provide monthly meter readings to the city until the certification has been paid back to the city. The deposit will be returned to the property owner after the certification has been repaid to the City and there are no further delinquencies. If the property owner does not make timely monthly payments, the service will be terminated subject to Subd. 4000.14 and the deposit will be retained by the City.

SEC. 4190.00. CITY OF CLEVELAND WATER RATES. (See pages  
79-80.)

Source: City  
Code  
Effective Date:  
12-20-84



## B-1

1997  
**City of Cleveland**  
 CLEVELAND, MINNESOTA 56017  
 RESIDENTIAL RATES - Basic Service

Effective With 11-1-95 Meter Reading

GALLONS USED	WATER	SEWER	GARBAGE*	TOTAL
0- .500	5.60	13.00	5.61	24.21
501- 1,000	6.19	14.36	5.61	26.16
1,001- 2,000	7.38	15.72	5.61	28.71
2,001- 3,000	8.57	17.08	5.61	31.26
3,001- 4,000	9.76	18.44	5.61	33.81
4,000- 5,000	10.95	19.80	5.61	36.36
5,001- 6,000	12.14	21.16	5.61	38.91
6,001- 7,000	13.33	22.52	5.61	41.46
7,001- 8,000	14.52	23.88	5.61	44.01
8,001- 9,000	15.71	25.24	5.61	46.56
91001- 10,000	16.90	26.60	5.61	49.11
101001- 11,000	18.09	27.96	5.61	51.66
11,001-12,000	19.28	29.32	5.61	54.21
12,001- 13,000	20.47	30.68	5.61	56.76
13,WI- 14,000	21.66	32.04	5.61	59.31
14,001- 15,000	22.85	33.40	5.61	61.86
15,001-16,000	24.04	34.76	5.61	64.41
16,001- 17,WO	25.23	36.12	5.61	66.96
17,001- 18,000	26.42	37.48	5.61	69.51
18,001- 19,000	27.61	38.84	5.61	72.06
<u>19,001- 20,000</u>	28.80	40.20	5.61	74.61

\*Garbage Base Price consists of:

Garbage Collection \$3.20
Recycling Collection \$2.20
6.5% Minnesota Sales Tax on Garbage Collection \$ .21
Total \$5.61

**City of Cleveland**  
**CLEVELAND, MINNESOTA 56017**  
**BUSINESS RATES**

Effective With 11 - 1 -95 Meter Reading

GALLONS USED WATER

		6112% SEWER SALES TAX TOTAL			
0-	500	5.60	13.00	36	18.96
501-	1,000	&19	14.36	40	20.95
	1,001- 2,000	7.38	15.72	48	23.58
	2,001- 3,000	8.57	17.08	56	26.21
	3,001- 4,000	9.76	18.44	63	28.83
	4,001- 5,000	10.95	19.80	71	31.46
	5,001- 6,000	12.14	21.16	79	34.09
	6,001- 7,000	13.33	22.52	87	36.72
	7,001- 8,000	14.52	23.88	94	39.34
	8,001- 9,000	15.71	25.24	1.02	41.97
	9,001- 10,000	16.90	26.60	1.10	44.60
	10,001- 11,000	18.09	27.96	1.18	47.23
	11,001- 12,000	19.28	29.32	1.25	49.85
	12,001- 13,000	20.47	30.68	1.33	52.48
	13,001- 14,000	21.66	32.04	1.41	55.11
	14,001- 15,000	22.85	33.40	1.49	57.74
	15,001- 16,000	24.04	34.76	1.56	60.36
	16,001- 17,000	25.23	36.12	1.64	62.99
	17,001- 18,000	26.42	37.48	1.72	65.62
	18,001- 19,000	27.61	38.84	1.79	68.24
	19,001- 20,000	28.80	40.20	1.87	70.87
	20,001- 21,000	29.99	41.56		
	21,001- 22,000	31.18	42.92		
	22,001- 23,000	32.37	44.28		
				1.95	73.50
				2.03	76.13
				2.10	78.75
	23,001- 24,000	33-56	45."	2.18	81.38
	24,001- 25,000	34.75	47.00	2.26	84.01
	25,001- 26,000	35.94	48.36	2.34	86.64
	26,001- 27,000	37.13	49.72	2.41	89.26
	27,001- 28,000	38.32	51.08	2.49	91.89
	28,001- 29,000	39.51	52.44	2.57	94.52
	29,001- 30,000	40.70	53.80	2.65	97.15

ORDINANCE NO. 4200.00

City of Cleveland, Minnesota

AN ORDINANCE ESTABLISHING SEWER USE REGULATIONS

An ordinance regulating the use of public and private sewers and drains, private wastewater disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system; and providing penalties for violations thereof.

Be it ordained and enacted by the Council of the City of Cleveland, Minnesota as follows:

ARTICLE I

DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall have the meanings hereinafter designated:

- Sec. 1            Act - The Federal Water Pollution Control Act also referred to as the Clean Water Act, as amended, 33. U.S.C. 125 1, et seq.
- Sec. 2            ASTM - American Society for Testing Materials.
- Sec. 3            Authority - The City of Cleveland, Minnesota or its representative thereof
- Sec. 4            BOD5 or Biochemical Oxygen Demand - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Centigrade in terms of milligrams per liter (mg/l).
- Sec.5            Building Drain - That part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning immediately outside the building wall.
- Sec.6            Building Sewer - The extension from the building drain to the public sewer or other place of disposal, also referred to as a house connection or service connection.

- Sec. 7            **City** - The area within the corporate boundaries of the City of Cleveland as presently established or as amended by ordinance or other legal actions at a future time. The term "City" when used herein may also be used to refer to the City Council and its authorized representative.
- Sec.8            Chemical Oxygen Demand (CQ\_DJ -The quantity of oxygen utilized in the chemical oxidation of organic matter as determined by standard labor procedures, and as expressed in terms of milligrams per liter (mg/l).
- Sec.9            Combatable Pollutant - Biochemical oxygen demand, suspended solids, ph, and fecal coliform bacteria, plus additional pollutants identified in the NPDES/SDS Permit if the treatment facilities are designed to treat such pollutants to a degree which complies with effluent concentration limits imposed by the permit.
- Sec. 10           Control Manhole - A structure specially constructed for the purpose of measuring flow and sampling of wastes.
- Sec.11           Easement - An acquired legal right for the specific use of land owned by others.
- Sec.12           Fecal Coliform - Any number of organisms common to the intestinal tract of man and animals whose presence in sanitary sewage is an indicator of pollution.
- Sec.13           Floatable Oil - Oil, fat, or grease in a physical state, such that it will separate by gravity from wastewater.
- Sec.14           Garbage - Animal and vegetable waste resulting from the handling, preparation, cooking, and serving of food.
- Sec.15           Incompatible Pollutant - Any Pollutant that is not defined as a compatible pollutant (Sec. 9) including non-biodegradable dissolved solids.
- Sec.16           Industry - Any nongovernmental or nonresidential user of a publicly owned treatment works which is identified in the Standard Industrial Classification Manual, latest edition, which is categorized in Divisions AB,D,E. and 1.
- Sec.17           Industrial Waste - Gaseous, liquid, and solid wastes resulting from industrial or manufacturing processes, trade or business, or from the development, recovery, and processing of natural resources, as distinct from residential or domestic strength wastes.
- Sec.18           Infiltration - Water entering the sewage system (including building drains and pipes) from the ground through such means as defective pipes, pipe joints, connections, and manhole walls.



- Sec. 19      Infiltration/Inflow (1/1) - The total quantity of water from both infiltration and inflow.
- Sec.20      Inflow- Water other than wastewater that enters a sewer system (including building drains) from sources such as, but not limited to, roof leaders, cellar drains, yard and area drains, foundations drains, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers, catch basins, surface runoff, street wash waters or drainage.
- Sec.21      Interference - The inhibition or disruption of the City's wastewater disposal system processes or operations which causes or significantly contributes to a violation of any requirement of the City's NPDES and/or SDS Permit. The term includes sewage sludge use or disposal by the City in accordance with published regulations providing guidelines under Section 405 of the Act or any regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria applicable to the method of disposal or use employed by the City.
- Sec. 22      MPCA- Minnesota Pollution Control Agency.
- Sec.23      National Categorical Pretreatment Standards - Federal regulations establishing pretreatment standards for introduction of pollutants in publicly-owned wastewater treatment facilities which are determined to be not susceptible to treatment by such treatment facilities or would interfere with the operation of such treatment facilities, pursuant to Section 307 (b) of the Act.
- Sec. 24      National Pollutant Discharge Elimination System (NPDES) Permit - A permit issued by the WCA, setting limits on pollutants that a permittee may legally discharge into navigable waters of the United States pursuant to Sections 402 and 405 of the Act.
- Sec. 25      Natural Outlet - Any outlet, including storm sewers and combined sewers, which overflow into a watercourse, pond, ditch, lake or other body of surface or ground water.
- Sec. 26      Non-contact Cooling Water - The water discharged from any use such as air conditioning, cooling or refrigeration, or during which the only pollutant added, is heat.
- Sec. 27      Normal Domestic Strength Waste - Wastewater that is primarily introduced by residential users with a BOD<sub>5</sub> concentration not greater than 188 mg/l and a suspended solids (TSS) concentration not greater than 204 mg/l.

- Sec. 28            Person - Any individual, firm, company, association, society, corporation, or group.
- Sec. 29            pH - The logarithm of the reciprocal of the concentration of hydrogen ions in terms of grams per liter of solution.
- Sec. 30            Pretreatment - The treatment of wastewater from industrial sources prior to the introduction of the waste effluent into a publicly-owned treatment works. (See Sec. 23).
- Sec.31            Properly Shredded Garbage - The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than 1/2-inch (1.27 cm) in any dimension.
- Sec. 32            Sewerage - The spent water of a community. The preferred term is wastewater.
- Sec.33            Sewer - A pipe or conduit that carries wastewater or drainage water.
- (a) Collection Sewer - A sewer whose primary purpose is to collect wastewaters from individual point source discharges and connections.
- (b) Combined Sew - A sewer intended to serve as a sanitary sewer and a storm sewer.
- (c) Forcemain - A pipe in which wastewater is carried under pressure.
- (d) Interceptor Sewer - A sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.
- (e) Private Sewer - A sewer which is not owned and maintained by a public authority.
- (f) Public Sewer - A sewer owned, maintained and controlled by a public authority.
- (g) Sanitary Sewer - A sewer intended to carry only liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters which are not admitted intentionally.

(h) Storm Sewer or Storm Drain - A drain or sewer intended to carry storm waters, surface runoff, ground water, sub-surface water, street wash water, drainage, and unpolluted water from any source.

Sec.34 Shall – is mandatory, May is permissive

Sec. 35 Significant Industrial Use - Any industrial user of the wastewater treatment facility which has a discharge flow (1) in excess of 25,000 gallons per average work day, or (2) has exceeded five percent (5%) of the total flow received at the treatment facility, or (3) whose waste contains a toxic pollutant *in* toxic amounts pursuant to Section 307 (a) of the Act, or (4) whose discharge has a significant effect, either singly or in combination with other contributing industries, *on* the wastewater disposal system, the quality of sludge, the system's effluent quality, or emissions generated by the treatment system.

Sec. 36 Slug - 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 24-hour concentration of flows during normal operation, and shall adversely affect the collection and/or performance of the wastewater treatment works.

Sec. 37 State Disposal System (SDS) Permit - Any permit (including any terms, conditions and requirements thereof) issued by the WCA pursuant to Minnesota Statutes 115.07 for a disposal system as defined by Minnesota Statutes 115.01, Subdivision 8.

Sec. 38 Superintendent - The wastewater superintendent or a deputy, agent or representative thereof

Sec. 39 Suspended Solids (SS) or Total Suspended Solids (TSS) - The total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater", latest edition, and referred to as non-filterable residue.

Sec. 40 Toxic Pollutant - The concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse affect as defined in standards issued pursuant to Section 307 (a) of the Act.

Sec. 41 Unpolluted Water - Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards, and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities.(See "non-contact Cooling Water", Sec.23).

- Sec. 42 User - Any person who discharges or causes or permits the discharge of wastewater into the City's wastewater disposal system,
- Sec. 43 Wastewater - The spent water of a community and referred to as sewage. 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 ground water, surface water and storm water that may be present.
- Sec. 44 Wastewater Treatment Works or Treatment Works - An arrangement of any devices, facilities, structures, equipment, or processes owned or used by the City for the purpose of the transmission, storage, treatment, recycling, and reclamation or municipal sewage, domestic sewage or industrial wastewater, or structures necessary to recycle or reuse water including interceptor sewers, outfall sewers, collection sewers, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof, elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works including land which is an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.
- Sec. 45 Watercourse - A natural or artificial channel for the passage of water, either continuously or intermittently.
- Sec. 46 WPCF - The Water Pollution Control Federation.

## ARTICLE II

### CONTROL BY TBE WASTEWATER SUPERINTENDENT

#### Sec. I

The Wastewater Superintendent shall have control and general supervision of all public sewers and service connections in the City, and shall be responsible for administering and provision of this ordinance to the end that a proper and efficient public sewer is maintained.

## ARTICLE III

#### Sec. I

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 jurisdiction, any human or animal excrement, garbage or objectionable waste.

- Sec. 2 It shall be unlawful to discharge to any natural outlet any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance and the City's NPDES/SDS Permit.
- Sec.3 Except as provided hereinafter, 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 wastewater.
- Sec. 4 The owner (s) of all houses, building, or properties used for human occupancy, employment, recreation or other purposes from which wastewater is discharged, and which is situated within the City and adjacent to any street, alley, or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer of the City, may be required at the owner (s) expense to install a suitable service connection to the public sewer in accordance with provisions of this Code, within Jbia (30) days of the date said public sewer is operational, provided said public sewer is with 500 feet of the structure generating the wastewater. All future buildings constructed on property adjacent to the public sewer shall be required to immediately connect to the public sewer. If sewer connections are not made pursuant to this section, an official thirty (30) day notice shall be served instructing the affected property owner to made said connection.
- Sec. 5 In the event an owner shall fail to connect to a public sewer in compliance with a notice given under Article II, Section 4 of the Ordinance, the City must undertake to have said connection made and shall assess the cost thereof against the benefited property. Such assessment, when levied, shall bear interest at the rate determined by the City Council and shall be certified to the Auditor of the County of LeSueur, Minnesota and shall be collected and remitted to the City in the same manner as assessments for local improvements. The rights of the City shall be in addition to any remedial or enforcement provision of this ordinance.

#### ARTICLE IV

##### PRIVATE WASTEWATER DISPOSAL

- Sec. 1 Where a public sewer is not available under the provisions of Article III, Section 4, the building sewer shall be connected to a private wastewater disposal system complying with the provision of this Article.

- Sec.2 Prior to commencement of construction of a private wastewater disposal system, the owner (s) shall first obtain a written permit signed by the City. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary to the City.
- Sec.3 A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the City of its authorized representative. The City or its representative shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the City when work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 72 hours of the receipt of notice.
- Sec.4 The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of 6 MCAR 4.8040, entitled, "Individual Sewage Treatment System Standards." No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- Sec.5 At such time as a public sewer becomes available to a property serviced by a private wastewater disposal system, a direct connection shall be made to the public sewer within thirty (30) days in compliance with the Ordinance, and within thirty (30) days any septic tanks, cesspools, and similar private wastewater disposal systems shall be cleaned of sludge. The bottom shall be broken to permit drainage, and the tank or pit filled with suitable material.
- Sec. 6 The owner (s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the City.
- Sec. 7 No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the WCA or the Department of Health of the State of Minnesota.

## ARTICLE V

### BUILDING SEWERS AND CONNECTIONS

- Sec.1 Any new connection(s) to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to capacity for flow, BOD5, and Suspended Solids, as determined by the Superintendent.

- Sec.2 No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City
- Sec.3 Applications for permits shall be made by the owner or authorized agent and the party employed to do the work, and shall state the location, name of owner, street number of the building to be connected, and how occupied. No person shall extend any private building beyond the limits of the building or property for which the service connection permit has been given.
- Sec.4 There shall be (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. These permit fees shall be set from time to time by a City Council resolution. In either case, the application shall be supplemented by any plans, specifications, or any other information considered pertinent in the judgment of the City. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.
- Sec.5 All costs and expenses incidental to the installation and connections of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the City from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.
- Sec.6 A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. The budding sewer from the front building may be extended to the rear building and the whole considered one building sewer. The City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such connection aforementioned.
- Sec.7 Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent or his representative, to meet all requirements of this ordinance.
- Sec.8 The size, slopes, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and back-filling of the trench, shall all conform to the requirements of the State of Minnesota Building and Plumbing Code or other applicable rules and regulations of the City. In the absence of code provisions or in the amplification thereof, the materials and procedures set fort in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9, shall apply.

- Sec.9 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 sewer carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- Sec.10 No person(s) shall made connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or indirectly to the wastewater disposal system.
- Sec.11 The connection of the building sewer into the public sewer shall conform to the requirements of the State of Minnesota 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 the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight, and verified by proper testing to prevent the inclusion of infiltration/inflow. Any deviation from the prescribed procedures and materials must be approved by the City prior to installation,
- Sec.12 The applicant for the building sewer permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer. The connection and inspection shall be made under the supervision of the superintendent or authorized representative thereof
- Sec.13 All excavations for building sewer installation shall be adequately guarded with barricades and flags 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 City.
- Sec.14 No person shall make a service connection with any public sewer unless regularly licensed under this chapter to perform such work, and no permit shall be granted to any person except such regularly licensed person.
- Sec.15 Any person desiring a license to make a service connection with public sewers, shall apply in writing to the City Council with satisfactory evidence that the applicant or employer is trained or skilled in the business and qualified to receive a license. All applications shall be referred to the Superintendent for recommendations to the Council. If approved by the Council, such license shall be issued by the City Clerk upon the filing of a bond as hereinafter provided.