

300 Public Property and Improvements

301. Excavation of Streets

301.01. Permit Required. No person shall dig or cause any digging to be done on any public street or alley without first securing a permit therefore as herein provided.

301.02. Procedure. Any person desiring to dig or to cause any digging to be done on any public street or alley shall file with the administrator an application describing the proposed project, its beginning, course, terminus and depth of such streets or alleys. If the proposed digging project appears to comply with the ordinances of the city and the law, the administrator shall forthwith issue a permit therefore which shall authorize the proposed digging project to begin twenty-four hours thereafter. The applicant shall be responsible for contacting Gopher State One Call to obtain locations of any underground utilities prior to beginning the project. No such digging shall unlawfully interfere with any existing utility. A fee shall be charged per Chapter 212, Subd. 2. (Amended by Ordinance No. 00-02 passed April 24, 2000.)

301.03. Insurance. No permit shall be issued pursuant to this section unless the applicant shall provide proof of liability insurance in the amount of \$1,000,000 per person and \$1,000,000 per incident; and \$1,000,000 for property damage. (Amended by Ordinance No. 00-02 passed April 24, 2000.)

302. Parks

302.01. Reservations.

Subd. 1. Riverside Park and Lions Shelter. The city park and shelter shall be available for the use of all of the people in the area for picnics. Reservations for use of the Lions' Shelter may be made through the clerk/treasurer or designee and shall be granted in the order received. The grant or reservation of the Lions' Shelter shall not prohibit any other person from using park facilities other than the shelter during the same period as the reservation period.

Subd. 2. Chuck Francis Memorial Lions Center. The Chuck Francis Memorial Lions Center (Center) shall be available for use by members of the public only upon reservation. Reservations for the use of the center shall be made through the clerk/treasurer or designee and shall be granted in the order received. The grant or a reservation for the center shall not prohibit any other person from using park facilities other than the center during the period of the reservation.

- (1) The council shall, by resolution, establish rental rates for the: Center. The council may, by resolution, waive rent for the shelter for any charitable, civic, fraternal, religious, scientific, public safety, literary, educational, or other similar organizations. The city and its various departments shall not be required to pay rent for the Center.
- (2) The council shall, by resolution, establish a reasonable damage deposit for the Center. If no deposit is established then the damage deposit shall be \$100.00. The council may, by resolution, waive damage deposit for the shelter for any charitable, civic, fraternal, religious, scientific, public safety, literary, educational, or other similar organizations. The city and its various departments shall not be required to pay damage deposit for the Center. If the Center is left by the user in a clean undamaged condition, then the deposit shall be returned; otherwise the cost of cleaning and repairs shall be deducted from the deposit and the remainder shall be returned to the user. If the cost of cleaning and repair exceeds the deposit, the person or organization which reserved the center shall pay the city the excess cost.
- (3) The City may refuse to rent the Center to any person or organization that has previously damaged the Center, refused to pay for damage or cleaning, or violated Section 302.02 of this code.

Subd. 3. Gazebo Rental. The City Council shall by resolution establish rental rates for the gazebo. The Council may, by resolution, waive rent for the gazebo for any charitable, civic, fraternal, religious, scientific, public safety, literary, educational or other similar organizations. The City and its various departments shall not be required to pay rent for the gazebo. The Council shall also establish a reasonable damage deposit for the gazebo.

(Section 302.01 amended by Ordinance 00-01 passed April 24, 2000.)

302.02. Regulations.

Subd. 1. Overnight Use. The city park shall not be used or occupied between 10:00 p.m. and 6:00 a.m. of the following day. Overnight camping or parking is prohibited. The Center may be used until midnight of the day for which it is reserved. The council may allow the Center to be used after midnight by permit granted upon such reasonable conditions relating to health, safety, and welfare as the council shall determine. Violation of such conditions shall be a misdemeanor, and shall be cause for refusal to rent to the organization or person on subsequent occasions. (Amended by Ordinance 90-12 passed November 13, 1990.)

Subd. 2. Vandalism. No person shall remove, break, destroy, injure, mutilate, deface or damage in any way any structure, monument, statue, vase, fountain, fence, railing, flag pole, vehicle, bench, tree, shrub, fern, plant, flower, fireplace, or other property in the park.

Subd. 3. Noise. Noises or obnoxious behavior reasonably tending to annoy other persons within or without the park is prohibited.

Subd. 4. Motorized Vehicles Prohibited. No person unless engaged in official city business or otherwise specifically authorized by the city administrator shall operate a motorized vehicle in any park or open space within the city. (Added by Ordinance 85-4, Passed May 28, 1985.)

Subd. 5. Park Rules. The following rules shall apply to person's using all of the city's Parks. Hours are 7:00 a.m. to 10:00 p.m.

- (1) Please keep park grounds clean.
- (2) No loud music.
- (3) No motorized vehicles.
- (4) No overnight camping.
- (5) Snowmobiles prohibited.
- (6) No parking on grass or trailways.
- (7) Leash and clean up after your dog.
- (8) The City is not responsible for personal injury or lost, stolen or damaged items.

Subd. 6. Skate Park Rules. The following rules shall apply to person's using the skate park. Hours are dawn to dusk. (Amended by Ordinance 03-09, dated November 10, 2003)

- (1) Helmets and other protective gear recommended.
- (2) Observers and others not skating are to stay off skate pad.
- (3) Do not crowd ramps.
- (4) No bikes or motorized vehicles.
- (5) No food, beverage, or gum on skate pad.
- (6) No profanity, graffiti, vandalism, or littering.

- (7) No alcohol, tobacco, or illegal drug use.
- (8) The City is not responsible for personal injury, or lost, stolen or damaged items.

303. Current Services Assessments

303.01. Definition. "Current service" means one or more of the following: weed elimination from street grass plots adjacent to sidewalks, or from private property; street flushing; light street oiling, or other dust treatment of streets; repair of sidewalks; trimming and care of trees and removal of unsound trees from the public streets; and abatement of health or safety nuisances pursuant to Chapter 901.

303.02. Weed Elimination. On or before June 1 of each year, the clerk-treasurer shall publish once in the official newspaper a notice directing owners and occupants of property within the city to destroy all weeds defined to be a nuisance by 901.02(9). In the event that any owner or occupant shall fail to abate a weed nuisance after published notice, the city may cause the nuisance to be abated pursuant to Chapter 901.

303.03. Sidewalk Repair. The repair of bituminous trailways and residential sidewalks and are part of the trailways and will be funded 100% by the City. Sidewalks that are part of the trailways but are adjacent to commercial properties will be assessed 50%. The sidewalks adjacent to churches and schools will be assessed 100%. The administrator or such other person as the council may designate, may inspect sidewalks to determine if they are in good repair and safe for pedestrians. (Amended by Ordinance No. 00-08, passed December 26, 2000.)

303.04. Street Sprinkling, Flushing, Tree Care, etc.

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

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

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

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

304. Deferment of Special Assessments

(Section 304 added by Ordinance 94-10, passed May 24, 1994.)

304.01. Definition. Special Assessments refers only to local improvements that the city has financed with Special Assessments.

304.02. Deferment of Special Assessments for Senior Citizens and Disabled Persons. M.S. 435.193-195 allows cities to defer special assessment for senior citizens and disabled persons.

304.03. Criteria. To be eligible for this deferment, a person must meet the following criteria: He or she must be either at least 65 years old, or retired because of a permanent and total disability; have an annual income from all sources not to exceed the low income limit as established by the Department of Housing and Urban Development as used in determining the eligibility for Section VIII housing; and the deferral applies to special assessments levied against properties classified as "homestead" pursuant to M.S. Chapter 273.

304.04. Application. Application must be submitted on a form prescribed by the county assessor supplemented by the city clerk to establish the qualification of the owner for such deferment. The application shall be made within 30 days after the adoption of the assessment roll by the council and shall be renewed each following year upon the filing of a similar application not later than September 30.

304.05. Interest. Interest shall be charged and due each year on any assessment deferred pursuant to this Code at a rate equal to the rate charged on other assessments for the particular public improvement project the assessment is financing.

304.06. Exceptions. In cases where exceptional and unusual circumstances exist, the City Council may determine that a hardship exists despite the fact that the minimum income requirements of Section 303.03 are not met; such cases shall be decided by Council on a case by case basis.

304.07. Termination of Deferment. The option to defer the payment of special assessments pursuant to this Code shall terminate and all installment amounts previously deferred, plus applicable interest, shall become due upon the occurrence of any of the following events:

- (1) Request of property owner.
- (2) Death of property owner 65 years of age or older or retired because of a permanent and total disability.
- (3) Loss of permanent and total disability status.
- (4) Sale, transfer or subdivision of the property or any part thereof.
- (5) The City Council determines that hardship no longer exists.
- (6) The property, for any reason, loses its homestead status.

304.08. Administration. If the Council grants the deferment, the Clerk shall notify the County Auditor and the County Assessor, who shall, in accordance with M.S. 444.23, record a notice of the deferment with the Register of Deeds setting forth the amount of the assessment.

304.09. Filing Fee. A filing fee, as established by the Administrator, must be submitted with the application before council will consider the deferment.

305. Railway Property

(Section 305 added by Ordinance 01-05, passed July 24, 2001.)

305.01. Damage. It is unlawful to break down or carry away any part of any fence, bars, or gate at a crossing over any railway track, or plank used for such crossing, or to destroy or injure any hedge, ditch, or other structure used or intended as a fence to include any railroad tracks. It is unlawful to use a gate or bars, or opening the same for any purpose, at any railway crossing, to permit an animal to stray upon a railway track or enclosed right of way, or to leave such bars down, or gate open, so that animals may stray on such railway track. It is unlawful to lead, drive, or turn upon such track any animal for grazing or other purposes.

305.02. Trespass. It is unlawful for a person, not an employee of a railway company, without permission from such company, on foot or with any animal or vehicle, to enter upon any railway bridge or trestle, or to, without a permit, ride, operate, or propel any vehicle on or along the track of a railway.

305.03. Obstruction. No person shall obstruct any public road or street by leaving, placing, keeping, or causing to be left, placed, or kept any railway car upon or across the same, or to stop or cause to be stopped any engine or train of cars across any public road or street except for a sufficient time, not exceeding ten minutes, to couple or separate the cars.