

600 Licensing

601. Public Dancing

601.01. Permits. No person shall conduct a public dance in the City unless a permit shall have been procured therefore from the council. Fees for such permits shall be established pursuant to Chapter 212.

601.02. Application. Any person or persons desiring a permit to hold or conduct a public dance in the City shall make application therefore on blanks furnished by the clerk-treasurer. The application shall set forth the name and address of the person, persons, committee, or organization which is to conduct the dance; time and place where such dance is to be held; and any other information requested by the council. The application shall also show affirmatively that each of the applicants is a person of good moral character and reputation in the community in which he lives; and that none of the applicants has within five years prior to the making of such application been convicted of a felony, gross misdemeanor or of violating any of the provisions of Minnesota Statutes 624.42 to 624.54, inclusive; or alternately shall include competent evidence of sufficient rehabilitation and present fitness pursuant to Minnesota Statutes 364.03.

601.03. Granting of a Permit; Permit to be Posted. The clerk-treasurer shall refer such application and the accompanying affidavits to the council, which in its discretion may grant or refuse to grant the permit applied for. In case the permit be issued, the same shall be posted in a public place in the dance hall described therein during the time the dance is being given, and the persons named in the permit shall be responsible under the law for the manner in which such dance is to be held and conducted.

601.04. Immodest Dances Prohibited. No person shall dance, nor shall any person to whom such permit is issued permit or suffer any person to dance in any public dance hall any indecent or immoral dances or any dance which is characterized by immodest motion of the body. No person shall in any public dance hall act or speak in rude, boisterous, obscene or indecent manner, nor shall any person to whom a permit has been issued suffer or permit any person to so act or speak therein.

601.05. Conduct. No person shall engage himself in brawling, fighting, or use offensive, obscene or abusive language or engage in noisy conduct, any of which tend to disturb the peace, comfort and repose of persons in said dance hall or of persons beyond the immediate environs of the place in which the dance is being conducted. (Amended by Ordinance No. 91-05, passed July 9, 1991)

602. Amusement Centers and Amusement Devices

602.01. Definitions.

Subd. 1. Machine. "Machine" means a mechanical amusement device of any of the following types:

- (1) A machine or contrivance, including electric games, "pinball" machines, mechanical pool tables, foosball, bowling machines, shuffle boards, electric rifle or gun ranges, miniature mechanical devices and games or amusements patterned after baseball, basketball, hockey, and similar games and like devices, machines, or games which may be played solely for amusement and not as a gambling device and which devices or games are played by the insertion of a coin or coins or at a fee fixed and charged by the establishment in which such devices or machines are located, and which contain no automatic payoff devices for the return of coins, merchandise, checks, tokens or any other thing or item of value; provided, however, that such machine may be equipped to permit a free play or game.
- (2) Amusement devices designed for and used exclusively as rides by children, such as; but not limited to, kiddie cars, miniature airplane rides, mechanical horses, and other miniature mechanical devices not operated as a part of or in connection with any carnival, circus, show, or other entertainment or exhibition.

Subd. 2. Amusement Center. "Amusement Center" means any place wherein any person operates thirteen or more machines for public use upon premises solely within one enclosure. Video games of chance (as defined in Minn. Stat. §349.50, Subd. 8, or any similar statute enacted hereafter), located and operated in accordance with applicable Minn. Statutes (including but not limited to Minn. Stat. §349.50 et. seq.) shall not be considered in determining if any premises is an amusement center. (Amended by Ordinance No. 86-10, passed September 23, 1986, and Ordinance No. 91-05, passed July 7, 1991)

602.02. Licenses Required.

Subd. 1. Amusement Center and Machine License. No person shall own, operate or permit operation of a machine and/or an amusement center on premises owned, leased or operated by him, or engage in the business of operating an amusement center, in the City unless an amusement center or machine license has been obtained.

Subd. 2. Exceptions. Nothing in this chapter shall be construed to require licensing of coin-operated music boxes, more commonly known as "juke-boxes". Nothing in this chapter shall be held to apply to any machine held or kept for sale or storage and which is not actually in use or displayed for use.

602.03. Application. The application for such licenses shall contain the following information:

- (1) Name and address of the applicant, age, date and place of birth.
- (2) Prior convictions for violation of law of applicant, if any.

- (3) Place where machine or device is to be displayed or operated and the business conducted at that place.
- (4) If the interest of the applicant be that of a corporation or other business entity, the names of any persons having a five percent (5%) or more interest in said business entity shall be listed.
- (5) For all amusement centers, the applicant shall provide proof of general liability insurance in a form acceptable to the City. Said insurance shall provide minimum coverage of \$300,000 per occurrence and \$100,000 per individual and \$50,000 property damage.

602.04. Issuance. A copy of each application for license shall be referred to the designated law enforcement agency. The designated law enforcement agency or its designee shall investigate the location wherein it is proposed to operate the amusement center and shall ascertain if the applicant is of good moral character. On the basis of his investigation, the police chief shall recommend either approval or denial of the license. The completed application, together with the police chief's report and recommendation, shall be presented to the council which shall in its discretion grant or refuse the license.

602.05. Term and Fee. Licenses for amusement centers and machines shall cover an annual period from July 1 to June 30. The license fee shall be established pursuant to Chapter 212. The initial license fee for each applicant shall be prorated as of the date of the application.

602.06. Display of License. The license shall be posted permanently and conspicuously at the location of the machine in the premises wherein the device is to be operated or maintained to be operated.

602.07. Location of Machine. No machine shall be located, placed, maintained or operated on any public street, avenue, boulevard, lane, alley or other public ground within the City. No machine shall be so located that its operation will create a nuisance.

602.08. Gambling Restrictions.

Subd. 1. Multiple Machines. No such machine shall be so constructed, maintained or operated as to be capable of taking more than one coin, token or slug per player for any one game.

Subd. 2. Use for Gambling. It shall be unlawful for the owner of any such machine, or for the owner or operator of any establishment where it is located, to permit the same to be used for gambling or for the making of bets or wagers.

Subd. 3. Pay-offs. It shall be unlawful for the licensee or for the owner or operator of the establishment where such machine is located to give any money, token, merchandise or any other thing of value or any reward or prize in lieu of free games registered on such machine, and all free games so registered shall be played on the machine registering such free games, and there shall be no device on the machine whereby the operator can cancel registered free games.

Subd. 4. Automatic Pay-offs. No person shall keep, maintain, sell or permit to be operated in his place of business any machine which has been converted into an automatic pay-off device which shall automatically award money, prizes, tokens, merchandise, gifts or anything of value, other than free games to the operator or player of such machine. No person shall convert any machine into an automatic pay-off device.

Subd. 5. Destruction of Illegally Operated Machines. Any machine which shall have been made use of in violation of Section 602.08, Subd. 2, Subd. 3 or Subd. 4 of this chapter may be seized and destroyed in compliance with the provisions of the Statutes of the State of Minnesota relating to gambling devices.

602.09. Amusement Centers Restrictions.

Subd. 1. Hours. Amusement centers shall be closed at 10:00 P.M. each day and shall not open until 9:00 A.M. on weekdays or until 12:00 noon on Sundays.

Subd. 2. Nuisance. No amusement center nor any coin-operated amusement device or coin-operated musical device therein shall be operated so as to constitute a public nuisance.

Subd. 3. Order. It shall be the responsibility of the licensee to maintain order on the licensed premises at all times.

Subd. 4. Fire Regulations. It shall be the responsibility of the licensee to see that the licensed premises do not become overcrowded so as to constitute a hazard to the health or safety of persons therein. The City fire chief may designate the maximum number of persons to be permitted on the licensed premises.

Subd. 5. Attendant. The licensee shall provide reasonable adult supervision, with a minimum of one, taking into consideration the number of machines and patrons, and the number, nature, type and proximity of other businesses in the premises or in the vicinity.

Subd. 6. Alcohol and Drugs. It shall be unlawful for any person engaged in the business of operating an amusement center to sell, offer for sale, or knowingly permit to be sold or offered for sale or to be dispensed or consumed or knowingly brought on the licensed premises any alcoholic beverages, controlled substances, or to knowingly allow any illegal activity upon the licensed premises.

Subd. 7. Food. (Subd. 7, Food, repealed in its entirety by Ordinance 88--13, passed December 14, 1988.)

Subd. 8. Intoxicated Persons. The licensee of an amusement center shall not permit intoxicated persons to remain on the premises.

Subd. 9. Building Codes. The amusement center and the premises in which amusement devices are located shall conform to all building and fire prevention codes of the City. The building inspector or fire inspector may enter said premises at any time during normal business hours, for the purpose of inspecting said premises for fire hazards. All law enforcement personnel of the City shall have the right to enter said premises at any time during normal business hours, for the purpose of enforcement of the terms of this chapter.

Subd. 10. Curfew. The licensee and his employees and agents shall adhere to the provisions of this code relating to minors. No licensee, nor his employees, or agents, shall knowingly permit a minor to be present on the premises in violation of curfew laws, nor knowingly permit a person under the age of seventeen (17) years to be present on the premises when school is in session unless on a valid excused absence.

Subd. 11. Smoking Material. No smoking material of any type is to be sold upon licensed premises.

Subd. 12. Lighting. The interior of an amusement center shall be illuminated as to insure proper and complete observation of patrons at all times. The building inspector may require conformance with his recommended standards for lighting levels to carry out the intent of this subdivision.

Subd. 13. Owner Responsibility. It shall be unlawful for any person, firm, partnership, or corporation engaged in the business of operating an amusement center to knowingly allow any illegal activity upon the licensed premises.

602.10. Transfer. An amusement center license is purely a personal privilege and shall not constitute property. It is not transferable in any manner.

602.11. Suspension and Revocation. The council may suspend for a period not to exceed sixty days or revoke any license for violation of any provision of this chapter or state law. No license shall be suspended or revoked unless the licensee has been given written notice and a public hearing. The notice shall give at least ten days notice of the time and place of the hearing, and shall state the nature of the charges against the licensee. The council may, without any advance notice or hearing, suspend any license pending a hearing on revocation for a period of not exceeding fifteen days, for violations of this chapter or state law.

603. Large Assemblies

603.01. Purpose. It is the purpose of the council of the City to regulate the assemblage of large numbers of people, in excess of those normally needing the health, sanitary, fire, police, transportation and utility services regularly provided in the City, in order that the health, safety, and welfare of all persons in the City, residents and visitors alike, may be protected.

603.02. Definition. "Assembly" means a company of persons gathered together at any location at any single time for any purpose.

603.03. License Required.

Subd. 1. Generally. No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage, or sell or give tickets to an actual or reasonably anticipated assembly of 250 or more people which continues or can reasonably be expected to continue for four or more consecutive hours, whether on public or private property, unless a license to hold the assembly has first been issued by the council. A license to hold an assembly issued to one person shall permit any person to engage in any lawful activity in connection with the holding of the licensed assembly.

Subd. 2. Daily License. A separate license shall be required for each day and each location in which 250 people assemble or can reasonably be anticipated to assemble.

Subd. 3. Fee. The fee for each license shall be established pursuant to Chapter 212.

Subd. 4. Exceptions. This chapter shall not apply to any regularly established permanent place of worship, stadium, athletic field, arena, auditorium, coliseum, or other similar permanently established place of assembly for assemblies which do not exceed by more than 50% the maximum seating capacity of the structure where the show or exhibition is held.

Subd. 5. Public Property. This chapter shall not apply to activities conducted upon City ground or public property with the prior approval of the council, provided, however, that the City shall make appropriate conditions on the use of the park and public property to assure compliance with the intent of this chapter.

603.04. Conditions of Issuance. No license shall be issued unless the applicant shall make provision for the following:

- (1) A fence or barrier (sufficient to prevent ingress/exit except at established gates) completely enclosing the proposed location of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds, which shall have sufficient entrances and exits to allow easy movement into and out of the assembly grounds and provide traffic control onto established public road systems;
- (2) Potable water, meeting all Federal and state requirements for sanitary quality, sufficient to provide drinking water for the maximum number of people to be assembled at the rate of at least one gallon per person per day and where the

assembly is to continue for more than 12 hours, water for bathing at the rate of at least 10 gallons per person per day, or portion of a day;

- (3) Separate enclosed toilets for males and females, meeting all state and local specifications, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled, in accordance with the Minnesota State Board of Health Regulations and Standards;
- (4) A sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least 2.5 lbs. of solid waste per person per day, together with a plan for holding and collecting all such waste at least once each day of the assembly, and sufficient trash containers and personnel to perform tasks;
- (5) Physicians and nurses licensed to practice in Minnesota sufficient to provide the average medical care enjoyed by residents of Minnesota for the maximum number of people to be assembled at the rate of at least one physician and nurse for every 1,000 people, together with an enclosed covered structure where treatment may be rendered, containing separately enclosed treatment rooms for each physician, and at least two emergency ambulances with attendants for each 1,000 people;
- (6) If the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five foot candles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly;
- (7) A free parking area inside of the assembly grounds sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least one parking space for every four persons;
- (8) Telephones connected to outside lines sufficient to provide service to the maximum number of people to be assembled at the rate of at least one separate line and receiver for each 500 persons;
- (9) If the assembly is to continue overnight, camping facilities in compliance with all state and local requirements as set forth in Minnesota Statutes and regulations and ordinances of the City, sufficient to provide camping accommodations for the maximum number of people to be assembled;
- (10) Security and traffic, and narcotics control plan which will meet the requirements of local authorities and the Minnesota Department of Public Safety; regularly employed off-duty Minnesota law enforcement officers or protective agents licensed in Minnesota sufficient to provide adequate security for the maximum number of people to be assembled; at least one security guard for every 100 people will be provided for the first 1,000 people to assemble; for assemblies of more than 1,000 people, additional security guards will be provided at the rate of one for each 250 people or major fraction thereof;

- (11) Fire protection shall be provided by the sponsor which may include, but not be limited to, fire alarms, extinguishing devices, and fire lanes, and which shall be sufficient to meet all applicable state laws and local regulations which are in effect, or may be set forth by the political subdivision concerned; and sufficient emergency personnel to efficiently operate the required equipment will be provided by the sponsor;
- (12) All reasonably necessary precautions to insure that the sound of the assembly will not carry unreasonably beyond the enclosed boundaries of the location of the assembly;
- (13) Administrative control center with telephones where local authority can contact the sponsors and law enforcement personnel inside the assembly area;
- (14) Direction of pedestrians and vehicle traffic to prevent trespass on private abutting property;
- (15) Prevention on littering and deposit of waste materials on private and public property, and clean-up of private and public property; and
- (16) A bond, filed with the clerk-treasurer of the City, either in cash or underwritten by a surety company licensed to do business in Minnesota in the minimum amount of \$300,000.00, which shall indemnify and hold harmless this political subdivision or any of its agents, officers, servants, and employees from any liability or causes of action which might arise by reason of granting this license, payment of employees, or services rendered by the granting authority, and from any cost incurred in cleaning up any waste material produced or left by the assembly.

603.05. Application.

Subd. 1. Generally. Application for a license must be made at least 30 days in advance of the assembly. Each application shall be in writing and shall contain a statement made under oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed and sworn to or affirmed by the individual making application in the case of a corporation, by all partners in the case of a partnership or by all officers of an unincorporated association, society or group, or, if there are no officers, by all members of such association, society, or group.

Subd. 2. Contents. Each application shall contain the following:

- (1) The name, date of birth, fingerprints, residence, and mailing address of all persons required to sign the application by Subdivision 1, and, in the case of a corporation, a certified copy of the articles of incorporation together with the name, date of birth, residence, and mailing address of each person holding 10% or more of the stock of said corporation;
- (2) The address and legal description of all property upon which the assembly is to be held, together with the name, residence, and mailing address of the record owner(s) of all such property;

- (3) Proof of ownership of all property upon which the assembly is to be held or a statement made upon oath or affirmation by the record owner(s) of all such property that the applicant has permission to use such property;
- (4) The nature or purpose of the assembly;
- (5) The total number of days and/or hours during which the assembly is to last;
- (6) The maximum number of persons which the applicant shall permit to assemble at any time, not to exceed the maximum number which can reasonably assemble at the location of the assembly, in consideration of the nature of the assembly, or the maximum number of persons allowed to sleep within the boundaries of the location of the assembly by the zoning regulations of the City if the assembly is to continue overnight;
- (7) The maximum number of tickets to be sold, if any;
- (8) The plans of the applicant to limit the maximum number of people permitted to assemble.

Subd. 3. Plans. Attached to each application shall be complete plans for complying with the requirements of 603.04, specifically including the following:

- (1) The plans for fencing the location of the assembly and the gates contained in such fence;
- (2) The plans for supplying potable water including the source, amount available, and location of outlets;
- (3) The plans for providing toilet and lavatory facilities including the source, number, and location, type, and means of disposing of waste deposited;
- (4) The plans for holding, collection, and disposing of solid waste material;
- (5) The plans to provide for medical facilities including the location and construction of a medical structure, the names and addresses and hours of availability of physicians and nurses, and provisions for emergency ambulance service;
- (6) The plans, if any, to illuminate the location of the assembly including the source and amount: of power and the location of lights;
- (7) The plans for parking vehicles including size and location of lots, points of highway access and interior roads including routes between highway access and parking lots;
- (8) The plans for telephone service including the source, number and location of telephones;
- (9) The plans for camping facilities, if any, including facilities available and their location;

- (10) The plans for security including the number of guards, their deployment, and their names, credentials and hours of availability;
- (11) The plans for fire protection as may be required by 603.04 (11);
- (12) The plans for sound control and sound amplification, if any, including number, location, and power of amplifiers and speakers;
- (13) The plans for food concessions and concessionaires who will be allowed to operate on the grounds including the names and addresses of all concessionaires and their license or permit numbers;
- (14) The plans for the direction and control of pedestrians and vehicle traffic for safety and to prevent trespass;
- (15) The plans for area traffic control for egress from and exit onto public roads or highways; and
- (16) The plans for the prevention and clean up of litter and waste.

Subd. 4. Fee and Bond. Each application shall be accompanied by payment in full of the license fee. The bond or insurance policy required under 603.04 (16) shall be attached to the application.

Subd. 5. Other Licenses. Also attached to each application shall be certified copies of any other, necessary Minnesota state license or permit.

603.06. Issuance. The application for a license shall be processed within 20 days of receipt and shall be issued if all conditions are complied with. Ten days prior to the assembly, the council shall cause the premises to be inspected to determine whether the requirements of this chapter are met.

603.07. Revocation. The license may be revoked by the council at any time, if any of the conditions necessary for the issuing of or contained in the license are not complied with, or if any condition previously met ceases to be complied with.

603.08. Variance. In cases deemed appropriate, the council may, by unanimous resolution, grant a variance from any section of this chapter, where the variance will not deter from the basic intent and purpose of this chapter.

603.09. Conduct of Assembly. Each assembly licensed under this chapter shall be conducted in accordance with the following:

- (1) The license shall permit assembly of only the maximum number of persons stated in the license application. The license shall not sell tickets to or permit to assemble at the licensed location more than that number of persons.
- (2) The license shall not permit the sound of the assembly to carry unreasonably beyond the enclosed boundaries of the location of the assembly. The City hereby adopts by reference the regulations of Minnesota Pollution Control Agency Noise Pollution Control Section. Sound from the licensed activity shall not exceed the standard set for the protection of household or residential units.

- (3) In the event that any boundary of the licensed premises is within 500 feet of any residential dwelling, the licensed activity shall not be carried on between the hours of 8:00 P.M. and 8:00 A.M.
- (4) All persons sleeping during the night hours shall sleep only in a tent, camper, enclosed trailer, mobile home, building, or similar enclosed item.

603.10. Enforcement. In addition to all other penalties provided for violation of this code, the provisions of this chapter may be enforced as follows:

- (1) The provisions of this chapter may be enforced by injunction in any court of competent jurisdiction.
- (2) The holding of an assembly in violation of any provision or condition of this chapter shall be deemed a public nuisance and may be abated as such.
- (3) Any person who violates any provision or condition of this chapter shall forfeit an appropriate amount from the bond required under 603.04 (16). No portion of the bond shall be released to the sponsors until all provisions of the license agreement and this chapter have been met.

604. Bingo and Gambling

604.01. Statutes Incorporated by Reference. Minnesota Statutes §349.11 to §349.60 are hereby incorporated by reference.

(Chapter. 604 Amended by Ordinance No. 86-2, passed February 25, 198.)

604.06. Raffles.

Subd. 1. Where Located. A raffle shall be deemed to occur within the City only if the winners are determined within the City. Raffles shall be deemed to occur only on the premises on which the winners are determined.

Subd. 2. When Occurring. A raffle shall be deemed to occur on the day the winners are determined.

604.07. Inspection and Investigation. The City administrator, the City attorney, the City's auditors, any police officer and any City official or employee having a duty to perform with reference to this chapter may inspect and examine the records concerning lawful gambling of any licensed organization upon 24 hours notice.

604.08. Reports. All licensed organizations shall submit to the City clerk a copy of any reports it is required to make to the state of Minnesota. Any applicant for a license shall submit a copy of its application to the City.

604.09. Disapproval of Licenses.

Subd. 1. Receipt of Notice. Notice that an application for a license is pending before the Charitable Gambling Control Board shall be effective only when the City receives notice from the Board, even though the applicant or other person notifies the City prior to that time.

Subd. 2. Notice Submitted to Council. The City clerk shall submit any application for a gambling license he or she receives to the City council at the first regular council meeting after his or her receipt of the notice.

Subd. 3. Causes for Disapproval. The City council may disapprove an application, by resolution adopted by a majority vote, for a gambling license for the following reasons:

- (1) Failure to provide a copy of the license application to the City.
- (2) Failure of the application to specify the 72 hour period for which the license is sought.
- (3) Ten licenses have already been issued in the City during the current calendar year.

- (4) The applicant has already been granted three licenses for the current calendar year.
- (5) The applicant is in possession of a gambling license for which the 72 hour period referred to in section 604.04, Subd. 2, has not yet expired.
- (6) Any reason which would justify the Minnesota Charitable Gambling Control Board in denying a license.
- (7) Other good cause shown, upon a four-fifths vote of the council.

Subd. 4. Reasons to be Stated. A resolution disapproving an application for a gambling license shall state the reason or reasons for the disapproval.

(Chapter 604 amended by Ordinance 85-3, Passed May 13, 1985. Former Chapter 604. Bingo, repealed in its entirety by Ordinance 85-3, Passed May 13, 1985.)

605. Proceeds for Lawful Gambling

(Chapter 605 added by Ordinance No. 87-20, passed December 22, 1987)

605.01. Definitions.

Subd. 1. The terms contained in this section shall have the meaning described to them by the Minnesota Statutes §349.11 et. seq. and any successor statutes dealing with regulation of gambling.

Subd. 2. Net Profit. Net profits are profits less allowable expenses under the laws and regulations of the State of Minnesota relating to lawful gambling.

Subd. 3. Rockford Trade Area. For purposes of this code the Rockford Trade area shall mean the City of Rockford, the City of Greenfield, and that portion of the Rockford Township protected by the Rockford Fire Department pursuant to fire protection agreements between the City of Rockford and the Township of Rockford. (Added by Ordinance No. 90-13 passed November 13, 1990)

605.02. Donation Required.

Subd. 1. Any organization licensed to conduct lawful gambling within the City shall donate ten percent (10%) of its net profits from the conduct of lawful gambling to the Rockford Area Historical Society. Such donations shall be made to the Rockford Area Historical Society by the end of the month following the end of each calendar quarter. For purposes of this section a calendar quarter shall be deemed to end at 11:59 p.m. on the last day of March, June, September and December. (Amended by Ordinance No. 88-2, passed March 14, 1988)

Subd. 2. Organizations conducting lawful gambling within the City for which a gambling license is not required shall donate ten percent (10%) of its net profits from the conduct of such lawful gambling to the Rockford Area Historical Society within thirty-five (35) days after the gambling event.

Subd. 3. For purposes of this section, a raffle shall be deemed to have occurred within the City if the drawing for any of the prizes awarded pursuant to the raffle is held within the City.

Subd. 4. In addition to the donation required by Subdivisions 1 and 2 of this section, all organizations conducting lawful gambling within the City, with or without a license, shall spend 25% of its net proceeds on lawful purposes, as defined by applicable Minnesota laws and regulations, within the Rockford Trade Area within the same calendar year that such proceeds are received by the organization conducting the charitable gambling. Any expenditures made during January of any year may, at the option of the charitable organization, be deemed to have been made in the prior calendar year to the extent necessary to meet the requirements of the subdivision. (Added by Ordinance No. 90-13 passed November 13, 1990)

605.03. Reports. All organizations conducting lawful gambling within the City shall provide the City clerk with copies of all reports it provides to the Charitable Gambling Control Board. The City clerk may require such additional documentation as the clerk may deem

reasonably necessary to prove that organizations have met the requirements of Section 605.02, subdivisions 1, 2, and 4. (Amended by Ordinance No. 90-13 passed November 13, 1990)

605.04. Suspension, Revocation, Non-renewal of Licenses. If any organization shall fail to make the payments required by this chapter or fail to provide the City clerk with reports as required by this section, such failure shall be grounds for the City to recommend to the Charitable Gambling Control Board that the gambling license for such organization be suspended, revoked, or not renewed.

605.05. Effective Date. This section shall apply to all lawful gambling conducted in the City on and after January 1, 1988. The provisions of Section 605.02, Subd. 4, shall apply, to all lawful gambling conducted in the City on and after January 1, 1991. (Amended by Ordinance No. 90-13, passed November 13, 1990)

606 Tobacco

(Chapter 606 added by Ordinance No. 90-08, passed June 26, 1990)
(Amended Section 606 by Ordinance No. 02-04, passed May 28, 2002)

606.01. Definition. As used in this chapter, the term "tobacco" means and includes tobacco in any form, including but not limited to cigarettes, cigars, bagged, canned or package product, smokeless tobacco or tobacco in any other form.

606.02. License Required. The sale, possession, and use of tobacco, tobacco products, and tobacco related devices in the City of Rockford, County of Hennepin and County of Wright, shall be regulated and administered by the respective county in which the licensee is located as set forth in M.S. Section 461.12, pertaining to municipal tobacco licenses.

606.03 (reserved)

606.04 (reserved)

606.05 (reserved)

607 Taxicabs

(Chapter 607 added by Ordinance No. 92-04, passed March 24, 1992)

607.01. Definition. "Taxicab" means a motor vehicle engaged in the business of carrying persons for hire, having a seating capacity of less than ten persons and not operated on a fixed route.

607.02. License Required. No person shall engage in the taxicab business in the City without first having applied for and been granted a license to do so by the Council, except that any taxicab licensed to operate in any other municipality may carry passengers from said municipality to any place or point within the City and may receive passengers in the City for carriage to such municipality where so licensed. However, no operator or driver of such taxicab may solicit business in the City without being licensed under the provisions of this ordinance.

607.03. Application. In addition to such information as the City Clerk may require, the application shall include the following:

- (1) A statement covering each vehicle to be licensed, giving the full name and address of the owner, the make of the car, State license number and holder of legal title.
- (2) The name and address of the applicant.
- (3) The location from which such taxicab business shall be operated.
- (4) The employment history of the applicant.
- (5) Whether or not the applicant has ever been convicted of a felony.

607.04. Police Investigation. Prior to submitting an application for a taxicab license to the Council, the City Clerk shall request an investigation and report from the Sheriff's Department as to the facts stated in the application and as to the applicant's traffic and police record.

607.05. Council Procedure. The City Clerk shall submit to the Council at a regular meeting thereof the application together with a copy of the police report, and the applicant and any member of the public shall have an opportunity to be heard on the granting or refusal to grant a license.

607.06. License Fee. The annual fees for a licensee to operate a taxicab business shall be as set forth in Chapter 212. The license shall be issued for a period of one year and will expire on the last day of December.

607.07. Inspection of Vehicles and Equipment. Prior to the use and operation of any vehicle under the provisions of this chapter said vehicles shall be thoroughly examined and inspected per Council direction.

607.08. Designation of Taxicabs. Each taxicab shall bear on the exterior surface of the body in letters not less than two inches nor more than four inches in height the name of the owner or the company name under which he operates, and in addition may bear an identifying design approved by Council.

607.09. Taxi Meter Required. All taxicabs operated under the authority of this chapter shall be equipped with taxi meters fastened in front of the passenger, visible to the passenger at all times, day and night, and after sundown the faces of taxi meters shall be illuminated. Such taxi meters shall be operated mechanically by a mechanism of standard design and construction, driven either from the transmission or from one of the front wheels by a flexible and permanently attached driving mechanism. They shall be sealed at all points and connections which, if manipulated, would affect their correct reading and recording. Each taxi meter shall have thereon a flag to denote when the vehicle is employed and when it is not employed, and it shall be the duty of the driver to throw the flag of such taxi meter into a non-recording position at the termination of each trip. The said taxi meters shall be subject to inspection from time to time by the Sheriff's Department. Any inspector or other officer of said department is hereby authorized either on complaint of any person or without such complaint, to inspect any taxi meter and, upon discovery of any inaccuracy therein, to notify the person operating said taxicab to cease operation. Thereupon said taxicab shall be kept off the highways until the taxi meter is repaired and in the required working condition.

607.10. Rates. Every taxicab operated under this Chapter shall have a rate card setting forth the authorized rates of fare displayed in such a place as to be in view of all passengers.

607.11. Failure to Pay Fare. No person shall refuse or neglect to pay for the services, rent, or hire of any licensed taxicab upon discharging or renting the same with the intention to defraud the owner or licensee of the taxicab, or obtain the services, hire, possession, or use of any taxicab by color or aid of any false representation, pretense, token or writing, or obtain credit for such services, hire possession or use by color or aid of any false fraudulent representation, pretense, token or writing, or having hired any taxicab, shall willfully, recklessly, wantonly, or by gross negligence, injure or destroy, or allow or permit the same or any part thereof to be injured or destroyed, unless the owner or licensee of the taxicab has voluntarily extended credit to the person hiring, renting, or using such vehicle.

607.12. Deceiving Passengers. No person owning or driving a taxicab shall deceive any passenger who may ride in such vehicle, or who may desire to ride in such vehicle, as to his destination or the price authorized to be charged for such person, or shall convey such passenger or cause him to be conveyed to a place other than that directed by him.

607.13. Solicitation of Passengers. No person shall solicit passengers for a taxicab upon the streets of this City, except the driver of a taxicab when sitting upon the driver's seat of his vehicle. The driver of any taxicab shall remain on the driver's seat or inside his vehicle at all times when such vehicle is standing upon the taxicab stands or when actually engaged in carrying passengers; provided that nothing in this section shall be held to prohibit such driver from alighting to the street or sidewalk for the purpose of assisting passengers into or out of such vehicle or for any other reasonable purpose.

607.14. Trip Sheets. Every driver shall keep a trip sheet upon which he shall note the starting point and time: and the termination point and time of each trip of such taxicab, and the place of discharge of each passenger from such taxicab, the amount of the fare charged,

whether upon the meter, hours, or trip basis, and the driver's name and number. Such sheet shall be filed with and kept as part of the records of the licensee. Trip sheets shall be filed not later than 24 hours after the termination of any single day's work by the driver, and the trip sheets shall be open to investigation by the Sheriff's Department at all times. Each licensee shall preserve for a period of one year and submit upon request of the City Council or Sheriff's Department any information contained in the drivers' trip sheets, together with the: true and correct information as to the orders or calls for taxis and the disposition of same.

607.15. Articles Left in Taxicabs. If an article is left by a passenger in a taxicab, it shall be delivered if possible to the claimant. If such article is not claimed within 24 hours of such discovery, it shall be delivered to the principal office: or place of business of the licensee; otherwise to the Sheriff's Department.

607.16. Drivers of Taxicabs. No person shall drive a taxicab licensed under this chapter upon the streets of the City without having a valid Minnesota Driver's License of the proper class or kind issued to him and in his possession. Each driver shall display an identification card, including a photograph of the driver, visible to all passengers at all times that he is driving a taxicab.

607.17. Liability Insurance Required. No license to operate a taxicab shall be issued by the City until a certificate of insurance has been filed with the City Clerk establishing that there is in full force and effect a liability insurance policy issued by an insurance company authorized to do business in the State of Minnesota for each vehicle authorized to be operated by the applicant in the amount of \$50,000.00 for bodily injury to any one person, and the amount of \$100,000.00 for injuries to more than one person which are sustained in the same accident, and \$10,000.00 for property damage resulting from any one accident. Each such policy will provide that the City shall receive ten (10) days written notice prior to cancellation of such policy.

607.18. Drivers' Hours. No employer of a taxicab driver shall require or permit such driver to be or remain on duty for a longer period than 12 consecutive hours. Whenever any such driver shall have been continuously on duty for 12 hours, he shall be relieved and not be required or permitted to go on duty until he has had at least ten (10) consecutive hours off duty. No driver who has been on duty 12 hours in the aggregate in any 24-hour period shall be required or permitted to go on duty without having at least ten (10) consecutive hours off duty. The provisions of this subdivision shall not apply in cases of emergency in which the safety, health, morals, or welfare of the public may be affected.

607.19. Unlawful Acts. No taxicab driver shall: smoke while a passenger is in the cab; sell or offer to sell alcohol or drugs; or solicit business for houses of ill repute.

607.20. Central Office and Hours of Service. Holders of certificates of public convenience and necessity shall maintain a central place of business and keep the same open for such hours of each day as the City Council may direct for the purpose of receiving calls and dispatching cabs. They shall answer all calls received by them for services inside the corporate limits of the City as soon as they can do so and if said services cannot be rendered within a reasonable time they shall notify the prospective passengers how long it will be before the call can be answered and give the reason therefore. Any holder who shall refuse to accept a call anywhere in the corporate limits of the City at any time when such holder has available cabs, shall be deemed a violator of this Chapter.

608 Pawn Shops, Pawnbrokers and Secondhand Goods Dealer

608.01. Definitions. The following terms, as used in this ordinance, have the meanings stated:

Subd. 1. Pawnbroker means a person who loans money on deposit or pledge of personal property, or other valuable thing, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price, or who loans money secured by chattel mortgage on personal property, taking possession of the property or any part thereof so mortgaged.

Subd. 2. Secondhand Goods Dealer means a person whose regular business includes selling or receiving tangible personal property (excluding motor vehicles) previously used, rented, owned or leased.

608.02. Exemptions. This ordinance does not apply to or include the following:

Subd. 1. The sale of secondhand goods where all of the following conditions are present:

- (1) The sale is held on property occupied as a dwelling by the seller, or owner, rented or leased by a charitable or political organization;
- (2) The items offered for sale are owned by the occupant;
- (3) The sale does not exceed a period of 72 consecutive hours;
- (4) Not more than three sales are held either by the same person or on the same property, as defined in (A) above, in any twelve month period; and, (Ord. 08-10, December 9, 2008)
- (5) None of the items offered for sale have been purchased for resale or received on consignment for purpose of resale. (Ord. #11-07, adopted July 11, 2011)

Subd. 2. Sales by a person licensed as a motor vehicle dealer.

Subd. 3. The sale of secondhand books, magazines, sound or video recordings or films.

Subd. 4. The sale of goods at an auction held by a licensed auctioneer.

Subd. 5. The business of buying or selling only those secondhand goods taken as part or full payment for new goods, and where such business is incidental to and not the primary business of a person.

Subd. 6. A bulk sale of property from a merchant, manufacturer, or wholesaler having an established place of business or of goods sold at open sale from bankrupt stock.

Subd. 7. Goods sold at a public market.

Subd. 8. Goods sold at an exhibition. (Ord. 08-10, December 9, 2008)

Subd. 9. Goods sold that have been hand made by local artisans. (Ord. #11-07, adopted July 26, 2011)

608.03. License Required.

Subd. 1. Secondhand Goods Dealer. Except as herein otherwise provided, it is unlawful for any person to engage in the business of secondhand goods dealer without first obtaining a secondhand goods dealer license therefore from the City.

Subd. 2. Pawnbroker. It is unlawful for any person to conduct, operate, or engage in the business of pawnbroker without first having obtained a license therefore from the City.

Subd. 3. Separate Licenses Required. A pawnbroker may not conduct, operate or engage in the business of secondhand goods dealer without having obtained a secondhand goods dealer license in addition to a pawnbroker license. A secondhand goods dealer may not conduct, operate or engage in the business of pawnbroker without having obtained a pawnbroker license in addition to a secondhand goods dealer license.

608.04. Multiple Dealers.

Subd. 1. Multiple Licenses. The owner of a business at which two or more secondhand goods dealers are engaged in business by maintaining separate sales space and identifying themselves to the public as individual dealers may obtain a multiple secondhand goods dealer license for the location. A multiple license may not be issued unless the following requirements are met:

- (1) The businesses must have a single name and address;
- (2) The businesses must operate in a compact and contiguous space;
- (3) The businesses must be under the unified control and supervision of the one person who holds the license; and
- (4) Sale must be consummated at a central point or register operated by the owner of the business, and the owner must maintain a comprehensive account of all sales.

Subd. 2. Compliance. The holder of a secondhand goods dealer license under this ordinance for a business with more than one dealer at the same location must comply with all of the requirements of this ordinance, including the responsibility for reporting to the Wright County Sheriff and record-keeping in the same manner as any other dealer licensed under this ordinance.

608.05. License Fee. The annual fee for Secondhand Goods, Multiple Sales and Pawnbroker shall be as set forth in Chapter 212.

608.06. Application.

Subd. 1. Contents. A license applicant must complete an application form provided by the City Clerk.

Subd. 2. Execution. If the applicant is a natural person, the application must be signed and sworn to by the person; if a corporation, by an agent authorized to sign; if a partnership, by a partner.

Subd. 3. Fees. The application must be accompanied by the required license fee, bond and investigation fee. Seventy-five percent (75%) of the license fee will be returned to the applicant if the application is rejected. The investigation fee is not refundable. (Ord. 08-10, December 9, 2008)

Subd. 4. False Statements. It is unlawful to knowingly make a false statement in the license application. In addition to all other penalties, the license may be subsequently revoked by the Council for a violation of this Section.

608.07. (Ord. 08-10, December 9, 2008)

608.08. Site Plan. The application for a pawnbroker or secondhand goods dealer license must be accompanied by a site plan drawn to scale. The site plan must contain:

- (1) A legal description, including PID#, of the property upon which the proposed licensed premises is situated;
- (2) A plot plan;
- (3) The exact location of the licensed premises on the property, customer and employee parking areas; accesses onto the property, and entrance into the premises; and
- (4) A floor plan of the licensed premises.

608.09. Investigations.

Subd. 1. Conduct. The City, prior to the granting of an initial pawnbroker or secondhand goods dealer license, must conduct a preliminary background and financial investigation of the applicant. Any person having a beneficial interest in the license must be investigated. The applicants (individual, each member of partnership and each officer of a corporation) must sign a release that contains the full name, date of birth and current address. The investigation shall be conducted by the Wright County Sheriff or designated agent to the Council and the results reported to the Council. The Wright County Sheriff must verify the facts stated in the application, and must report all convicted violations of State law, Federal law, or City code provisions involving the applicant, interested persons, or the licensed premises while under that applicant's proprietorship.

Subd. 2. Fee. The fee charged by the City to an applicant for the costs of investigation shall be established pursuant to Chapter 212. (Ord. 08-10, December 9, 2008)

608.10. Public Hearing. A pawnbroker license will not be issued or renewed without a public hearing. Any person having an interest in or who will be affected by the proposed license will be permitted to testify at the hearing. The public hearing must be preceded

by at least ten days published notice specifying the location of the proposed licensed business premises. (Ord. #11-07, adopted July 26, 2011)

608.11. Granting of License. After review of the license application, investigation report and public hearing, the Council may grant or refuse the application for a new or renewed pawnbroker. The secondhand goods dealer license shall be exempt from the public hearing requirement. A license will not be effective unless the investigation fee, and application fee have been filed with the City Clerk's office. (Ord. #11-07, adopted July 26, 2011)

608.12. Persons Ineligible For License. A pawnbroker or secondhand goods dealer license will not be issued to:

- (1) A person not a citizen of the United States or a resident alien;
- (2) A person under 18 years of age;
- (3) Subject to the provision of law, a person who within five years of the license application date has been convicted of receiving stolen property, sale of stolen property or controlled substance, burglary, robbery, damage or trespass to property, or any law of City Code provision regulating the business of pawnbroker or secondhand goods dealer;
- (4) A person who within five years of the license application date had a pawnbroker or secondhand goods dealer license revoked;
- (5) When the Council determines after investigation and public hearing, that issuance or renewal of the license would adversely affect the public health, safety or welfare.

608.13. Partnerships or Corporations Ineligible for License. Partnerships, whose partners include any of the above ineligible persons, or corporations whose officers or board members include any of the above ineligible persons shall not be eligible for a pawnbroker or secondhand goods dealer's license.

608.14. Places Ineligible for License. A license will not be issued or renewed under this Section for any place or for any business:

- (1) If taxes, assessments or other financial claims of the City or the State of Minnesota on the licensee's business premises are delinquent and unpaid;
- (2) Where operation of a licensed premises would violate the zoning provisions of the City Code; or,
- (3) Where the applicant's present license was issued conditioned upon the applicant making specified improvements to the licensed premises or the property of the licensed premises which improvements have not been completed.

608.15. Conditional Licenses. The Council may grant an application for a new or renewed pawnbroker or secondhand goods dealer license conditioned upon the applicant making reasonable improvements to the proposed business premises or the property upon which the business premises is situated. Such improvements shall be required by City Zoning

or Building Code requirements, or other improvements related to the health, safety, welfare, or Wright County Sheriff power functions. The Council, in granting a conditional license, will specify when the modifications must be completed. Failure to comply with the conditions of the license are grounds for the Council to revoke or refuse to renew the license.

608.16. License Limitations. A license will be issued to the applicant only, and only for the business premises as described in the application. The license is effective only for the premises specified in the approved license application, and may not be transferred to any other person, partnership, corporation, or premises.

608.17. Term; Expiration; Pro Rata Fee. The license is issued for a period of one year beginning on June 1 except that if the application is made during the license year a license may be issued for the remainder of the license year for a monthly pro rata license fee. An unexpired fraction of a month will be counted as a complete month. The full investigation fee will be required. The license expires on June 30.

608.18. Refunds. The City Clerk will refund a pro rata share of the license fee for a license, upon written request, to the licensee or the licensee's estate if:

- (1) The business ceases to operate because of destruction or damage;
- (2) The licensee dies;
- (3) The business ceases to be lawful for a reason other than a license revocation; or,
- (4) The licensee ceases to carry on the licensed business under the license.

608.19. Death of the Licensee. In the case of death of a licensee, the personal representative of the licensee may continue operation of the business for not more than 90 days after the licensee's death.

608.20. Records. A licensed secondhand goods dealer and pawnbroker, at the time of receipt of an item, must immediately record, in ink or other indelible medium in a book or word processing unit, the following information:

- (1) An accurate description of the item including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such item;
- (2) The purchase price;
- (3) Date, time and place of receipt;
- (4) Name, address, telephone number and date of birth of the person from whom the item was received;
- (5) An imprint of either of the forms of identification of the seller:
 - A. Valid picture driver's licenses;
 - B. Picture identification; (Ordinance 97-13, passed July 28, 1997)

- (6) The books as well as the goods received must be open for inspection by the appropriate law enforcement agency at reasonable times. Records required by this Section 806.20 must be stored and maintained by the licensee for a period of at least three years.

608.21. Daily Reports. For the following items, regardless of resale price, a secondhand goods dealer or pawnbroker shall make out, on forms approved by the Wright County Sheriff, and submitted daily by mail to the Wright County Sheriff, a legible description of the goods received during the preceding day, together with the time received and a description of the person from whom the goods were received:

- (1) Items with a serial number identification, or “operation identification” symbol;
- (2) Cameras;
- (3) Electronic audio or video equipment;
- (4) Precious jewelry or gems, and precious metals;
- (5) Artist signed or artist attributed works of art;
- (6) Guns and firearms.

608.22. Other Daily Reports. A similar daily report shall be filed for any other item which the dealer intends to sell for more than \$200.00, except for furniture and kitchen or laundry appliances which shall not require a daily report regardless of resale price.

608.23. Stolen Goods. A licensed pawnbroker or secondhand goods dealer must report immediately to the Wright County Sheriff any article pledged or received, or sought to be pledged or received, if the licensee has reason to believe that the article was stolen or lost.

608.24. Holding. An item received by a secondhand goods dealer or pawnbroker, for which a report to the Wright County Sheriff is required, may not be sold or otherwise transferred for a period of 30 days after the date of such report to the Wright County Sheriff, in addition to the 30 days redemption period. The Wright County Sheriff may waive, in writing, any part of the 30 day holding period at its discretion, but the redemption period may not be so waived. However, an individual may redeem an item pawned 72 hours after the item was received on deposit, excluding Sundays and legal holidays.

608.25. Receipt. A licensed secondhand goods dealer or pawnbroker must provide a receipt to the seller or consignor of any items which includes:

- (1) The address and phone number of the business;
- (2) The date;
- (3) A description of the item purchased; and
- (4) The purchaser’s signature.

608.26. Police Orders. If an authorized law enforcement agency notifies a dealer not to sell an item, the item may not be sold or removed from the licensed premises until authorized to be released by the appropriate law enforcement agency. Such release shall be requested by the licensee, and must be approved or denied by the law enforcement agency.

608.27. Weapons. A licensed pawnbroker or secondhand goods dealer may not receive as a pledge or otherwise accept for consignment or sale any revolver, pistol, sawed-off shotgun, automatic rifle, blackjack, switchblade, knife, or other similar weapons or firearms, unless the licensee is in possession of a current valid Federal Firearms License or Federal Firearms Pawnbrokers License. Section 608.27 is not intended to restrict the legitimate retailing of firearms under a Federal Firearms License.

608.28. Prohibited Acts. It is unlawful for any:

- (1) Minor to sell or consign, or attempt to sell or consign, goods with a secondhand goods dealer or pawnbroker. It is also unlawful for any secondhand goods dealer or pawnbroker to receive goods from a minor.
- (2) Secondhand goods dealer or pawnbroker to receive any goods from a person of unsound mind or an intoxicated person.
- (3) Secondhand goods dealer or pawnbroker to receive goods unless the seller presents identification in the form of a driver's license or other pictured identification.

608.29. License Denial, Suspension or Revocation. A license under this Ordinance may be denied, suspended, or revoked by the Council after a public hearing where the licensee is granted the opportunity to be heard, for one or more of the following reasons:

- (1) The operation of the business is in conflict with any provision of the City Ordinance/Code;
- (2) The operation of the business is in conflict with any health, building, building maintenance, zoning, or any other provision of the City Ordinance or other law;
- (3) The licensee or the business premises fails to conform with the standards for license application contained in Ordinance 608;
- (4) The licensee has failed to comply with one or more provision of Ordinance 608 or any statute, rule or City Ordinance provision pertaining to the businesses of pawnbroker or secondhand goods dealer;
- (5) Fraud, misrepresentation or bribery in securing a license;
- (6) Fraud, misrepresentation or false statements made in the course of the applicant's business; and,
- (7) Subject to the provisions of law, violation within the preceding five years of any State or Federal law relating to theft, damage, or trespass to property, sale of a controlled substance or stolen goods, or operation of a business.

608.30. Redemption Period. A person who pawns an item shall have at least thirty days to redeem the item before it may be sold, subject to the additional holding requirement provided for herein.

608.31. Payments by Check. When a secondhand goods dealer buys or otherwise receives an item at the licensed place of business, payment must be made by check made payable to the named payee who is the actual intended seller. This section does not apply to pawnbrokers.

608.32. Inspections. A peace officer or any properly designated employee of the City, the County or the State of Minnesota may enter, inspect and search business premises licensed under Ordinance 608 during business hours, without a warrant.

608.33. County License. Secondhand goods dealers and pawnbrokers dealing in precious metals and gems must also be licensed in Wright or Hennepin County, as required by Minnesota Statutes 325F.73. (Amended by Ordinance No. 95-05, passed April 11, 1995)

609 Temporary Special Event License

609.01. Purpose. This ordinance regulates those temporary events which are not otherwise licensed; events which by their nature could be expected to significantly affect the public health, safety or welfare in any of the following ways: increased traffic volume or congestion, a need for additional sanitary waste facilities, a need for additional police or fire protection, or disruption to the character of any business or residential neighborhood. These events include, but are not limited to: parade, race, procession, carnival, festival, residential block event, street dance or fundraiser.

609.02. License Required. No person shall engage in an event as listed in 609.01 unless a license shall have been obtained from the City as herein provided.

609.03. Application Requirements. A person seeking issuance of a license shall file an application with the City clerk on forms provided by the City. Application shall be made by the organizers or sponsors and include the signature of the land owner(s) of the property on which the event is to occur, and if it be on public property, then only the signatures of the organizers or sponsors shall be required.

- (1) Application for an event other than a residential block event shall include the following:
 - A. A description of the proposed event;
 - B. A legal description of the property or property address;
 - C. The name, address and phone number of the applicant;
 - D. Date and time of the proposed event.

- (2) Application for a residential block event must be submitted by a resident that has property that abuts a portion of the street wherein the event is to be held and who has made a good faith attempt to deliver to each residence or building management abutting such portion of the street a notice containing the following information:
 - A. A description of the event;
 - B. The date and hours of the event;
 - C. The name, address and phone number of the sponsor;
 - D. That anyone objecting to the block event may petition the City council for a hearing to protest the issuance of a license for such event.

Application for a residential block event must be accompanied by a petition containing signatures representing seventy-five (75) percent of the households on the block or blocks abutting the street approving the event. Location of barricades, if any, must be submitted with the application. Application for all licenses shall be made not less than thirty (30) days before the special event.

609.04. Application Conditions. The applicant (s) will sign documentation on forms provided by the City that contain the following:

- (1) Applicant agrees to defend and hold the City harmless from all claims, demand, actions or causes of action, of whatsoever nature or character, arising out of or by reason of conduct of the event for which the license is granted.
- (2) Applicant will indemnify the City for all damages that may result to City property, including any portion of such street as a result of the event.
- (3) Applicant will, without expense to the City, immediately clean up, remove and dispose of all litter or material of any kind which is placed or left on City streets or City property because of the event and that if the applicant neglects or fails to proceed with the cleanup within the two-hour period immediately following the end of the event, or if cleanup is done in an inadequate manner, the City public works department is authorized to do the cleanup and the applicant shall be charged for said cost.
- (4) The applicant will be responsible for the placement, maintenance and removal of barricades which may be required.

609.05. Application Review. All applications will be reviewed for approval and signature by the following: the City Administrator, the City Public Works Director and the City Fire Chief.

609.06. Insurance. All applicants, with the exception of residential block parties, must furnish proof of liability insurance coverage for the event.

609.07. Restrictions. A for profit business that sponsors an event where 100% of the profits are not donated to a non-profit business or charity are limited to one event in any twelve month period.

609.08. Exception. The Annual Memorial Day Parade and Annual River Days Festival are considered City ordained events and all of the conditions listed above may not be required. The set up, installation of no parking signs and/or street barricades, traffic control and clean up may be furnished by the City.

609.09. Violation. Violation of this ordinance shall constitute a misdemeanor, punishable as prescribed by State law. (Added by Ordinance No. 95-09, passed May 23, 1995)

610 Telecommunications Permit Ordinance

610.01. Definitions. The terms defined in this section have the meanings given them.

Subd. 1. Company. A natural or corporate person, business association, political subdivision, public or, private agency of any kind, its successors and assigns, who or which seeks or is required to construct, install, operate, repair, maintain, remove or relocate facilities in the City.

Subd. 2. Director. The supervisor of the public works department or City engineer.

Subd. 3. Facilities. Telecommunications equipment of any kind, including but not limited to audio, video, paging, facsimile or similar service, not governed by Minnesota Statutes, Chapter 238, including all trunks, lines, circuits, physical connections, switching equipment, wireless communication equipment of all kinds, and any necessary appurtenance owned, leased or operated by a company on, over, in, under, across or along public ground.

Subd. 4. Public Ground. Highways, roads, streets, alleys, public ways, utility easements and public grounds in the City.

610.02. Permit Procedure.

Subd. 1. Permit Required. A company may not construct, install, repair, remove or relocate facilities, or any part thereof, in, on, over, under or along public ground without first obtaining a permit from the City.

Subd. 2. Application. Application for a permit is made to the director.

Subd. 3. Issuance of Permit. If the director determines that the applicant has satisfied the requirements of this ordinance the director may issue a permit to the company. An applicant may contest a permit denial or the conditions of approval by written notice to the clerk requesting a City council review within fourteen (14) days of the director's action. The council shall hear any contest of the director's action under this ordinance within forty-five (45) days of the City clerk's receipt: of the contest notice. Nothing in this ordinance precludes the City from requiring a franchise agreement with the applicant, as allowed by law, in addition to the issuance of a permit set forth herein.

Subd. 4. Permit Fee. The application must be accompanied by the permit fee set forth in section 212 of the ordinance.

Subd. 5. Security for Completion of Work. Prior to commencement of work, the company must deposit with the City security in the form of certified check, letter of credit or construction bond, in a sufficient amount as determined by the director for the completion of the work. The securities will be held until the work is completed plus a period of six months thereafter to guarantee that restoration work has been satisfactorily completed. Upon application of the company, providing such information as the director may require, if two or more work projects are to be constructed during a calendar year, the director may accept, in lieu of separate security for each project, a single security for multiple projects in such form and amount as determined, in the discretion of the director, to be sufficient to assure completion of

all projects which may be in progress at any one time during that calendar year and to guaranty that restoration work will be satisfactorily completed. The security will then be returned to the company with interest as required by law and then interest at the applicable statutory rate.

Subd. 6. Inspection of Work. When the work is completed the company must request an inspection by the director. The director will determine if the work has been satisfactorily completed and provide the company with a written report of the inspection and approval.

610.03. Restoration and Relocation.

Subd. 1. Restoration. Upon completion of the work, the company must restore the general area of the work, including paving and its foundations, to the same condition that existed prior to commencement of the work and must exercise reasonable care to maintain the same condition for two years thereafter. The work must be completed as promptly as weather permits. If the company does not promptly perform and complete the work, remove all dirt, rubbish, equipment and material, and restore the public ground to the same condition, the City may put it in the same condition at the expense of the company. The company must, upon demand, pay to the City the direct and indirect cost of the work done for or performed by the City, including but not limited to the City's administrative costs. To recover its costs, the City will first draw on the security posted by the company and then recover the balance of the costs incurred from the company directly by written demand. This remedy is in addition to any other remedies available to the City.

Subd. 2. Company Initiated Relocation. The company must give the City written notice prior to a company initiated relocation of facilities. A company initiated relocation must be at the company's expense and must be approved by the City, such approval shall not be unreasonably withheld.

Subd. 3. City Required Relocation. The company must promptly and at its own expense, with due regard for seasonal working conditions, permanently relocate its facilities whenever the City requires such relocation.

Subd. 4. Relocation Where Public Ground Vacated. The vacation of public ground does not deprive the company of the right to operate and maintain its facilities in the City. If the vacation proceedings are initiated by the company, the company must pay the relocation costs. If the vacation proceedings are initiated by the City or other persons, the company must pay the relocation costs unless otherwise agreed to by the City, company and other persons.

610.04. Company Default.

Subd. 1. Notice. If the company is in default in the performance of the work authorized by the permit, including but not limited to restoration requirements, for more than 30 days after receiving written notice from the City of the default, the City may terminate the rights of the company under the permit. The notice of default must be in writing and specify the provisions of the permit under which the default is claimed and state the grounds of the claim. The notice must be served on the company by personally delivering it to an officer thereof at its principal place of business in Minnesota or by certified mail to that address.

Subd. 2. City Action On Default. If the company is in default in the performance of the work authorized by the permit, the City may, after the above notice to the company and failure of the company to cure the default, take such action as may be reasonably necessary to abate the condition caused by the default. The company must reimburse the City for the City's reasonable costs, including costs of collection and attorney fees incurred as a result of the company default. The security posted under section 610.02, subdivision 5 will be applied by the City first toward payment for such reimbursement.

610.05. Indemnification.

Subd. 1. Scope. The company will indemnify, keep and hold the City, its elected officials, officers, employees, and agents free and harmless from any and all claims and actions on account of injury or death of persons or damage to property occasioned by the construction, installation, maintenance, repair, removal, relocation or operation of the facilities affecting public ground, unless such injury or damage is the result of the negligence of the City, its elected officials, employees, officers, or agents. The City will notify the company of claims or actions and provide a reasonable opportunity for the company to accept and undertake the defense.

Subd. 2. Claim Defense. If a claim or action is brought against the City under circumstances where indemnification applies, the company, at its sole expense, shall defend the City if written notice of the claim or action is given to the company within a period wherein the company is not prejudiced in the defense of such claim or action by lack of such notice. If the company undertakes the defense, the company shall have complete control of such claim or action, but it may not settle without the consent of the City, which shall not be unreasonably withheld. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to the City. In defending any action on behalf of the City, the company is entitled to assert every defense or immunity that the City could assert in its own behalf .

610.06. Other Conditions of Use.

Subd. 1. Use of Public Ground. Facilities must be located, constructed, installed, maintained or relocated so as not to endanger or unnecessarily interfere with the usual and customary traffic, travel, and use of public ground. The facilities are subject to additional conditions of the permit as established by the director including but not limited to (i) the right of inspection by the City at reasonable times and places; (ii) the obligation to relocate the facilities pursuant to section 610.03, subdivisions 3 and 4; and (iii) compliance with all applicable regulations imposed by the Minnesota Public Utilities Commission and other state and federal law, including prompt compliance with the requirements of the Gopher State One Call program, Minnesota Statutes Chapter 216D.

Subd. 2. Location. The facilities must be placed in a location agreed to by the City. The company shall give the City forty-five (45) days advanced written notice of the company's proposed location of facilities within public ground. No later than 45 days after the City's receipt of the company's written notice the City will notify the company in writing of the City's acceptance or rejection of the proposed location. If the City rejects the company's proposed location, the City shall propose alternative locations. The City does not waive or forfeit its right to reject the location of facilities by failure to respond within the 45 days.

Subd. 3. Emergency Work. A company may open and disturb the surface of public ground without a permit where an emergency exists requiring the immediate repair of its

facilities. In such event the company must request a permit not later than the second working day thereafter and comply with the applicable conditions of the permit. In no event, may the company undertake such an activity which will result in the closing of a street or alley without prior notification to the City.

Subd. 4 Street Improvements, Paving or Resurfacing. The City will give the company written notice of plans for street improvements where permanent paving or resurfacing is involved. The notice must contain (i) the nature and character of the improvements; (ii) the streets upon which the improvements are to be made; (iii) the extent of the improvements, the time when the City will start the work; and, (iv) if more than one street is involved, the sequence in which the work is to proceed.

Subd. 5. Company Protection of Facilities. The company must take reasonable measures to prevent the facilities from causing damage to persons or property. The company must take reasonable measures to protect its facilities from damage that could be inflicted on the facilities by persons, property, or the elements. The company must take specific protective measures when the City performs work near the facilities.

Subd. 6. Prior Service Connections. In cases where the City is undertaking the paving or resurfacing of streets and the facilities are located under such street, the company may be required to install service connections prior to the paving or resurfacing, if it is apparent that service will be required during the five year period following the paving or resurfacing.

610.07. Effective Date and Applicability to Existing Facilities. Companies with facilities, in, on, over, under or along public ground on the effective date of this ordinance must take prompt action to comply with this ordinance and the permits authorized by this ordinance. A company, however, is not required to reapply for a permit obtained from the City prior to the effective date of this ordinance. A company is not required to pay the difference between the permit fee of a previously obtained permit and the equivalent newly obtained permit under this ordinance. All other provisions of this ordinance apply to existing facilities.

610.08. Acceptance of Requirements. By receiving a permit pursuant to this ordinance, the company accepts and agrees to comply with all of the requirements of this ordinance.

610.09. Public Ground Other Than Right-Of-Way. Nothing in this ordinance is intended to grant to the company authority beyond that given by Minnesota Statutes Section 222.37 for use of the public rights-of-way for construction and operation of facilities. If the City allows the company to use its non-right-of-way public ground, the terms of this ordinance apply to the extent they are consistent with the contract, statutory and common law rights the City owns in such property.

610.10. Regulations; Permit Schedules. The director is authorized and directed to prepare suitable regulations and schedules for the administration of permits issued under this ordinance.

610.11. Severability. If any provision of this ordinance is contrary to law and therefore unenforceable, such provision will be severed and will not affect the other provisions of this ordinance. (Added by Ordinance No. 95-12, passed July 25, 1995)

611 Fireworks

611.01. Sale of Fireworks. It is unlawful to sell fireworks in the City of Rockford in violation of Minnesota Statutes, § 624.20 through 624.25, inclusive, which are adopted by reference. Legal fireworks as defined in this Section may, however, be sold upon issuance of a license issued by the City.

611.02. Definition. For the purposes of this Section legal fireworks is defined to mean:

Wire or wood sparklers of not more than 100 grams of mixture per item. Other sparkling items which are non-explosive and non-aerial and contain 75 grams or less of chemical mixture per tube or a total of 200 grams or less for multiple tubes, snakes and glow worms, smoke devices, or trick noisemakers which include paper streamers, party poppers, string poppers, snappers, and drop pops, each consisting of not more than twenty-five hundredths grains of explosive mixture.

611.03. Application. The application for a license shall contain the following information: name, address, and telephone number of applicant; the address of the location where fireworks will be sold; the type of legal fireworks to be sold; the estimated quantity of legal fireworks that will be stored on the licensed premises.

611.04. Processing Application The application must be filed with the City Administrator together with the permit fee. Following an inspection of the premises proposed to be licensed, the City Administrator shall issue the permit if conditions for license approval are satisfied and the location is properly zoned. If the City Administrator denies the permit application, the permit applicant may, within ten (10) days, appeal the decision to the City Council.

611.05. Conditions of License. The license shall be issued subject to the following conditions:

- (1) The license is non-transferable, either to a different person or location. (Ordinance 02-08, passed May 28, 2002)
- (2) Fire suppression:
 - (a) If the licensed premises is a permanent structure, it must contain an automatic sprinkler system.
 - (b) Fire suppression equipment shall be provided as required by the Fire Chief if the licensed sales are conducted from a temporary structure. (Ordinance 12-02, adopted June 12, 2012)
- (3) The license must be publicly displayed on the licensed premises.
- (4) The premises are subject to inspection by City employees including law enforcement officers during normal business hours.
- (5) The sale of legal fireworks must be in an allowed use of the premises.

- (6) The premises must be in compliance with the State Building Code and State Fire Code. (Ordinance 02-08, passed May 28, 2002)

611.06. License Period and License Fee. Licenses shall be issued for a calendar year. The license fee is established in Chapter 212 of the Rockford City Code. License fees shall not be prorated. (Ordinance 02-08, passed May 28, 2002)

611.07. Revocation of License. Following written notice and an opportunity for a hearing, the City Administrator may revoke a license for violation of this Section or state law concerning the sale, use or possession of fireworks. If a license is revoked, neither the applicant nor the licensed premises may obtain a license for twelve (12) months. (Ordinance 02-08, passed May 28, 2002)

612 Housing Code

PURPOSE. There exist in the City of Rockford structures that are now or that may in the future become substandard. Such conditions, together with inadequate provision for light and air, insufficient protection against fire hazards, lack of proper heating, and unsanitary conditions, constitute a menace to public health, safety and welfare of its citizens. It is further found and declared that the existence of such conditions adversely affects public health and safety and leads to continuation, extension and aggravation of urban blight. It is further found that adequate protection of public health, safety and welfare, therefore requires the establishment and enforcement of minimum property standards for the exterior of owner and Non-owner occupied residential dwellings and interior standards for Non-owner occupied residential dwellings. (Ordinance 05-06, adopted May 24, 2005)

Subd. 1. Exterior Property Standards for Owner Occupied and Non-owner occupied residential Dwellings. The owner of any owner and Non-owner occupied residential dwelling shall comply with the following requirements:

- (1) Ground Cover. Every residential premise shall be maintained in a condition to control erosion, dust and mud by suitable landscaping with grass, trees, shrubs, or other planted ground cover or by paving with asphalt, concrete or by such other suitable means as shall be approved by the enforcement officer.
- (2) Insect and Rodent Infestations. It shall be the responsibility of the owner to control and/or eliminate any infestation of insects, rodents or other pests in all exterior areas, and accessory structures on the premises.
- (3) Accessory Structures. All accessory structures including, but not limited to, detached garages, sheds and fences, shall be maintained structurally sound and in good repair. All exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by or by other protective covering or treatment. Any new paint applied shall not be lead base. Service doors to residential garages shall be provided with securing locks.
- (4) Exterior Sidewalks, Walkways and Stairs. All sidewalks, walkways and exterior stairs shall be maintained in safe sound conditions free of defects and hazards.
(Ordinance 05-06, adopted May 24, 2005)

Subd. 2. Exterior Structure for Owner Occupied and Non-owner occupied residential Dwellings. The owner of any owner occupied and non-owner occupied residential dwelling shall comply with the following requirements:

- (1) Foundations, walls, roof and other exterior surfaces. Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in a professional state of maintenance and repair.
 - A. The foundation elements shall adequately support the building at all points.
 - B. All exterior wood, vinyl and metal surfaces shall be protected from the elements and decay by maintained paint, stain or other protective

covering or treatment. Joints in siding materials and between siding and other feature shall be maintained weather-resistant. Metal surfaces subject to rust or corrosion shall be stabilized and treated to inhibit future rust or corrosion. For purposes of this Section, if forty percent (40%) or more of a wall or other surface area, such as: fascia, soffits, rake, has the protective coating deteriorated, then the wall or surface shall be restored to a protected condition.

- C. The roof shall be impervious to water and have no defects that admit water or dampness to the interior of the building. No building roof shall be used for storage of any materials or objects unless approved by the enforcement officer.

(2) Stairs, Porches, Decks and Railing.

- A. Every outside stair, every porch and deck shall be constructed safely and capable of support a load as determined by the Building Code and shall be kept in sound conditions and good repair. Every stairway, porch, deck or step that is more than thirty (30) inches above grade shall have guardrails and intermediate rails so that a 4" sphere can not pass through in accordance with the Minnesota State building code or maintained in accordance with the Building code in effect when originally constructed. If repairs include replacing more than fifty (50) percent it must be brought up to current code standards.
- B. Every flight of stairs that is more than three (3) risers high shall have handrails in accordance with the Building Code or maintained in accordance with the building code under which it was originally constructed.
- C. Stairs, steps, porches, decks, handrails, balustrades and guardrails deemed hazardous by the enforcement officer shall be corrected so as to be in compliance with the Building Code.

(3) Windows, doors and hatchways. Every window, exterior door and basement hatchway shall be substantially tight and shall be kept in sound conditions and repair.

- A. Windows shall be fully supplied with window panes that are without open cracks or holes.
- B. Every window required for ventilation, or other outside opening used for ventilation purposes, shall be supplied with a screen of not less than sixteen (16) mesh per inch. (Ordinance 05-06, adopted May 24, 2005)

Subd. 3. Completion of Exterior for Owner Occupied and Non-owner Occupied Residential Dwellings. The roof and all exterior surfaces of all residential owner occupied and Non-owner occupied residential dwelling units, buildings and accessory structures, shall be completed with exterior finish materials within 12 months after the date of issuance of a building permit for the new construction alteration, remodeling or relocation of such building or structure. All such exterior surfaces of the structure issued a building permit before the effective date of

this ordinance for the new construction; alteration, remodeling or relocation of such structure shall be completed twelve months after the date of issuing of such permit. Term "finish materials" as used in this section shall mean stucco, brick, stone, shingles, or shakes, redwood, cedar, vinyl, steel, fibrous cement and masonite siding materials, and shall include windows and doors. (Ordinance 05-06, adopted May 24, 2005)

Subd. 4. Interior Structure for Non-owner occupied residential Rental Residential Dwellings. Non-owner occupied residential dwellings shall comply with at least the following interior standards:

- (1) Walls and ceilings. All interior walls and ceilings must be in good general repair (i.e. No falling or loose plaster, gypsum, or ceiling tiles.
- (2) All bathrooms shall have an operable window or exhaust fan.
- (3) Ground fault protected outlets will be required in bathrooms, outlets within three (3) feet of kitchen sink, and all exterior outlets.
- (4) Rooms must be capable of maintaining sixty-eight (68) degrees temperature three (3) feet from floor level.
- (5) Hot water is required at kitchen sink, bathroom sink and tub/shower.
- (6) Smoke detectors shall be required in all bedrooms and in the immediate vicinity outside of the bedroom.
- (7) Every fixture, facility or piece of equipment requiring sewer connection shall have a functioning connection, free from defects, leaks, or obstructions, and shall possess sufficient capacity to drain all other fixtures, facilities, or pieces of equipment which feed into it. The sewer system must be capable of conveying all sewage into the municipal sanitary sewer system.
- (8) Every fixture, facility, or piece of equipment requiring a water connection shall have a functioning connection, free from defects, leaks, or obstructions. Each water connection shall possess sufficient capacity to adequately supply all fixtures, facilities, or pieces of equipment to which connected with an uncontaminated, controllable flow of water. (Ordinance 05-06, adopted May 24, 2005)

Subd. 5. License Requirement for Non-owner occupied residential Dwellings. No person shall operate a Non-owner occupied residential dwelling without first having obtained a license to do so from the City of Rockford as hereinafter provided. Each such operating license shall be issued annually and shall expire on the anniversary date of issuance. License renewals shall be filed at least 30 days prior to license expiration date.

LICENSE FEES. License fees, as set forth by City Council resolution, shall be due 30 days prior to the license application date; in the cases of new, unlicensed dwellings, license fees shall be due upon issuance of the certificate of occupancy.

- (1) A delinquency penalty of 5% of the license fee for each day of operation without a valid license shall be charged operators of rental dwelling after written notification

has been given by the City. Once issued a license is nontransferable and the licensee shall not be entitled to a refund of any license fee upon revocation or suspension; however, the licensee shall be entitled to a license fee refund, prorated monthly, upon proof of transfer of legal control or ownership.

- (2) No operating license shall be issued or renewed for a non-owner occupied residential dwelling unit unless such owner designates in writing to the compliance official the name of his resident agent who is responsible for maintenance and upkeep and who is legally constituted and empowered to receive service of notice of violation of the provisions of the City ordinances, to receive orders and to institute remedial action to effect such orders and to accept all service or process pursuant to law. The compliance official shall be notified in writing of any change of resident agent.
- (3) Every licensee of a multiple dwelling shall cause to be conspicuously posted in the main entryway or other conspicuous location therein the current license for the respective multiple dwelling.
- (4) No operating license shall be transferable to another person or to another Non-owner occupied residential dwelling. Every person holding an operating license shall give notice in writing to the compliance official within five business days after having legally transferred or otherwise disposed of the legal control of any licensed rental dwelling. Such notice shall include the name and address of the person succeeding to the ownership or control of such Non-owner occupied residential dwelling or dwellings. (Ordinance 05-06, adopted May 24, 2005)

Subd. 6. Enforcement. The provisions of this ordinance shall be construed to be directory only, and shall not be construed to create a duty on the part of the City or its officers or employees to enforce. The City and its officers and employees shall not be liable for any failure to enforce the provisions of this code. (Ordinance 05-06, adopted May 24, 2005)

COMPLAINTS. The compliance officer or designee shall enforce the provisions of this chapter when a complaint is filed by one of the following: an occupant of the dwelling, a member of the Rockford Fire Department, a member of the Wright County Sheriff's Department, a visitor or a City staff member. Once a complaint has been filed with the City an inspection of the property shall be scheduled. A fee, as set forth by City Council resolution, shall be charged for all inspections necessary based upon a complaint filed with the City. The inspection fee(s) will be payable to the City within 30 days after the inspection. (Ordinance 05-06, adopted May 24, 2005)

COMPLIANCE ORDER. After an inspection of the dwelling triggered by a complaint and the compliance officer determines that any building or portion thereof, or the premises surrounding any of these, fails to meet the provisions of this ordinance, a compliance order setting forth the violations of the ordinance and ordering the owner, occupant, operator, or agent to correct such violations shall be issued. This compliance order shall:

- (1) Be in writing.
- (2) Describe the location and nature of the violations of this ordinance.
- (3) Establish a reasonable time for the correction of such violation and notify of appeal recourse.

- (4) Be served upon the owner or agent or occupant, as the case may require. Such notice shall be deemed to be properly served upon such owner or agent, or upon any such occupant, if a copy thereof is:
 - A. Served upon owner, agent or occupant personally; or
 - B. Sent by registered mail to his last known address; or
 - C. Upon failure to effect notice through (a) and (b) as set out in this section, posted at a conspicuous place in or about the building, or portion thereof, which is affected by the notice. (Ordinance 05-06, adopted May 24, 2005)

RIGHT OF APPEAL. When it is alleged by any person to whom a compliance order is directed that such compliance order is based upon erroneous interpretation of this ordinance, such person may appeal the compliance order to the City Council sitting as a Board of Appeals. Such appeals must be in writing, must specify the grounds for the appeal, must be accompanied by a filing fee set forth per council resolution, in cash or cashier's check, and must be filed with the City clerk within five (5) business days after service of the compliance order. The filing of an appeal shall stay all proceedings in the furtherance of the action appealed from, unless such a stay would cause imminent peril to life, health, or property. (Ordinance 05-06, adopted May 24, 2005)

BOARD OF APPEALS DECISION. Upon at least five (5) business days notice to the appellant of the time and place for hearing the appeal, and within thirty (30) days after said appeal is filed, the board of appeals shall hold a hearing thereon, taking into consideration any advice and recommendation from the compliance officer. The board of appeals may reverse, modify, or affirm in whole or in part, the compliance order and may order return of all or part of the filing fee if the appeal is upheld. (Ordinance 05-06, adopted May 24, 2005)

RESTRICTIONS ON TRANSFER OF OWNERSHIP. It shall be unlawful for the owner of any building, or portion thereof, upon whom a pending compliance order has been served to sell, transfer, mortgage, lease or otherwise dispose thereof to another person until the provisions of the tag or compliance order have been complied with, unless such owner shall furnish to the grantee, lessee, or mortgage a true copy of any notice of violation or compliance order and shall obtain and possess a receipt of acknowledging. Anyone securing an interest in the building, or portion thereof, who has received notice of the existence of a violation tag or compliance order shall be bound by same without further service of notice and shall be liable to all penalties and procedures provided by this ordinance. (Ordinance 05-06, adopted May 24, 2005)

EXECUTION OF COMPLIANCE ORDERS BY PUBLIC AUTHORITY. Upon failure to comply with a compliance order within the time set therein and no appeal having been taken, or upon failure to comply with a modified compliance order within the time set therein, the criminal penalty established hereunder notwithstanding, the City Council may, by resolution, cause the cited deficiency to be remedied as set forth in the compliance order. The cost of such remedy shall be a lien against the subject real estate and may be levied and collected as a special assessment in the manner provided by Minnesota Statutes, Chapter 429, but the assessment shall be payable in a single installment. (Ordinance 05-06, adopted May 24, 2005)

PENALTIES. Any person violating any of the provisions of this ordinance by doing any act or omitting to do any act which constitutes a breach of any section of this ordinance, shall, upon

conviction thereof by lawful authority, be punished by a fine not to exceed one thousand dollars (\$1,000) or by imprisonment not to exceed ninety (90) days or both, together with the costs of prosecution. Each day that a violation continues shall be deemed a separate punishable offense. No provision of this ordinance designating the duties of any official or employee of the City shall be so construed as to make such official or employee liable for the penalty provided in this section because of failure to perform such duty, unless the intention of the City Council to impose such penalty on such official or employee is specifically and clearly expressed in the section creating the duty.

Every operating license issued under the provisions of this ordinance is subject to suspension or revocation by the City Council should the licensed owner or his duly authorized resident agent fail to operate or maintain licensed rental dwellings and units therein consistent with the provisions of the ordinance of the City of Rockford and the laws of the State of Minnesota. In the event that an operating license is suspended or revoked by the City Council for just cause, it shall be unlawful for the owner or his duly authorized agent to thereafter permit any new occupancy of vacant or thereafter vacated rental units until such time as a valid operating license may be restored by the City Council. Any person violating this provision shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment not to exceed ninety (90) days, or both, together with the costs of prosecution. Each day of each violation shall constitute a separate punishable offense.

The Zoning Administrator or Building Official or his designated agents shall be the compliance official who shall administer and enforce the provisions of this ordinance and who is hereby authorized to inspect Non-owner occupied residential dwelling units and other buildings when complaints are filed with the City that a violation of this ordinance has been or is being committed. Inspections shall be conducted during reasonable daylight hours, and the compliance official shall present evidence of official capacity to the occupant in charge of a respective dwelling unit.

Any owner, occupant, or other person in charge of a building may refuse to permit free access and entry to the structure or premises under his control for inspection pursuant to this ordinance, whereupon the compliance official may seek a court order authorizing such inspection.

UNFIT FOR HUMAN HABITATION.

- (1) Any building or portion thereof, which is damaged, decayed, dilapidated, unsanitary, unsafe, vermin or rodent infested, or which lacks provision for basic illumination, ventilation or sanitary facilities to the extent that the defects create a hazard to the health, safety or welfare of the occupants or of the public may be declared unfit for human habitation, the compliance official shall order same vacated within a reasonable time and shall post a placard on same indicating that it is unfit for human habitation, and any operating license previously issued for such dwelling shall be revoked.
- (2) It shall be unlawful for such building or portion thereof to be used for human habitation until the defective conditions have been corrected and written approval has been issued by the compliance official. It shall be unlawful for any person to deface or remove the declaration from any such building.

SECURE UNFIT AND VACATED BUILDINGS. The owner of any building or portion thereof, which has been declared unfit for human habitation, or which is otherwise vacant for a period of 60 days or more, shall make same safe and secure so that it is not hazardous to the

health, safety and welfare of the public and does not constitute a public nuisance. Any vacant building open at doors or windows, if unguarded, shall be deemed to be a hazard to the health, safety and welfare of the public and a public nuisance within the meaning of this ordinance and shall be made safe and secure immediately.

HAZARDOUS BUILDING DECLARATION. In the event that a building has been declared unfit for human habitation and the owner has not remedied the defects within a prescribed reasonable time, the building may be declared a hazardous building and treated consistent with the provisions of Minnesota Statutes. (Ordinance 05-06, adopted May 24, 2005)

Subd. 7. Enforcement and Inspection Authority. The Zoning Administrator shall be the designated agent for administering and enforcing the provisions of this Ordinance and who is hereby authorized to cause inspections for residential dwellings units when reason exists to believe that a violation of this Ordinance has been or is being committed. The Zoning Administrator may delegate to his or her authorized designee authority to take any action authorized under this Ordinance.

Non-Owner Occupied Dwelling is defined as follows: A home that is occupied by a person or persons that do not have title to the property. Non-owner occupied shall not apply to fewer than two units per dwelling. (Ordinance 05-06, adopted May 24, 2005)

613 Vacant Building Registration

Purpose: The purpose of this chapter is to protect the public health, safety and welfare, by establishing a program to identify and register vacant buildings and by determining what actions the City will take and what actions the owners of the buildings must take. (Ordinance 11-04, adopted July 11, 2011)

Subd. 1. Findings. The City Council finds that buildings which remain vacant and unoccupied for any significant period of time become an attractive nuisance to children, a harborage for rodents, an invitation as a temporary abode, an increased fire hazard, an increased risk of explosion due to the theft of internal piping, and that the unkempt grounds surrounding such property invite the dumping of garbage and rubbishes; that such buildings are often permitted to become dilapidated; that such buildings contribute to the growth of blight within the City, depress the market values of surrounding properties to the detriment of the various taxing districts and require additional governmental services; that the use and maintenance of property in such condition and manner endangers the public safety and health, constitutes an unreasonable use and conditions to the annoyance, discomfort and repose of a considerable number of the public, is detrimental to the public good and to the common welfare; and renders a considerable number of the public insecure in the use and enjoyment of their property, and thus may constitute a nuisance condition. Adequate protection of public health, safety and welfare, therefore, requires the establishment and enforcement of the means by which such nuisance conditions may be abated. (Ordinance 11-04, adopted July 11, 2011)

Subd. 2 Definitions.

DANGEROUS STRUCTURE: A structure that is potentially hazardous to persons or property, including, but not limited to: a) a structure that is in danger of partial or complete collapse; b) a structure with any exterior parts that are loose or in danger of falling; or c) a structure with any parts, such as floors, porches, railings, ramps, balconies, or roofs, that are accessible and that are either collapsed, or in danger of collapsing or unable to support the weight of normally imposed loads.

SECURE BY OTHER THAN NORMAL MEANS: Refers to a buildings secured by means other than those used in the design of the building.

UNOCCUPIED: A building which is not being used for legal occupancy.

UNSECURED: A building or portion of a building that is open to entry by unauthorized persons without the use of tools.

VACANT BUILDNG: A building or portion of a building that is:

- A. Unoccupied and unsecured for five (5) days or more;
- B. Unoccupied and secured by other than normal means for fifteen (15) days or more;
- C. Unoccupied and in any phase of an active foreclosure proceeding under Minnesota Statutes;

- D. Unoccupied and dangerous structure;
- E. Unoccupied and posted for no occupancy or unfit for human habitation;
- F. Unoccupied and has a City Code violation existing for five (5) days or more;
- G. Condemned and illegally occupied; or
- H. Vacant building does not mean any building being constructed pursuant to a valid unexpired building permit issued pursuant to City Building Code regulations. (Ordinance 11-04, adopted July 11, 2011)

Subd. 3 Registration.

- A. The owner of a vacant building shall register the building with the City no later than seven (7) days after the building becomes a vacant building as defined in this chapter.
- B. The City may register an unoccupied building as a vacant building when the City takes ordinance enforcement action or action to abate an ordinance violation against the unoccupied building or the grounds upon which it is located. In such case, the City shall complete all forms required by this section and may special assess all registration costs against such property.
- C. A registration shall be completed on a form provided by the City. Such completed registration may be sent to the owner and all other parties holding an ownership or security interest in the property. The completed form shall include the following:
 - 1. A description of the premises including address.
 - 2. The names and addresses of the owners of the property.
 - 3. The names and addresses of all known lien holders.
 - 4. The period of time the building is expected to remain vacant.
 - 5. A plan or timetable for returning the building to appropriate occupancy.
- D. The owner shall notify the City in writing of any changes in the information supplied as part of the vacant building registration within seven (7) days of such change.
- E. The owner of the building shall keep the vacant building secured and safe and the building grounds maintained.
- F. The owner shall disconnect utilities to the vacant building when required by the City Building Official.
- G. Any new owner of a "vacant building" as defined by this chapter must notify the City in writing of the change of ownership within seven (7) days of the change of ownership.
- H. The owner of a vacant building must allow the City access for inspections. The City will provide the owner with five (5) days notice for any inspection request except where a

hazardous unsafe conditions exists, in which case the City may access the vacant building for inspection purposes after making a reasonable effort to contact the owner via telephone. (Ordinance 11-04, adopted July 11, 2011)

Subd. 4 Fee.

- A. The owner of a vacant building shall pay an annual registration fee of one hundred dollars (\$100.00). Said fee may be modified by City council resolution from time to time. Subsequent annual fees shall be paid on the anniversary of the initial registration. This fee is imposed to defray the costs of registering and monitoring the vacant building.
- B. The first annual fee shall be paid not later than ten (10) days after the building has become "vacant building" as defined by this chapter. (Ordinance 11-04, adopted July 11, 2011)

Subd. 5 City Action. The City may take the following actions in relation to a vacant building. The building owner shall reimburse the City for all costs incurred by the City pursuant to this chapter.

- A. The City may shut off water service to the vacant building, unless the owner can show good cause why water service should remain on.
- B. The City may inspect the premises of the vacant building each month.
- C. The City may take any other action required to secure the building. Any additional cost shall be charged back to the owner of the property.
- D. The City may mow the lawn, landscape or grounds of any vacant building as needed if the plant growth violates the City ordinance and the owner fails to timely cut the lawn. The owner shall pay the City for the costs incurred.
- E. The City may plow sidewalks and driveways located on the vacant property, remove garbage from vacant property, and take any other actions authorized by the law to remedy an ordinance violation.
- F. The City may conduct site inspections of the property upon which the vacant building is located as needed to ensure that the building is secure, the grounds are maintained and compliance with the terms of this chapter is achieved. (Ordinance 11-04, adopted July 11, 2011)

Subd. 6. Certification of Unpaid Service Charges. In the event the building owner fails to reimburse the City within thirty (30) days of mailing of a bill by the City for costs incurred by the City pursuant to enforcement of this chapter against a vacant property, or in the event the building owner fails to pay the registration fee required by the chapter, the City may certify such unpaid charges to the County auditor for collection with the next year's property taxes after ten (10) days' mailed notice to the property owner sent via first class U.S. mail to the owner's address as listed on the tax records at the Wright or Hennepin County recorder's office. (Ordinance 11-04, adopted July 11, 2011)

Subd. 7. Penalty. Any owner who fails to register a vacant building under this chapter or who provides inaccurate or false information shall face an administrative fine of one hundred

dollars (\$100.00) for each month that the building remains unregistered. (Ordinance 11-04, adopted July 11, 2011)

Subd. 8. Appeal. Any owner of a vacant building who believes that an order or penalty issued under this chapter is based on an erroneous interpretation of this chapter or misstatement of facts may appeal to the City Council. Such appeal must be in writing and must specify the grounds for the appeal. Any appeal must be filed within ten (10) days of the action taken with which the owner disagrees. (Ordinance 11-04, adopted July 11, 2011)