

JASPER
CITY CODE

Adopted 4/14/98

**AN ORDINANCE ADOPTING A REVISION AND
CODIFICATION OF ORDINANCES TO BE KNOWN
AS THE JASPER CITY CODE**

THE CITY COUNCIL OF JASPER ORDAINS: Section 1. **Code adopted.** There is hereby adopted that certain revision and codifications of the ordinances of the City contained in a printed compilations entitled "Jasper City Code." A copy of such code shall be marked "Official Copy" and filed as part of the official records of the City in the office of the City Clerk.

Sec. 2. **Repeals.** the former Jasper City Code, adopted December 20, 1904, and in effect as amended, until adoption of this code is hereby repealed except those ordinances granting franchise, easements, or as otherwise listed in Chapter 10 herein.

Sec. 3. **Copies.** The clerk shall provide a sufficient quantity of the Jasper City Code for general distribution to the public and shall give notice in the official newspaper for at least two successive weeks that copies are available in the clerk's office for examination or purchase.

Sec. 4. **Prima facie evidence.** The Jasper City Code shall be prima facie evidence of the law of the City.

Sec. 5. **Effective date.** This ordinance becomes effective upon the passage and publication of this ordinance and a notice for two successive weeks stating that printed copies are available at the office of the City Clerk.

Passed by the council this 14th day of April, 1998.



Mayor

Attest:



Clerk

PRINTER'S AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)

)ss.

County of Pipestone)

Charles L. Draper, being duly sworn, on oath says that he is the publisher of the newspaper known as the Jasper Journal, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed Public Notice - City of Jasper

which is attached was cut from the columns of said newspaper, and was printed and published once each week, for 2 successive weeks; it was first published on Monday, the 20th day of April, 1998, and was thereafter printed and published on every Monday to and including Monday, the 27th day of April, 1998; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

Charles L. Draper
Publisher, Jasper Journal

PUBLIC NOTICE

Notice is hereby given in accordance with Minnesota Statutes Section 415.021 and Minnesota Statutes Section 331A.01, Subd. 10, that the City of Jasper, by its Council, has revised and codified in print form certain ordinances to be known collectively as the Jasper City Code. Said code affects and relates to the general administration of city government, the provision and use of municipal utilities, and the licensing and regulation of commercial businesses within the City of Jasper, laws relating to the drivers of all vehicles upon public streets including traffic and parking regulations, and general public protection.

Please be advised, that this published notice is a summary only. The full text of the Jasper City Code, and all uncoded ordinances remaining in effect, are available for public inspection at Jasper City Hall, 105 East Wall, Jasper, Minnesota. A copy of said code is also available for inspection at both the Pipestone and Rock County Community Libraries.

BY ORDER OF THE COUNCIL.

Dated: April 14, 1998.

By /s/ David Smith
Dave Smith, Its Mayor


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By 
Dave Smith, Its Mayor

Copies of the City Code for Jasper have been distributed to the following:

- Pipestone County Law Enforcement, 3 copies
- Rock County Law Enforcement has a copy from T. Vajgrt's office
- Pipestone County Library
- Rock County Library
- Mayor's Office
- City Office, Desk Copy for Public
- City Office, Clerk-Treasurer
- Public Works Department Superintendent

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No. 90
10-14-08

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Section 7.055 ←
 on Recreational
 vehicles - ATV,
 ORVs, & Golf Carts

Ordinance
 No. 87

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Section 9.52
Building
Demolition

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No. 03-147

CHAPTER 1

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

SECTION 1.01. APPLICATION. The provisions of this Chapter shall be applicable to all the chapters, sections, subdivisions, paragraphs and provisions in the City Code, and the City Code shall apply to all persons and property within the City of Jasper, Minnesota, and within such adjacent area as may be stated in specific provisions.

SECTION 1.02. DEFINITIONS. Unless the language or context clearly indicates that a different meaning is intended, the following words, terms and phrases, for the purpose of every chapter, section, subdivision, paragraph and provision of this City Code, shall have the following meanings and inclusions:

Subd. 1. "City" means the City of Jasper, Minnesota, acting by or through its duly authorized representative.

Subd. 2. "Council" and "City Council" mean the City Council of the City of Jasper, Minnesota.

Subd. 3. "City Clerk-Treasurer" means the person duly appointed by the City Council and acting in such capacity.

Subd. 4. "Person" includes all firms, partnerships, associations, corporations and natural persons.

Subd. 5. "Written" and "In Writing" mean any mode of representing words and letters in the English language.

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

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

Subd. 8. "Private Property" means all property not included within the definition of

public property or public place.

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

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

Subd. 11. "Misdemeanor" means the crime for which a sentence of not more than ninety (90) days or a fine of not more than \$700.00, or both, may be imposed.

Subd. 12. "Petty Misdemeanor" means an offense, which does not constitute a crime, and for which a sentence of a fine of not more than \$200.00 may be imposed.

Subd. 13. "Conviction" means either of the following accepted and recorded by the Court:

- A. A plea of guilty; or,
- B. A verdict of guilty by a jury or a finding of guilty by the Court.

Subd. 14. "Crime" means conduct which is prohibited by Federal or State law or ordinance and for which the actor may be sentenced to imprisonment or fine.

Subd. 15. "Ordinance" means an ordinance duly adopted by the City Council of Jasper, Minnesota.

Subd. 16. "Ex Officio Member" means a person who is not counted for the purpose of determining a quorum, and has no right to vote, but shall have the right and obligation (within his discretion) to speak to any question coming before the board, commission or other deliberative body of which he is such member.

Subd. 17. "May" is permissive.

Subd. 18. "Shall" is mandatory.

Subd. 19. "Violate" includes failure to comply with.

Subd. 20. "Premises" means any lot, piece or parcel of land within a continuous boundary whether publicly or privately owned, occupied or possessed.

SECTION 1.03. VIOLATION A MISDEMEANOR OR A PETTY MISDEMEANOR.

Every person violates a chapter, section, subdivision, paragraph or provision of this City Code when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof shall be punished as for a misdemeanor, or as for a petty misdemeanor, except as otherwise stated in specific provisions herein, as set forth in the specific Chapter in which the section, subdivision, paragraph or provision violated appears. Upon conviction for a crime, the actor may be convicted of either the crime charged if it is a misdemeanor, or a petty misdemeanor as an included offense necessarily proved if the misdemeanor charge were proved.

SECTION 1.04. OTHERWISE UNLAWFUL. The City Code does not authorize an act or omission otherwise prohibited by law.

SECTION 1.05. SEVERABILITY. Every chapter, section, subdivision, paragraph or provision of the City Code shall be, and is hereby declared, severable from every other such chapter, section, subdivision, paragraph or provision and if any part or portion of any of them shall be held invalid, it shall not affect or invalidate any other chapter, section, subdivision, paragraph or provision.

SECTION 1.06. PAYMENT INTO CITY TREASURY OF FINES AND PENALTIES. All fines, forfeitures and penalties recovered for the violation of any ordinance, charter, rule or regulation of the City shall be paid into the City Treasury by the Court or officer thereof receiving such monies. Payment shall be made in the manner, at the time, and in the proportion provided by law.

SECTION 1.07. MEANINGS. As used in this City Code, words of the male gender shall include the female and neuter, and the singular shall include the plural and the plural shall include the singular.

SECTION 1.08. CITATION. This codification of the ordinances of the City of Jasper shall henceforth be known as the City Code and cited thus: "JASPER CITY CODE, SEC._."

SECTION 1.09. PENALTIES FOR EACH OFFENSE. When a penalty or forfeiture is provided for the violation of a chapter, section, subdivision, paragraph or provision of this City Code, such penalty or forfeiture shall be construed to be for each such violation.

SECTION 1.10. TITLES. A title or caption to or in any chapter, section, subdivision, subparagraph or other provision of the City Code is for convenience only and shall not limit, expand, or otherwise alter or control the content, wording or interpretation thereof.

(Sections 1.11 through 1.99, inclusive, reserved for future expansion.)

CHAPTER 2

ADMINISTRATION AND GENERAL GOVERNMENT

SECTION 2.01. AUTHORITY AND PURPOSE. Effective January 1, 1970, the City of Jasper, Minnesota, became a statutory city of the fourth class pursuant to Minn.Stat. § 410.015 and Minn.Stat. § 410.01, and put into effect the Optional Plan A form of city government. Pursuant to authority granted by Minnesota Law, this City Code is enacted so as to provide for the enforcement of government and good order of the City of Jasper, Minnesota, by and through the City Council.

SECTION 2.02. COUNCIL; MEMBERS, POWERS AND DUTIES.

Subd. 1. Composition of City Council. The City Council shall consist of the mayor, and four council members. A majority of all the members shall constitute a quorum.

Subd. 2. Publication of Council Proceedings. No publication of council proceedings shall be made by the City Council. The City Council, after every regular or special meeting, shall make available, by placing a copy thereof at City Hall, the official council proceedings, which shall include action on motions, resolutions, ordinances, and other official proceedings.

Subd. 3. Enactment of Ordinances. Every ordinance shall be enacted by a majority vote of all the members of the council, except where a larger number is required by law. Ordinances shall be signed by the mayor, attested by the clerk and published once in the official newspaper, in no less than eight-point type. In the case of lengthy ordinances, or ordinances which include maps or charts, if the City Council determines that publication of the title and a summary of an ordinance would clearly inform the public of the intent and effect of the ordinance, the council may by a four-fifths vote of its members direct that only the title of the ordinance and a summary be published, with notice that a printed copy of the ordinance is available for inspection by any person during regular office hours at the office of the City Clerk and any other location which the council designates. A copy of the entire text of the ordinance shall be posted in any other public location which the council designates. Prior to the publication of the title and summary, the council shall approve the text of the summary and determine that it clearly informs the public of the intent and effect of the ordinance. Proof of publication shall be attached to and filed with the a copy of the ordinance at the office of the City Clerk. Every ordinance shall be recorded in the ordinance book within 20 days after publication of the ordinance or its title and summary.

Subd. 4. Execution of Instruments and Contracts.

A. Every contract, conveyance, license or other written instrument shall be executed on behalf of the City by the mayor and Clerk-Treasurer, with the corporate seal affixed, and

only pursuant to authority of the City Council. Reference: Minn.Stat. 412. 201

B. Except as provided by other law, no member of the City Council shall be directly or indirectly interested in any contract made by the City Council. Whenever the amount of a contract for the purchase of merchandise, materials or equipment or for any kind of construction work undertaken by the City is estimated to exceed the amount specified in Minn.Stat. § 471.345, Subd. 3, the contract shall be let to the lowest responsible bidder, after notice has been published once in the official newspaper at least ten days in advance of the last day for the submission of bids. If the amount of the contract exceeds \$1,000.00, it shall be entered into only after compliance with Minn.Stat. § 471.345. Reference: Minn.Stat. 412.311

Subd. 5. Specific Powers of the Council. The City Council shall have power to perform all functions granted by Minn.Stat. § 412.221, including but not limited to: (a) to make such contracts as may be deemed necessary or desirable to make effective any power possessed by the council; (b) to construct or acquire structures and buildings needed for City purposes; (c) to provide for the prosecution and defense of actions or proceedings at law in which the City may be interested; (d) to lay out, open, change, widen or extend streets, alleys, parks, squares, and other public ways and grounds and to grade, pave, repair, control, and maintain the same; (e) to establish and maintain drains, canals, and sewers, and to alter, widen or straighten water courses; (f) to lay, repair, or otherwise improve or discontinue sidewalks, paths and crosswalks; (g) to provide for lighting the streets, buildings, or other grounds by gas, electricity or other means; (h) to provide for, and regulate, the setting out and protection of trees, shrubs, and flowers in the City or upon its property; (i) to acquire, hold, manage and regulate cemetery grounds; (j) to establish markets, and restrain sales in streets; (k) to provide and regulate the use of wells, cisterns, reservoirs, waterworks and other means of water supply; (l) to provide hospitals and establish a hospital board; (m) to establish a fire department, appoint its members and prescribe their duties; (n) to name or rename the streets and public places of the City and to number the lots and blocks of the City; (o) to restrain or license and regulate auctioneers, and transient merchants; (p) to regulate the keeping of animals and to restrain their running at large; (q) to restrain and punish vagrants, prostitutes, and persons guilty of lewd conduct; (r) to regulate the construction of buildings; (s) to provide for the health or safety of the City; (t) to define nuisances and provide for their prevention or abatement; (u) to regulate and prevent noise or other disorder; (v) to provide for the government, good order and the general welfare of the City .

Subd. 6. Council to Control Finances. The City Council shall have full authority over the financial affairs of the City, and shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts, and the safekeeping and disbursement of public monies.

Subd. 7. Annual Tax Levy. The City Council shall make its annual tax levy by resolution, which may contain taxes for the following levies as authorized by law: (a) a tax for the payment of principal and interest on outstanding obligations of the City as provided by Minn.Stat. § 475.61, 475.73, and 475.74; (b) a tax for the payment of judgments; (c) a tax to provide musical

entertainment to the public; (d) a tax for band purposes pursuant to Minn.Stat. § 449.09; (e) a tax for municipal forests pursuant to Minn.Stat. § 459.06; (f) a tax for advertising purposes pursuant to Minn.Stat. § 469.189; (g) a tax for forest fire protection pursuant to Minn.Stat. § 88.04; (h) a tax for the public utilities fund pursuant to Minn.Stat. § 412. 251, Subd. 8; (i) a tax for support of a public library pursuant to Minn.Stat. § 134.07; (j) a tax for firefighters' relief association purposes pursuant to Minn.Stat. § 69.772, Subd. 4; § 69.773, Subd. 5; or other statutes; and (k) any other special taxes authorized by law.

Subd. 8. Disbursements. No disbursements of City funds shall be made except by an order-check drawn by the Mayor and attested by the Clerk-Treasurer. No order-check shall issue until the claim to which it relates has been audited and allowed by the council, except when the exact amount of such claim has been previously determined by contract authorized by the council and is issued for the payment of a judgment; salary or wage previously fixed by the council or by statute; principal or interest on an obligation; rent or other fixed charge; or as otherwise provided in subparagraphs C, D, and F of this Subdivision.

A. **Payment of Claims.** Except for wages paid on an hourly basis, a claim for money due on goods or services shall be made in writing, shall be itemized and shall contain a signed declaration by the person claiming payment or the claimant's agent that the claim is just and correct and that no part of it has been paid; but the council, in its discretion, may allow a claim prepared by the Clerk-Treasurer without declaration, if the declaration is made by an endorsement on the order-check by which the claim is paid. All payment of claims for wages shall be made in accordance with the provisions of Minn.Stat. § 412.271, Subd. 2

B. **Endorsement on Claims.** The Clerk-Treasurer shall endorse on each claim required to be audited by the council the word "disallowed" if such be the fact, or, "allowed in the sum of \$," if approved in whole or in part, specifying in the latter case the items rejected. Each order-check issued on a claim made without declaration, shall have printed on its reverse side the declaration required in subparagraph A of this subdivision: "The undersigned payee, in endorsing this order-check, declares that the same is received in payment of a just and correct claim against the City of Jasper, and that no part of such claim has heretofore been paid."

C. **Immediate Payment of Claims.** When payment of a claim based on contract cannot be deferred until the next council meeting, without loss to the City through forfeiture of discount privileges or otherwise, it may be paid immediately if the itemized claim is endorsed for payment by at least a majority of all the members of the council. The claim shall be acted upon formally at the next council meeting in the same manner as if it had not been paid, and the earlier payment shall not affect the right of the City or any taxpayer to challenge the validity of the claim.

D. **Imprest Funds.** The council may establish one or more imprest funds, by a transfer from the general fund, for the payment in cash of any proper claim against the City which it is impractical to pay in any other manner, except that no claims for salary or personal expenses of an officer or employee shall be paid from such funds. The council shall appoint a custodian of each

RESOLUTION #21-11A

A RESOLUTION INCREASING THE WAGE FOR MEETINGS FOR THE CITY COUNCIL
EFFECTIVE IMMEDIATELY 1/1/2022.

WHEREAS, The Jasper City Council reviewed the budget in September of 2021,

WHEREAS, The Jasper City Council made the decision to raise the wage prior to the general
election in 2022,

WHEREAS, The Jasper City Council found that wages for the council had not been raised since
2010,

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Jasper City Council hereby raises
the Council's regular and special meeting wages from \$75 per meeting to \$125 per meeting
along with raising the short meeting rate from \$35 to \$45 for the 1st hour and \$20 per additional
hour.

Those voting in favor of this resolution:

Absent:

Those voting against this resolution:

Attest:

Cortney Kounkel, Clerk-Treasurer

Mike Baustian, Mayor

I hereby Certify that the foregoing is a true and correct copy of a resolution duly adopted
by the Jasper City Council of Jasper, Minnesota, on the 11th day of January, 2022 at a Jasper City
Council Meeting of the City of Jasper duly called, noticed, and held and at which a quorum was
present and acting throughout. The resolution is in full force and effect as of the date hereof.

Witnesseth my hand this 11th day of January, 2022.

Cortney Kounkel, Clerk-Treasurer

such fund who shall be responsible for its safekeeping and disbursement according to law. A claim itemizing all the various demands for which disbursements have been made from the fund shall be presented to the council at the next council meeting after the disbursements have been made. The council shall act upon said claim as in the case of other claims and an order shall be issued to the fund custodian for the amount approved to replenish the fund. If the council fails to approve the claim in full for any sufficient reason, the fund custodian shall be personally responsible for the difference.

E. Independent Boards and Commissions. Subparagraphs C and D of this subdivision shall apply to any independent board or commission of the City having authority to disburse funds without the prior approval of the council. In such case, references in these provisions to "the council" shall be considered to be to the board or commission and the money for the fund may be secured from any undedicated fund under the jurisdiction of the board or commission.

F. No Delegation of Authority for Paying Claims. No delegation of the council's authority, pursuant to Minn.Stat. § 412.271, Subd. 8, to pay certain claims made against the City has been made to any City official.

Subd. 9. Official Newspaper. The City Council shall, annually at its first meeting of the year, designate a legal newspaper of general circulation in the City as its official newspaper, in which shall be published such ordinances and other matters as are required by law to be published and such other matters as the council may deem it advisable and in the public interest to have published in this manner. Reference: Minn.Stat. § 412.831

SECTION 2.03. CITY SEAL. All contracts to which the City is a party shall be sealed with the City Seal. Said Seal shall be kept in the custody of the City Clerk-Treasurer and affixed by him. The official City Seal shall be a circular disc having engraved thereupon "CITY OF JASPER" and such other words, figures or emblems as the City Council may, by resolution, designate.

SECTION 2.04. SALARIES OF MAYOR AND COUNCIL MEMBERS. Salaries of the Mayor and council members are hereby fixed as follows, which amounts are deemed reasonable:

Subd. 1. Mayor's Salary. The salary of the Mayor shall be \$35.00 for each regular meeting attended and \$35.00 for each special meeting attended. *Add'l hrs: \$20/hr. Res. 10-222E*

Subd. 2. Council Member's Salary. The salary of each council member shall be \$30.00 for each regular meeting attended and \$30.00 for each special meeting attended. *Res. 21-11A*

Subd. 3. Modification. The salaries provided for herein may be modified, from time to time, as deemed appropriate by the Council

SECTION 2.05. COUNCIL MEETINGS.

back to 2nd Tuesday

Subd. 1. Time and Place. Regular meetings of the City Council shall be held in the Council Chambers at 7 p.m. on the ~~second Tuesday~~ ^{first Monday} of each month. Special and adjourned meetings shall also be held in the Council Chambers. In the event that any regular meeting falls on a holiday, then the meeting shall be held on an alternative date to be set by the City Council. All council meetings shall be open to the public pursuant to the Minnesota Open Meeting Law, unless closed to the public pursuant to statute.

Subd. 2. Special Meetings. Special meetings of the City Council may be called by the Mayor, or by any two other members of the City Council, by writing filed with the City Clerk-Treasurer stating the time, place and purpose of the meeting. Notice of a special meeting shall be given by the City Clerk-Treasurer to each member of the City Council by mailing a copy of such filing to all members who did not sign or issue the call at least three (3) days prior to the time stated therein, or by personal service at least seventy-two (72) hours prior to the projected time of meeting. Special meetings may be held without prior written notice to the City Council when all council members are present at the meeting or consent thereto in writing. Any such consent shall be filed with the City Clerk-Treasurer prior to the beginning of the meeting. Any special meeting attended by all council members shall be a valid meeting for the transaction of any business that may come before the meeting. Meetings of the City Council which are adjourned from time-to-time shall not be subject to the foregoing notice requirements; nor shall special meetings which, in the judgment of the City Council, require immediate consideration to meet an emergency require such notice, but may be called by telephone communication or any other expeditious means. Notice to the public and to news media shall be given as required by statute. Reference: Minn.Stat. § 471.705 (Open Meeting Law).

SECTION 2.06. ELECTION; DATE AND TERMS OF OFFICE.

Subd. 1. Date of Election. The regular City election shall be held biennially on the first Tuesday after the first Monday in November in every even-numbered year.

Subd. 2. Terms. Council members shall be elected for four-year staggered terms, with two council members standing for election at each biennial election. The Mayor shall be elected for a two-year term at each biennial election. The terms of elective office shall commence on the first business day of January following the election at which the officer is chosen. All officers chosen and qualified as such shall hold office until their successors qualify.

Subd. 3. Vacancy. A vacancy in office shall be filled by council appointment until an election is held as provided by Minn.Stat. § 412.02, Subd. 2a.

SECTION 2.07. CITY CLERK-TREASURER.

Subd. 1. Offices Combined. Pursuant to the authority granted by Minn.Stat. § 412.591, the offices of the Clerk and Treasurer shall be, and hereby are, combined in the office of the Clerk-Treasurer and thereafter the duties of the Treasurer and Clerk shall be performed by the

Clerk-Treasurer.

Subd. 2. Audit. It shall be the responsibility of the Clerk-Treasurer to arrange for, in conformance with the laws of the State of Minnesota, an annual audit of the City's financial affairs by the State Auditor or a public accountant in accordance with minimum procedures prescribed by the State Auditor.

Subd. 3. Duties of Clerk-Treasurer. The Clerk-Treasurer shall give the required notice of each regular and special election, record the proceeding thereof, notify officials of their election or appointment to office, certify to the county auditor all appointments and the results of all City elections. The Clerk-Treasurer shall keep (1) a minute book, noting therein all proceedings of the council; (2) an ordinance book to record at length all ordinances passed by the council; and (3) an account book to enter all money transaction of the City including the dates and amounts of all receipts and the person from whom the money was received and all orders drawn upon the treasurer with their payee and object. The Clerk-Treasurer shall act as the clerk and bookkeeper of the City, shall be the custodian of its seal and records, shall sign its official papers, shall post and publish such notices, ordinances and resolutions as may be required and shall perform such other appropriate duties as may be imposed by the council. The Clerk-Treasurer shall be responsible and whom the City Council, by majority vote, may remove at its pleasure. The Clerk-Treasurer shall possess all powers granted by Minn.Stat. § 412.151.

Subd. 4. Financial Duties. The Clerk-Treasurer shall receive and safely keep all monies belonging to the City, including monies received in operations of any municipal liquor dispensary maintained by the City, and shall promptly enter in a book provided for the purpose an account of all monies received and disbursed as treasurer, showing the source and objects thereof with the date of each transaction. The Clerk-Treasurer shall pay out money only upon the written order of the Mayor, duly approved by the council and attested by the Clerk-Treasurer; or upon the written order of such other officers of independent boards or commissions as are authorized to issue orders in the course of board or commission operations; or as otherwise allowed by law. Such orders when paid and canceled shall be retained as treasurer's vouchers. Such accounts and vouchers shall be exhibited to the council upon request. The Clerk-Treasurer shall, immediately after the close of the calendar year, make out and file in the Office of the City Clerk for public inspection, a report of balances, receipts and disbursements of City funds for the year. The Clerk-Treasurer shall possess all powers granted by Minn.Stat. § 412.141.

SECTION 2.08. DEPUTY CLERK-TREASURER.

Subd. 1. Position Created. The position of Deputy Clerk-Treasurer is hereby created.

Subd. 2. Delegation of Duties. All of the bookkeeping duties of the City Clerk-Treasurer may be delegated to the Deputy Clerk-Treasurer upon appointment.

Subd. 3. Bond. The Deputy Clerk-Treasurer shall furnish a fidelity bond conditioned on the faithful exercise of his or her duties. The council may provide for the payment from City funds of the premium on the official bond.

SECTION 2.09. APPROVAL OF MINUTES. The minutes of each council meeting shall be reduced to typewritten form, shall be signed by the Clerk-Treasurer, and copies thereof shall be delivered to each council member as soon as practicable after the meeting. At the next regular council meeting following such delivery, approval of the minutes shall be considered by the council. The minutes need not be read aloud, but the presiding officer shall call for any additions or corrections. If there is no objection to a proposed addition or correction, it may be made without a vote of the council. If there is an objection, the council shall vote upon the addition or correction. If there are no additions or corrections, the minutes shall stand approved.

SECTION 2.10. ORDER OF COUNCIL BUSINESS.

Subd. 1. Order Established. Each council meeting shall be convened by the mayor, who is the presiding officer. In the absence of the mayor, the council will appoint one of its members to act as temporary presiding officer. Council business shall be conducted in the following order unless varied by the presiding officer:

- A. Call to Order
 - B. Roll Call
 - C. Approval of Minutes
 - D. Consent Agenda
 - E. Public Hearings
 - F. Petitions, Requests, and Communications
 - G. Ordinances and Resolutions
 - H. Reports of officers, boards and commissions
 - I. Unfinished business
 - J. New business
 - K. Miscellaneous
 - L. Adjournment
- Pledge of Allegiance

Subd. 2. Petitions and Agenda. Petitions and other papers addressed to the council shall be read by the clerk upon presentation of the same to the council. All persons desiring to present new business before the council, shall inform the clerk thereof at least 72 hours before said new business is to be heard. The clerk may prepare an agenda of said new business for submission to the council on or before the time of the next regular meeting.

(Sections 2.11 through 2.29, inclusive, reserved for future expansion.)

SECTION 2.30. DEPARTMENTS GENERALLY.

Ordinance No. 86

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF JASPER BY ADDING SECTION 2.33 ON AMBULANCE SERVICES

Section 1. The City Code of the City of Jasper is hereby amended by adding Section 2.33 to read as follows:

SECTION 2.33. AMBULANCE SERVICE. A Volunteer Ambulance Service under the control of the City Council is hereby established. The size, composition and remuneration shall all be established by resolution of the City Council, which may be changed from time-to-time by subsequent resolution. The Ambulance Service shall operate as a Special Revenue Fund of the City of Jasper. The City Council shall also approve written rules and regulations of the Ambulance Service, as developed by the Ambulance Association. A copy of which shall be distributed to each member of the Ambulance Service. The members of the service shall elect their own President, Vice President, Secretary, Treasurer and 2 at-large board members subject to confirmation and approval by the City Council. The President of the Ambulance Service shall have general superintendence of the Ambulance Service and the custody of all City property used and maintained for the purposes of said Service. The President shall see that the same are kept in proper order and that all rules and regulations and all provisions of the laws of the State and ordinances of the City relative to an Ambulance Service and to the standard of care for treating patients are duly observed. The President shall supervise and shall have control and direction of all persons engaged in providing such care according to the guidelines as stated by the Emergency Medical Services Regulatory Board. In case of the absence or disability of the President for any cause, the Vice President shall exercise all the responsibilities of the President. The President can and shall delegate responsibility for day-to-day activities of the service, but shall retain ultimate responsibility for the items required herein of the office. The President of the Ambulance Service shall make and file such reports as may be requested by the City Council.

SECTION 2.34. LEGAL DEPARTMENT.

Section 2. The City Clerk is hereby instructed to prepare the necessary forms and documents to effectuate this ordinance and to publish the same in the official newspaper as required.


Section 3. This ordinance shall be effective April 1, 2006, following publication in accordance with the law.

Adopted this 14th day of March, 2006.

Attest:



Ilene DeBates, Acting Mayor



Kris Rodman, City Clerk

SWG & PROPERTY MAINTENANCE TO 2006 TAXES. Mid-month notices of past due bills will indicate that payments need to be made by 11/28 to avoid bills being placed on the taxes.

- 2) So far, \$3,254 has been collected for the 2005 United Fund Drive; goal is \$3,800.
- 3) Council reviewed a map of available gravesites at the 1st Addition at the City Cemetery. We usually have 10-20 burials a year, but many people have already purchased gravesites; we have not sold too many gravesites lately.
- 4) Need election judges for the upcoming commissioner's primary (11/29) and general election (12/13). At this time, we have nine certified election judges, including Lingen. Stella cannot serve at the primary since she is running. Motion by Bell, seconded by DeBates, to appoint Marion Peterson and Norma Anderson as head election judges, one for each election, with other judge's names placed in a hat for selection. All ayes, motion carried. Lingen will inform the judges accordingly.
- 5) Lingen is having problems with her computer and printer when making out water bills. The water billing program is still the original one on DOS, purchased in 1995, whereas now all the company offers is on Windows plus using laser-jet billing cards or perforated billing statements. Prices for the upgraded computer (2 bids), new program, converting old program to new program, and training were discussed. Motion by Bell, seconded by DeBates, that the upgraded computer and printer be purchased from Paul Johnson for nearly \$1,000 and the Windows (Asyst) version of the billing program, training, and conversion, purchased from United Systems Technology, Inc. for about \$2,000. All ayes, motion carried. It is hoped that the program can be up and running by the December billing time.

Jasper Ambulance Association:

At 8 PM, members of Jasper Ambulance Association came to the council meeting to discuss the insurance situation that has come to the attention of the League of Minnesota Cities Insurance Trust. Even though the city has paid for insurance for the Jasper Ambulance Association from the beginning, the LMCIT believes that the way the by-laws of the Association are presently written, there is no sign that they operate as a "function of the city" and they need to become an instrumentality of the city, similar to the Fire Department and the EDA's Sunrise Village and Town Houses.

The city believes that they have been providing workmen's compensation insurance, vehicle insurance, and insurance on their property in the Emergency Services Building. The council has always congratulated the Ambulance Association for being economically on their own except for the insurance that the city pays and the annual stipend that the city gives them for salaries and/or other expenses.

Assistant City Attorney Jeff Haubrich was unable to attend tonight's meeting, but he submitted a draft of a new section that could be added to the Jasper City Code that would include the Jasper Ambulance Association as an entity of the City of Jasper. Although the bylaws will need to be changed to reflect this, some of the more apparent changes in the way the Ambulance does business would include providing the city with an annual budget, quarterly financial reports (similar to what they provide for USDA's Rural Development now), membership authorization, and the Association would be included in the City's Annual Audit. It has also been suggested by LMCIT that the Jasper Ambulance Association become incorporated; there is no opposition to this change from either the Association or the City.

Motion by DeBates, seconded by B. Smith, that the Jasper Ambulance Association temporarily function as a city entity/instrumentality beginning immediately (November 8, 2005) until the council can modify their city's ordinances to formally include the Jasper Ambulance Association as a Department of the City of Jasper and the Ambulance Association can amend their bylaws along with becoming incorporated. Ayes: David Smith, Ilene

--A resident, who has a pit bull, has let the dog run loose again; Rodman wrote letter to party and Law Enforcement will receive a copy on Wednesday. Dan said they had equipment to snare animal if necessary.

Old Business:

- a) It is very clear that LMC wants the Jasper Ambulance to either become a department of the city or incorporate. Need to write a letter Haubrich about this—needs to be completed within a month. CC: to Don Klosterbuer.
- b) The Liquor Store's land purchase needs to be competed; letter to Haubrich, copy to Don.
- c) The Jasper Volunteer Fire Department has received notice from FEMA that they did not receive funding for their 2005 application for Assistance to Firefighters Grant Program.

Future Meetings: Jan. 10 (Reg. Mtg.), Jan. 17 (Personnel Committee), Jan. 24 changed to Jan. 31 (Spec. Mtg., Staff Evaluations); Feb. 14 (Reg. Mtg.), Feb. 21 (Spec. Mtg., ATV Ordinance, make sure to include dirt bikes); Mar. 14 (Reg. Mtg.), and Mar. 21 (Spec. Mtg., Cemetery Rules)

New Business:

- Blaine Smith has submitted his council seat's resignation effective 12/7/05 due to health reasons. Motion by Luehmann, seconded by DeBates, to accept his resignation but thank him for his 15 years of service to the community. All ayes, motion carried. Council discussed a replacement for Blaine whose term would have been until the November 2006 election. Motion by Bell, seconded by DeBates, to appoint Cathy Bryan to fill the vacancy on the council for the remainder of Blaine's term. Ayes: Smith, Bell, DeBates, and Luehmann. Motion carried.
- Motion by Luehmann, seconded by DeBates, to accept the election of Jeff Leslie as Fire Chief, effective 1/1/06. All ayes, motion carried.
- Motion by DeBates, seconded by Luehmann, to approve RESOLUTION #05-348B ADOPTING THE BUSINESS LICENSE FEES FOR 2006. All ayes, motion carried.
- Motion by DeBates, seconded by Bell, to approve RESOLUTION #05-348C ADOPTING AN ADDITIONAL 4.25 TO THE \$4.25 CITY SERVICES CHARGE FOR A TOTAL OF \$4.50 PER MONTH EFFECTIVE 1/1/06. All ayes, motion carried.
- Motion by Bell, seconded by Luehmann, to approve RESOLUTION #05-348D ADOPTING THE MINNESOTA'S LEGISLATURE'S INCREASE IN DRINKING WATER SERVICE CONNECTION FEES, FROM \$5.21 TO \$6.36, WHICH WILL APPEAR ON THE FEBRUARY UTILITY BILLS. All ayes, motion carried.

Stella Lingen, Helmuth Luehmann, and Norma Anderson plan to attend the Election Equipment Plan Meeting scheduled for Dec. 15 at the Pipestone County Courthouse. Pipestone Co. Auditor Steinhoff believes it will be too difficult to program the voting machine for two counties but Rock Co. Auditor Rolfs thinks it could be done. Other things to consider: have Rock County portion of Jasper vote with Rose Dell Township on one machine in the Memorial Hall. Rose Dell Township officials still think that they should use their township hall for voting even if it has no bathroom facilities nor is it handicapped accessible. It was suggested that we invite the Rose Dell Township officers to our January meeting to discuss situation. If Rose Dell won't vote at Memorial Hall Meeting Room, a mail vote for Rock Co. residents (34) should be considered.

JASPER CITY COUNCIL MINUTES

Regular Meeting, March 14, 2006

The Jasper City Council of the City of Jasper met in said City on Tuesday, ~~February~~ ^{March} 14, 2006, in the Jasper City Council Room at 7:00 PM. Council members present were: Acting Mayor Ilene DeBates, Maureen Bell, Cathy Bryan, and Helmuth Luehmann. Absent: Mayor David Smith. Employees present: Public Works Superintendent Brian Thode, Assistant Clerk-Treasurer Stella Lingen, and Clerk-Treasurer Kris Rodman. Also present were Ambulance Association members Kim Drew, Jim and JoAnn Veldkamp along with Steve Swenson from the *Jasper Journal*.

Acting Mayor DeBates called the meeting to order at 7:00 PM.

Community Concerns: none.

Motion by Bryan, seconded by Luehmann, to approve the Regular Meeting minutes from February 14 and Special Meeting minutes from February 21, 2006. All ayes, motion carried.

Motion by Bell, seconded by Bryan, to approve February 2006 claims and budgets for the Ambulance Fund and the Goat Race Fund. All ayes, motion carried. Our 2005 audit report will be presented at the 3/21 Special Meeting by Matt Taubert.

Old Business:

- A. Council made their final comments on the job description that will be distributed with job applications.
- B. Members reviewed a draft of the ordinance dealing with ATVs, ORVs, and golf carts. Rodman will be contacting Ass't City Attorney Haubrich to see what changes he would suggest according to state statutes. Still need to be checking on time of operation, speed limits, and figure out a tag that would work with other DNR markings. It was the council's consensus that a annual fee of \$10 would be acceptable.
- C. No new information received regarding a meeting with Dick Haase and renters of the school building.

At 8 PM, members of the Ambulance Association were present to discuss ORDINANCE #86, AMENDING THE CITY CODE OF THE CITY OF JASPER BY ADDING SECTION 2.33 ON AMBULANCE SERVICES, EFFECTIVE APRIL 1, 2006. The Ambulance Service requested that an change in the wording be made with regard to the president directing care of patients for each call. The president and the association members wanted "care according to the guidelines as stated by the Emergency Medical Services Regulatory Board." With this amendment made, motion by Luehmann, seconded by Bryan, to approve ORDINANCE #86...ADDING THE AMBULANCE SERVICES. Ayes: Bryan, DeBates, and Luehmann. Abstain: Bell (member of the association). Absent: Smith. Motion carried. Ordinance will be printed in the *Jasper Journal*. Vice-President Jim Veldkamp had a few questions regarding the use of their ID numbers, i.e. the 501(C3) for use in requesting donations for new equipment along with keeping their state and federal ID numbers. Rodman will be checking with Steve Ewing; Medicare and other providers will need to be informed of the changes in the service. City Attorney Haubrich will be making some changes in the Ambulance Articles & Bylaws also reflecting the change. Jim thanked the council for including the ambulance in the city. He also encouraged the city to keep in mind that the cost of a new ambulances increases about 5% a year so that if the city could budget some funds towards a new ambulance in 10-15 years, it might be wise.

Subd. 1. Appointment. All Department Heads and employees shall be appointed by the City Council. All appointments shall be for an indeterminate term.

Subd. 2. Compensation. All wage and salary scales shall be fixed and determined by the City Council.

Subd. 3. Table of Organization and Lines of Responsibility. The City Council may by resolution adopt, amend, and from time to time revise, a Table of Organization and define lines of responsibility and authority for the efficient governmental organization of the City.

Subd. 4. Budgetary Information. The Heads of all Departments shall, prior to August 15 in each year, file with the City Clerk-Treasurer the projected financial needs of his Department for the ensuing year. Such projections shall include information as to maintenance and operation of equipment, new equipment, personnel, and such other information as may be requested by the City.

SECTION 2.31. LAW ENFORCEMENT. The council may contract for the provision of such law enforcement services as are deemed necessary for the health, safety, and welfare of its citizenry.

SECTION 2.32. FIRE DEPARTMENT. A Volunteer Fire Department under the control of the City Council is hereby established. The size, composition and remuneration shall all be established by resolution of the City Council, which may be changed from time-to-time by subsequent resolution. The City Council may contract with Rural Fire Boards, or other such bodies, for the provision of services and the sharing of expenses as deemed appropriate. The City Council may also establish written rules and regulations of the Department, a copy of which shall be distributed to each of its members. The members of the Department shall elect their own Chief, Assistant Chief or Chiefs, and other officers subject to confirmation and approval by the City Council. The Chief of the Fire Department shall have general superintendence of the Fire Department and the custody of all property used and maintained for the purposes of said Department. The Chief shall see that the same are kept in proper order and that all rules and regulations and all provisions of the laws of the State and ordinances of the City relative to a Fire Department and to the prevention and extinguishment of fires are duly observed. The Chief shall superintend the preservation of all property endangered by fire and shall have control and direction of all persons engaged in preserving such property. In case of the absence or disability of the Chief for any cause, the Assistant Chief shall exercise all the responsibilities of the Chief. The Chief of the Fire Department shall make and file such reports as may be requested by the City Council.

Sec. 2.33 ⁴ Ordinance NO. 86 ON Ambulance Service

SECTION 2.37. LEGAL DEPARTMENT. A Legal Department is hereby established. The City Council shall appoint a City Attorney, who shall be Head of the Legal Department, together with such assistants as may be necessary, who shall serve at the pleasure of the City Council. The City Attorney shall perform such duties as are required of him by law or referred to him by the City Council. It shall be the official duty of the City Attorney to act as "Revisor of Ordinances".

(Sections 2.35 through 2.48, inclusive, reserved for future expansion.)

SECTION 2.49. BOARDS AND COMMISSIONS GENERALLY. All Board and Commission appointments authorized by ordinance or resolution shall be made by the Mayor, and such appointment confirmed by the City Council at the first regular meeting in January of each year. The term of each appointee shall be established and stated at the time of his appointment, and terms of present Board and Commission members may be re-established and changed so as to give effect to this Section. New appointees shall assume office on 1st day following appointment. Provided, however, that all appointees to Boards and Commissions shall hold office until their successor is appointed and qualified. All vacancies shall be filled in the same manner as for an expired term, but the appointment shall be effective immediately when made and only for the unexpired term. All appointed Board and Commission members may receive a stipend to be established by the City Council and may be reimbursed for out-of-pocket expenses incurred in the performance of their duties when such expenses have been authorized by the City Council before they were incurred. The Chairman and Secretary shall be chosen from and by the Board or Commission membership annually to serve for one year, provided that no Chairman shall be elected who has not completed at least one year as a member of the Board or Commission. Board members shall be limited to serving nine consecutive years, or three terms, whichever is greater. Any Board or Commission member may be removed by the City Council for misfeasance, malfeasance or non-feasance in office and his position filled as any other vacancy. Each Board and Commission shall hold its regular meetings at a time approved by the City Council. All members shall be residents of the City, except that one member of each Board or Commission may be a resident of Rock or Pipestone County and non-resident of the City, if the City Council deems such arrangement more representative. Except as otherwise provided, this Section shall apply to all Boards and Commissions.

(Sections 2.50 through 2.68, inclusive, reserved for future expansion.)

SECTION 2.69. PERSONNEL RULES AND REGULATIONS. The City Council may, by resolution, establish personnel rules setting forth the rights, duties and responsibilities of employees. Such rules may from time to time be amended.

SECTION 2.70. STATUTORY RULES ADOPTED. The definitions and rules of construction, presumptions, and miscellaneous provisions pertaining to construction contained in Minnesota Statutes, Chapter 645, are adopted by reference and made part of this code. As so adopted, references in that Chapter to laws and statutes mean provisions of this code and references to the legislature mean the council.

SECTION 2.71. RIGHT OF ADMINISTRATIVE APPEAL. If any person shall be aggrieved by any administrative decision of the City Clerk-Treasurer or any other City official, or any Board or Commission not having within its structure an appellate procedure, such aggrieved person is entitled to a full hearing before the City Council upon serving a written request therefor upon the Mayor and City Clerk-Treasurer at least five (5) days prior to any regular City Council meeting. Such request shall contain a general statement setting forth the administrative decision to

be challenged by the appellant. At such hearing the appellant may present any evidence he deems pertinent to the appeal, but the City shall not be required to keep a verbatim record of the proceedings. The Mayor, or other officer presiding at the hearing, may, in the interest of justice or to comply with time requirements and on his own motion or the motion of the appellant, the City Clerk-Treasurer, or a member of the City Council, adjourn the hearing to a more convenient time or place, but such time or place shall be fixed and determined before adjournment so as to avoid the necessity for formal notice of reconvening.

SECTION 2.72. RULES OF PROCEDURE FOR APPEALS AND OTHER HEARINGS. The City Council may adopt by resolution certain written rules of procedure to be followed in all administrative appeals and other hearings to be held before the City Council or other bodies authorized to hold hearings and determine questions therein presented. Such rules of procedure shall be effective thirty (30) days after adoption and shall be for the purpose of establishing and maintaining order and decorum in the proceedings.

SECTION 2.73. INTERIM EMERGENCY SUCCESSION.

Subd. 1. Purpose. Due to the existing possibility of a national emergency or a natural disaster requiring a declaration of a state of emergency, it is necessary to insure the continuity of duly elected and lawful leadership of the City to provide for the continuity of the government and the emergency interim succession of key governmental officials by providing a method for temporary emergency appointments to their offices.

Subd. 2. Succession to Local Offices. In the event of an act or declaration of war upon the United States or a natural disaster affecting the vicinity of the City, the Mayor, council members and City Clerk-Treasurer shall be forthwith notified by any one of said persons and by any means available to gather at the City Hall. In the event that safety or convenience dictate, an alternative place of meeting may be designated. Those gathered shall proceed as follows:

A. By majority vote of those persons present, regardless of number, they shall elect a Chairman and Secretary to preside and keep minutes, respectively.

B. They shall review and record the specific facts relating to the national emergency or natural disaster and injuries to persons or damage to property already done, or the imminence thereof.

C. They may, based on such facts, declare a state of emergency.

D. By majority vote of those persons present, regardless of number, they shall fill all positions on the City Council, (including the office of Mayor) of those persons upon whom notice could not be served or who are unable to be present.

E. Such interim successors shall serve until such time as the duly elected

official is again available and returns to his position, or the state of emergency has passed and a successor is designated and qualifies as required by law, whichever shall occur first.

Subd. 3. Duties of the Interim Emergency Council. The Interim Emergency Council shall exercise the powers and duties of their offices, and appoint other key government officials to serve during the emergency.

(Sections 2.74 through 2.97, inclusive, reserved for future expansion.)

SECTION 2.98. VIOLATION A MISDEMEANOR. Every person violates a Section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

CHAPTER 3

MUNICIPAL UTILITIES – RULES AND REGULATIONS

SECTION 3.01. DEFINITIONS. As used in this Chapter, the following words and terms shall have the meaning stated:

1. "Municipal Utility" means a City-owned utility system, including, but not by way of limitation, water, sewerage, electric and refuse service.
2. "Consumer" and "Customer" mean any user of a utility.
3. "Service" means providing a particular utility to a customer or consumer.
4. "Non-recyclable solid waste" means non-hazardous waste generated in or by a household, which is not recyclable, and is to be disposed of by hauling to and burying in a landfill.
5. "Volume based pricing garbage program" means the method by which residential customers within the City of Jasper are to be charged for the actual amount of non-recyclable, non-hazardous solid waste generated by the household.

SECTION 3.02. CONTRACTUAL CONTENTS. Provisions of this Chapter relating to municipal utilities shall constitute portions of the contract between the City and all consumers of municipal utility services, and every such consumer shall be deemed to assent to the same.

(Sections 3.03 through 3.10, reserved for future expansion)

SECTION 3.11. GENERAL PROVISIONS ON WATER AND SEWER SYSTEMS.

Subd. 1. Use of Water or Sewer System Restricted. No person other than a City employee shall uncover or make or use any water or sewer service installation connected to the City water or sewer system except pursuant to application and permit as provided in this Chapter. No person shall make or use any such installation contrary to the regulatory provisions of this Chapter.

Subd. 2. Applications for Service. Application for a water or sewer service installation and for water service shall be made to the City of the Jasper City Council on forms approved by the council and furnished by the City. The applicant's signature shall be an agreement to conform to this Chapter and to rules and regulations that may be established by the City as conditions for the use of water.

Subd. 3. Fees or Deposit. Application for a service installation shall be made by the owner of the property to be served or by the owner's agent. The applicant shall at the time of

making application pay to the City the amount of the fees or deposit required for the installation of the service connection as provided in this Chapter. When a water service connection has been installed, application for water service may be made either by the owner or the owner's agent or by the tenant or occupant of the premises.

SECTION 3.12. CHARGES FOR SERVICE CONNECTIONS.

Subd. 1. Permit and Fee. No connection shall be made to the City water or sanitary sewer system without a permit received from the clerk. The fee for each such permit shall be \$500.00 for a water main connection permit and \$500.00 for a sewer connection permit. These fees shall be in addition to any fees required under subdivisions 3, 4, and 5.

Subd. 2. Connection Fees. When a connection requires installation of a service line from the main to the property line, the applicant for a permit shall pay to the City an amount not less than the cost of making the necessary connections, taps, and installation of pipe and appurtenances to provide service to the property and the necessary street repairs.

Subd. 3. Permit Issuance Requirements. No permit shall be issued to connect with any water or sanitary sewer main unless the clerk certifies to the truth of one of the following or the payment required under subdivision 4 is made:

A. That the lot or tract to be served has been assessed for the cost of construction of the main with which the connection is made or that proceedings for levying such assessment have been or will be commenced in due course; or

B. That the cost of construction of the main has been paid by the developer or builder platting the lot or tract; or

C. That, if neither of the foregoing is true, a sum equal to the portion of the cost of constructing the main which would be assessable against the lot or parcel has been paid to the City.

Subd. 4. Additional Connection Fee. If no such certificate can be issued, the applicant shall pay an additional connection fee equal to the portion of the cost of construction of the main upon the same basis as any assessment previously levied against other property for the main. The determination shall be made by the council. If no such assessment has been levied, the assessable cost shall be determined upon the basis of the uniform charge which may have been or will be charged for similar connection with the main. The amount shall be determined on the basis of the total assessable cost of the main allocated on the basis of frontage or other equitable means.

SECTION 3.13. ACCOUNTING, BILLING AND COLLECTION.

EE Ordinance
No. 90
10-14-08

Subd. 1. Owner Responsibility. The owner shall be liable for water supplied or

EE City Fee Schedule

RESOLUTION NUMBER 95-353 B

A RESOLUTION ESTABLISHING THE POLICY THAT THE PROPERTY OWNER WILL BE RESPONSIBLE FOR INSTALLATION, MAINTENANCE AND REPAIR OF THE WATER SERVICE LINE FROM THE CURB STOP INTO THE OWNER'S BUILDING AND THE CITY OF JASPER'S EXPENSE AND RESPONSIBILITY INCLUDES THE CURB STOP TO THE WATER MAIN.

WHEREAS, City of Jasper Ordinance Number 64 F-A and Resolution Number 95-115 established the policy that made the property owner responsible for water service line installation, repair and maintenance expense from the owner's building to the water main, and

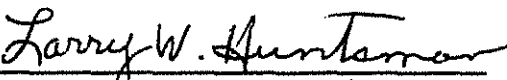
WHEREAS, This policy has been the subject of discussion for quite some time, and


WHEREAS, The Jasper City Council chose to take action to make the water service line installation, repair and maintenance expense more equitable for the property owner.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Jasper City Council establishes the following policy concerning water service lines: Effective January 1, 1996, the property owner will be responsible for installation, maintenance and repair expense for the water service line from the curb stop into the owner's building. The City of Jasper will be responsible for the installation, maintenance and repair expense of the water service line which includes the curb stop to the water main.

Adopted by the Jasper City Council this 19th day of December, 1995. This Resolution will be effective as of January 1, 1996.

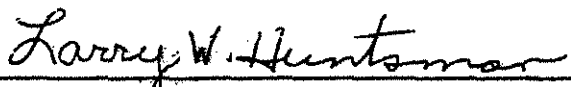
Attest:


Larry W. Huntsman
Clerk-Administrator


David G. Smith
Mayor

I hereby Certify that the foregoing is a true and correct copy of a resolution duly adopted by the Jasper City Council of Jasper, Minnesota on the 19th day of December, 1995, at a Jasper City Council Meeting of the City of Jasper duly called, noticed and held and at which a quorum was present and acting throughout. The resolution is in full force and effect as of the date of January 1, 1996.

Witnesseth my hand this 19th day of December, 1995.


Larry W. Huntsman
Clerk-Administrator

ORDINANCE NO. 90

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF JASPER:

The Jasper City Code will be amended effective December 1, 2008. These changes will be effective after holding a public hearing on October 21, 2008, issuing two printed notices in the *Jasper Journal* on October 27 and November 3, 2008, and notice given to each utility customer in their November 1st billing, the following rules and regulations in the Jasper City Code, SECTION 3.13. ACCOUNTING, BILLING AND COLLECTION, Subd. 3. (Changes in the code are underlined.)

Delinquent Accounts. All charges for water, sewer, debt services, etc. shall be due on the due date specified by the City for the respective account. All utility bills will be sent out on or about the 30th of the month. The bill is due on or before the 20th of the following month. Any customer who believes they will be unable to pay their entire bill by the 20th must make arrangements to come to the regular council meeting that current month. Any utility bill not received at the City Office before 3:00 PM on the 20th day of the month will be considered delinquent. Should the 20th day of the month fall on a weekend or holiday, the time will be extended to 3:00 PM on the next business day.

If the account becomes delinquent, a late payment charge will be added to and become part of all delinquent utility bills. Notice will be mailed to the resident. Due notice will be posted on the resident's door. If any bill is not paid in full on or before the 25th day of the month, water will be disconnected.

If water is shut off, a fee will be added for the shutoff and for turning the account back on. Before water is reconnected, all charges need to be paid by cash, money order, or cashier check during regular business hours.

RESOLUTION #08-295 includes the fees of \$10 LATE PAYMENT CHARGE
and \$30 SHUT OFF/TURN ON also effective December 1, 2008.

Adopted this 14th day of October, 2008.


Les Nath, Mayor

Attest:


Kris Rodman, Clerk-Treasurer

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Adopted this 14th day of October, 2008

/s/ Les Nath
Les Nath, Mayor

Attest:

/s/ Kris Rodman
Kris Rodman, Clerk-Treasurer

PRINTER'S AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)

) ss.

County of Pipestone)

John C. Draper, being duly sworn, on oath says that he is the publisher of the newspaper known as the Jasper Journal, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed Ordinance No. 90

which is attached was cut from the columns of said newspaper, and was printed and published once each week, for 2 successive weeks; it was first published on Monday, the 27th day of October, 2008, and was thereafter printed and published on every Monday to and including Monday, the 3rd day of November, 2008; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice.

abcdefghijklmnopqrstuvwxyz

John C. Draper
Publisher, Jasper Journal

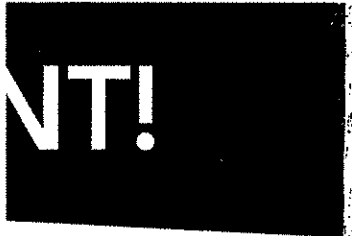
Subscribed and sworn to before me on
this _____ day of _____, 2008.

Notary Public, Pipestone County Minnesota

RATES: Lowest classified rate paid by commercial users for comparable space is \$4.95 per column inch, which is the maximum rate allowed by law for the above matter. The rate actually charged for the above matter is \$4.95 per column inch first insertion, \$2.48 subsequent run when applicable.



meet after you.



low price includes all this:

ing distance, all calling features, p
etwork Access and Local Number P
our phone number!

high-speed Internet with 7 e-mail
up to 10MB of personal Web space
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digital cable when you're ready fo
ontrols, HDTV and DVR service!

support, local service and conveni
t windows.

odd Agent MN Lic# 47767
y 71 Redwood Falls, MN 562

sewer service provided to the owner's property, whether the owner is occupying the property or not, and any charges unpaid shall be a lien upon the property.

Subd. 2. Bills for Service. Water and sewer service charges shall be billed together. Bills shall be mailed to the customers monthly and shall specify the water consumed and the sewer and water charges in accordance with the rates set out in this Chapter.

Subd. 3. Delinquent Accounts. All charges for water and sewer shall be due on the due date specified by the City for the respective account and shall be delinquent 30 days thereafter. The City shall endeavor to collect delinquent accounts promptly. In any case, where satisfactory arrangements for payment have not been made, the clerk may, after the procedural requirements of subdivision 4 have been complied with, cause a discontinuance of service to the delinquent customer by shutting off the water at the stop box. When water service to any premises has been discontinued, service shall not be restored except upon the payment of all delinquent bills and a fee in an amount which the Council shall, from time to time, establish by resolution. Delinquent accounts shall be certified to the City Clerk who shall prepare an assessment roll each year providing for assessment of the delinquent amounts against the respective properties served. The assessment roll shall be delivered to the council for adoption prior to December 1 of each year for certification to the county auditor for collection along with taxes. Such action is optional and may be subsequent to taking legal action to collect delinquent accounts.

Subd. 4. Procedure for Shutoff of Service. Water shall not be shut off under Subdivision 3 or for a violation of rules and regulations affecting utility service until notice and an opportunity for a hearing have first been given the occupant of the premises involved. The notice shall state that if payment is not made before a day stated in the notice but not less than 10 days after the date on which the notice is given, the water supply to the premises will be shut off. The notice shall also state that the occupant may, before such date, demand a hearing on the matter, in which case the supply will not be cut off until after the hearing. If the customer requests a hearing before the date specified, a hearing shall be held on the matter by the council at least one week after the date of the request. If as a result of the hearing, the council finds that the amount claimed to be owing is actually due and unpaid and that there is no legal reason why the water supply of the delinquent customer may not be shut off in accordance with this ordinance, the City may shut off the supply.

SECTION 3.14. PROTECTION OF PUBLIC AND CITY.

Subd. 1. Permit and Bond. A permit for construction and connection of the extension between a building drain and the sewer main or stub, herein called the building sewer, or for construction of a water main or stub, shall be issued only upon application to the City Council. The City Council may require a bond, in a reasonable amount, conditioned so as to secure compliance by the principal with the provisions of this Code and to further secure the personal performance of all work undertaken within the City.

Subd. 2. Liability and Work Comp Insurance. Before undertaking the

construction work authorized by the permit, the person shall secure and maintain a policy of insurance against damages to property or injury or death to individuals. The policy shall indemnify and save harmless the City and its personnel against any claim, damages, or cause of action arising out of the work and from any expenses of defending the same. The property damage insurance coverage shall be in the amount of at least \$300,000 per claimant and \$750,000 for any number of claims per occurrence. Proof of such insurance shall be filed with the City prior to construction work and such policy shall provide that the City shall be notified immediately of any termination or modification of such insurance. If the insurance coverage be inadequate in amount, the person shall indemnify and save harmless the City and its personnel in like manner. Likewise, any person undertaking the construction work authorized by permit shall maintain work comp insurance as required by law, and shall provide to the City evidence of the same.

Subd. 3. Indemnification by Owner. The owner shall bear the costs and expenses incident to the installation and connection of the building sewer or extension of water service to private property. The owner shall indemnify the City for any loss or damage directly or indirectly caused by its installation. The clerk shall establish rules and regulations for the improper implementations of these requirements which, when approved by the council by resolution, shall govern the installation of building sewers and connections.

(Sections 3.14 through 3.20, reserved for future expansion)

SECTION 3.21. GENERAL WATER REGULATIONS.

Subd. 1. Discontinuance of Service. The City may discontinue service to any water consumer without notice for necessary repairs or, upon notice as provided in Section 3.13, Subdivision 4, for non-payment of charges, or for violation of rules and regulations affecting utility service.

Subd. 2. Supply from One Service. No more than one house or building shall be supplied from one service connection except by special permission of the council. Whenever two or more parties are supplied from one pipe connecting with a service main, each building or part of building separately supplied shall have a separate stop box and a separate meter.

Subd. 3. Turning on Water, Tapping Mains. No person except an authorized City employee shall turn on any water supply at the stop box or tap any distributing main or pipe of the water supply system or insert a stop cork or other appurtenance therein without a City permit.

Subd. 4. Repair of Leaks. The consumer or owner shall be responsible for maintaining the service pipe from the curb box into the building served. If the consumer fails to repair any leak in such service pipe within 24 hours after notice by the City, the City may turn the water off. The City may impose and collect a fee of \$25.00, which fee shall be paid prior to the recommencement of water service. When the waste of water is great or damage is likely to result from the leak, the City shall turn the water off immediately upon the giving of notice if repair is not

commenced immediately.

Subd. 5. Use of Fire Hydrants. No person other than an authorized City employee shall operate a fire hydrant or interfere in any way with the City water system without first obtaining authority to do so from the City fire chief or council.

Subd. 6. Private Water Supply. No water pipe of the City water supply system shall be connected with any pump, well, or tank that is connected with any other source of water supply. When any such connection is found, the clerk shall notify the owner to sever the connection and if this is not done immediately, the City shall turn off the water supply forthwith. Before any new connection to the City system is permitted, City employees shall ascertain that no cross connection will exist when the new connection is made.

Subd. 7. Restricted Hours. Whenever the council determines that a shortage of water supply threatens the City, it may, by resolution, limit the times and hours during which City water may be used for sprinkling, irrigation, car washing, air conditioning, or other specified uses. After publication of the resolution or two days after the mailing of the resolution to each customer, no person shall use or permit water to be used in violation of the resolution and any customer who does so may be charged a sum of \$25.00 for each day of violation and the charge shall be added to his next water bill. If the emergency requires immediate compliance with terms of the resolution, the council may provide for the delivery of a copy of the resolution to the premises of each customer, and any customer who has received such notice and thereafter uses or permits water to be used in violation of the resolution shall be subject to the above charge. Continued violation shall be cause for discontinuance of water service.

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Superintendent
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SECTION 3.22. METERS.

Subd. 1. Meters Required. Except for extinguishing fires, no person other than an authorized City employee shall use water from the City water supply system or permit water to be drawn therefrom unless the water passes through a meter supplied or approved by the City. No person not authorized by the clerk shall connect, disconnect, take apart, or in any manner change or interfere with any such meter or its use.

Subd. 2. Maintenance. The City shall maintain and repair at its expense any meter that has become unserviceable through ordinary wear and tear and shall replace it if necessary. Where repair or replacement is made necessary by act or neglect of the owner or occupant of the premises it serves, any City expense caused thereby shall be a charge against and collected from the water consumer, and water service may be discontinued until the cause is corrected and the amount charged is paid.

Subd. 3. Complaints; Meter Testing. When a consumer complains that the bill for any past service period is excessive, the City shall have the meter reread on request. If still dissatisfied, the consumer may, on written request and the deposit of \$50.00 have the meter tested.

If the test shows an error in the City's favor exceeding five percent of the water consumed, the deposit shall be refunded, an accurate meter shall be installed, and the bill shall be adjusted accordingly. Such adjustment shall not extend back more than one service period from the date of the written request.

Subd. 4. Meters Property of the City. Water meters shall be the property of the City and may be removed or replaced as to size and type when deemed necessary.

Subd. 5. Meter Reading and Inspection. Authorized meter readers shall have free access at reasonable hours of the day to all parts of every building and premises connected with the City water supply system in order to read meters and make inspections.

SECTION 3.23. PLUMBING REGULATIONS.

Subd. 1. Service Pipes. Every service pipe shall be laid with sufficient bend to allow not less than one foot of extra length and in such manner as to prevent rupture by settlement. The service pipe shall be placed not less than six feet below the surface and be so arranged as to prevent rupture by freezing. A shut-off or other stop cork with waste valve of the size and strength required shall be placed close to the inside wall of the building and be well protected from freezing. Joints on copper tubing shall be as few as possible and not more than one joint shall be used for a service up to 70 feet in length. Each joint shall be left uncovered until inspected by the City. Connections with the mains for domestic supply shall be at least three-fourths of an inch per residential unit, or equivalent.

Subd. 2. Water Meter Setting. Every water meter shall be installed in accordance with the following provisions:

A. The service pipe from the water main to the meter shall be brought through the floor in a vertical position where the pipe enters the building. The stop and waste valve shall be 12 inches above the floor.

B. The bottom of the meter shall be between six and 12 inches above the finished floor line. The meter shall be set not more than 12 inches horizontally from the inside of the basement wall unless a different position is approved by the City Clerk or a designee as appointed by the Council.

C. Each meter installation shall have a stop and waste valve on the street side of the meter. In no case shall more than 12 inches of pipe be exposed between the point of entrance through the basement floor and the stop and waste valve. A stop and waste valve shall also be installed on the house side of the meter.

D. The water pipe connecting with the main shall not exceed two feet under the basement floor from the inside of the basement wall to the water meter connection.

E. Deviation from the installation specifications in the subdivision shall be by council approved only.

SECTION 3.24. WATER RATES.

Subd. 1. Council to Fix Rates. The City Council shall fix the rates of all public utilities.

Subd. 2. Disposition of Revenues. All revenues derived from charges imposed under this Section shall be credited to the water fund.

SECTION 3.25. WELL CONSTRUCTION PERMIT.

Subd. 1. Permits. Before proceeding within the City with construction or reconstruction of any well, which involves drilling or casing insertion, the owners of the premises upon which the well is located or to be located shall obtain a permit from the council.

Subd. 2. Application and Fee. Application for a well permit shall be in writing on a form provided by the clerk, shall contain the information required thereon and shall be accompanied by a fee of \$50.00. Each application for a permit shall have thereon the correct legal description of the property on which the proposed well is to be constructed and each application for a permit shall be accompanied by a plot plan of the land showing the location of the proposed well as well as the location of existing buildings located on the property. The application shall also show the present or proposed location of water supply facilities and water supply piping, the name of the person who is to dig the well, and any other such information as may be required by the Council.

Subd. 3. Council Consideration. The council shall study the proposed well location, design, depth, capacity, cost, and proposed water use, and consider the impact of the proposed private well upon present and planned public water supply and the health, safety, and welfare of the City and surrounding areas. The council shall not issue the permit unless it finds and determines by resolution that the health, safety, and welfare of the public will not be jeopardized.

(Sections 3.26 through 3.30, reserved for future expansion)

SECTION 3.31. SANITARY SEWER SYSTEM.

Subd. 1. Requirements for Building Sewer. Building sewer construction shall meet the requirements of the Minnesota building and plumbing codes. The applicant for the building sewer permit shall notify the City Council or its designee when the building sewer and connection is ready for inspection. The connection shall be made under the supervision of the City, or its appointed designee.

Subd. 2. Inspection Required. No backfill shall be placed until the work has been

inspected and approved by the City or its designee.

SECTION 3.32. SEWER SYSTEM REGULATIONS.

Subd. 1. Discharge of Surface Water, etc. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, cooling water, or unpolluted industrial process waters into any sanitary sewer from April 1 to November 30 of any year. No rain spout or other form of surface drainage and no foundation drainage shall be connected with any sanitary sewer.

Subd. 2. Non-acceptable Wastes. No person shall discharge or permit to be discharged into any public sewer any of the following wastes:

- A. Any liquid or vapor having a temperature in excess of 180 degrees Fahrenheit;
- B. Any water or waste having a five-day biological oxygen demand exceeding 1,000 parts per million by weight as averaged during any 12-month period;
- C. Any gasoline, benzine, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;
- D. Any garbage that has not been properly shredded;
- E. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, manure, grit, brick, cement, onyx, carbide, or other matter that may interfere with the proper operation of the sewers or sewage treatment plant;
- F. Any water or waste having a pH lower than five and one-half or higher than nine or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewage works;
- G. Any water or waste containing a toxic or poisonous substance, whether or not listed as a hazardous waste by Section 7045.0135, Minnesota Rule 1985, in sufficient quantities to constitute a hazard to humans or animals, injure or interfere with sewage treatment, or create any hazard in the receiving waters of the sewage treatment plant;
- H. Any noxious or malodorous gas or substance capable of creating a public nuisance.

Subd. 3. Interceptors. Grease, oil, and sand inceptors shall be provided when they are necessary for the proper handling of any liquid waste containing grease in excessive amounts or any flammable waste, sand, or other harmful ingredients; but such interceptors shall not be required for private living quarters or dwelling units. Interceptors shall be located so as to be easily accessible for cleaning and inspection.

Subd. 4. Control Manhole Required. The owner of any property served by a building sewer carrying industrial waste shall install a suitable control manhole in the building sewer to facilitate observation and sampling of the waste. The manhole shall be constructed by the owner in accordance with plans approved by the City or its designee. The owner shall maintain the manhole so as to be safe and accessible for cleaning and inspection.

Subd. 5. Separate Sewers. A separate and independent sewer shall be provided for every building connected to the sewer system except that the council may waive this requirement where it finds that a separate sewer for a building is impractical.

Subd. 6. Right of Entry. Authorized employees of the City, bearing proper credentials and identification, shall at reasonable times be permitted to enter upon all properties connected to the City sanitary sewer system for the purpose of inspection, observation, measurement, sampling, and testing.

A. The premises of any property owner or occupant, who refuses entry to a City employee, after a proper request as provided for in this Section, shall be terminated from the connection with the City sanitary sewer system. Such termination from the connection shall be effected by the City only after a hearing before the City Council upon 10 days mailed notice to the owner or occupant concerned.

B. The requirements of this code Section for connection to the City sanitary sewer system, shall not be applicable to property disconnected under this Section. However, any such property producing sewage shall be equipped with an adequately maintained and liquid tight holding tank.

SECTION 3.33. SEWER CONNECTION REQUIRED.

Subd. 1. General Requirement. When property abuts upon any public street or alley along which water and sewer mains have been constructed, the owner of any dwelling or commercial establishment on the property shall install suitable toilet facilities therein and connect them with the sanitary sewer in accordance with the provisions of this ordinance within 90 days after the date of mailing or delivering official notice to do so. The notice shall be given to the owner or occupant in writing by the City Clerk on order of the council.

Subd. 2. Connection by City. Whenever any owner or occupant fails to comply with such written notice, the council shall by resolution direct that a toilet be installed and connection made with the water and sewer system and that the cost of the installation be paid in the first instance out of the general fund and then assessed against the property benefited.

Subd. 3. Assessment. After the installation and connection have been completed pursuant to council resolution, the clerk shall serve a written notice of the assessment upon the owner or the owner's representative directing the owner to pay the assessment to the treasurer within 10

days after the service of the notice. If the assessment is not paid within 10 days, the clerk shall certify the amount to the county auditor for collection in the same manner as other special assessments. The council may by resolution spread the assessment over a three-year period.

SECTION 3.34. SEWER RATES.

Subd. 1. Council to Fix Rates. The City Council shall fix the rates of all public utilities. The rates contained in this Section are initial rates, which may be changed or amended by the commission.

Subd. 2. Effluent of Unusual Strength or Quantity. Where it appears that sewage of unusual strength or quantity is being disposed from any premises, the council may cause an investigation to be made and upon the facts may determine equitable and reasonable sewer charges against the owner, occupant, or lessee of the premises for sewer service.

Subd. 3. Required Information. The owner, occupant, or person in charge of any premises shall supply the City with such information as it may reasonably require relating to use of water, use of sewer, or sewer rates. Willful failure to provide such information, willful falsification of such information, or willful failure to comply with any requirement or order issued pursuant to this Section constitutes a violation of this Section.

Subd. 4. Disposition of Revenues. All revenues derived from charges imposed under this Section shall be credited to the sewer fund.

SECTION 3.35. INDIVIDUAL SEWAGE DISPOSAL SYSTEMS.

Subd. 1. Definitions. For the purposes of this part, the following words and phrases have the meanings given them in this Section.

Subd. 2. Sewage. Sewage is any water-carried domestic waste, exclusive of footing and roof drainage, of any residence, industry or commercial establishment, whether treated or untreated, and includes the liquid wastes produced by bathing, laundry, and culinary operations, and from toilets and floor drains. Raw sewage is sewage which has not been subjected to any treatment process.

Subd. 3. Individual Sewage Treatment System. An individual sewage treatment system is a sewage disposal system, other than a public or community system, which receives sewage from an individual establishment. Unless otherwise indicated, the word "system" as it appears in this ordinance means "individual sewage treatment system."

Subd. 4. Building Drain. The building drain is that part of a building drainage system which receives the discharge from soil, wastes, and other drainage pipes inside the walls of any building and conveys the same to the building sewer.

Subd. 5. Building Sewer. The building sewer is that part of the horizontal portion of the building drainage system extending from the building drain to its connection with the septic tank and carrying the sewage of but one building.

SECTION 3.36. CODE ADOPTED. Minnesota Rules 1988, Chapter 7080 as amended (Individual Sewage Treatment Standards) are hereby adopted by reference and made a part of this ordinance as if fully set forth herein. Before publication of this code of ordinances the clerk shall mark at least one copy of Chapter 7080 as an official copy and file it in the clerk's office for use and examination.

SECTION 3.37. LICENSING.

Subd. 1. License Required. No person shall engage in the business of installing and constructing sewage treatment systems within the City without first obtaining a license as required by the State of Minnesota. Any installation, construction, alteration or repair of a system by a licensee in violation of the provisions of Section 3.36 or refusal on the part of a licensee to correct such defective work performed by such licensee, shall be cause for revocation of or refusal to renew a license.

SECTION 3.38. PERMITS.

Subd. 1. Permit Required. No person shall install, alter, repair, or extend any individual sewage treatment system in the City without first obtaining a permit therefor from the council or its authorized representative for the specific installation, alteration, repair, or extension; and at the time of applying for the permit, shall pay a fee therefor of \$50.00. Permits shall be valid for a period of one year from date of issue.

Subd. 2. Applications. Applications for permits shall be made in writing upon printed blanks or forms furnished by the clerk and shall be signed by the applicant.

Subd. 3. Contents. Each application for a permit shall have thereon the correct legal description of the property on which the proposed installation, alteration, repair, or extension is to take place, and each application for a permit shall be accompanied by a plot plan of the land showing the location of any proposed or existing buildings located on the property with respect to the boundary lines of the property and complete plans of the proposed system with substantiating data, if necessary, attesting to the compliance with the minimum standards of this ordinance. A complete plan shall include the location, size, and design of all parts of the system to be installed, altered, repaired, or extended. The application shall also show the present or proposed location of water supply facilities and water supply piping, and the name of the person who is to install the system, and shall provide such further information as may be required by the council.

SECTION 3.39. ADMINISTRATION AND INSPECTION.

Subd. 1. Inspection Required. A City employee, or designee, shall enforce the provisions of this Chapter and shall make such inspection or inspections as are necessary to determine compliance with the provisions of the ordinance. No part of the system shall be covered until it has been inspected and accepted by a City employee or designee. It shall be the responsibility of the applicant for the permit to notify the City employee, or designee, that the job is ready for inspection or re-inspection. The inspection shall be made within 48 hours after receiving notice. It shall be the duty of the owner or occupant of the property to provide access to the property at reasonable times for the purpose of making such inspections. Upon satisfactory completion and final inspection of the system the City employee, or designee, shall issue to the applicant a certificate of approval.

Subd. 2. Violation and Reinspection. If upon inspection it is determined that any part of the system is not constructed in accordance with the minimum standards provided in this part, the City, or its designee, shall give the applicant written notification describing the defects. The applicant shall pay an additional fee of \$25.00 for each re-inspection that is necessary. The applicant shall be responsible for the correction or elimination of all defects, and no system shall be placed or replaced in service until all defects have been corrected or eliminated.

SECTION 3.40. OBJECTIVES. The objectives of this part are to provide adequate and safe methods of sewage disposal and to prevent the contamination of any existing or future water supply by any existing or future sewage disposal system. Any system of special, unusual, or new design which will satisfy the stated objectives may be accepted as complying with this ordinance and any permit granted for the construction, installation, alteration or repair of any such special system shall be subject to such conditions and guarantees as may be stated in the permit.

(Sections 3.41 through 3.59, inclusive, reserved for future expansion)

SECTION 3.60. GARBAGE AND RUBBISH. In order to provide for a continuous system of refuse collection and disposal in a manner which meets the needs and conveniences of the residents of this City; and in order to protect the area from the problems of uncoordinated, unsanitary, and improper solid waste disposal, the council hereby determines that it is in the best interest of the residents of the City to require licenses of persons collecting and/or hauling garbage and rubbish for hire, reserving to the City the right and authority to grant an exclusive refuse collection franchise to a single operator.

SECTION 3.61. FRANCHISE RIGHT RESERVED. The council hereby reserves the right to grant a franchise for the collection of garbage and rubbish. At any time, the council may exercise its reserved right to provide for a franchise to a single operator for the collection of garbage and rubbish within the City.

SECTION 3.62. LICENSE REQUIRED. No person may collect or haul garbage or rubbish within the City of Jasper without first obtaining a written license therefore, from the council. An application for license shall be submitted in writing to the City Clerk, and shall contain the

following information: (a) Name and address of the applicant; (b) Description of the equipment which will be used within the City by the applicant; (c) A schedule of the rate that will be charged by the applicant for the various categories of customers within the City; (d) Evidence of compliance with other applicable Sections of this Chapter.

Subd. 1. License Fee. The application for a license shall be accompanied by a license fee as is from time to time established by the council, which shall be refunded if the license is denied. The annual license fee shall be established, by resolution of the council.

Subd. 2. License Term and Renewal. Licenses shall be for a term of one year commencing on January 1st of each year, but may be issued on a pro rata basis. Application for license renewal shall be submitted in writing to the City Clerk on or before December 1st of each year, and shall contain the information and fee required by the initial application for a license.

SECTION 3.63. SUSPENSION OF LICENSE OR FRANCHISE. A license or franchise issued under the provisions of this Chapter may be revoked or suspended for a violation of the Sections 3.60 through 3.67, or other applicable regulations of law, or upon a showing that the licensee or franchisee has failed to comply with the same.

SECTION 3.64. FINANCIAL RESPONSIBILITY AND BOND.

Subd. 1. Insurance Required. The licensee or franchisee shall show financial responsibility or a certificate of insurance coverage prior to obtaining the license or franchise whereby each vehicle to be used by said licensee or franchisee shall be covered against loss or injury in the following amounts: \$300,000.00 when the claim is one for death by wrongful act or omission and \$300,000.00 to any claimant in any other case; \$750,000.00 for any number of claims arising out of a single occurrence. Said licensee or franchisee shall also provide evidence of worker's compensation insurance for employees. Such insurance policy or policies shall be for the full term of the license or franchise and shall provide for the giving of 10 days prior notice to the City of the termination or cancellation of said policies. In case any of said policies are terminated, the license or franchise shall be automatically revoked upon receipt by the clerk of said termination or cancellation.

SECTION 3.65. DESIGN OF EQUIPMENT. All trucks or motor vehicles used by the licensee or franchisee shall be watertight so as not to allow leakage of liquids or refuse while hauling the same and shall be covered with a metal covering to prevent the scattering of its contents upon the public streets or private properties in the City.

SECTION 3.66. GARBAGE AND RUBBISH DEFINED. For the purpose of Sections 3.60 through 3.67, garbage and rubbish are defined to include garbage and rubbish of all kinds that accumulate in the ordinary operation of a household; and specifically include: grass trimmings, ashes, tree branches, leaves and other refuse.

SECTION 3.67. VOLUME BASED PRICING GARBAGE PROGRAM. Every residential household shall be charged a monthly based fee as is established by resolution of the council for the availability of garbage service. The fee shall be subject to such solid waste management tax and other fees as are required by the State of Minnesota. Each residential household will be assessed a surcharge as is established by resolution of the council, which surcharge shall be used to defray the cost of leasing a yard waste compost, tree wood and brush burning site and the seasonal weekly pickup of yard waste.

Subd. 1. The City Council shall establish a bag system to create a more fair and equitable means to ensure that residential households shall pay only for the actual amount of garbage they generate.

Subd. 2. All non-recyclable solid waste garbage customers shall purchase, in advance, specially identifiable colored and printed garbage bags, which the consumer shall use to dispose of non recyclable solid waste.

Subd. 3. The council shall establish by resolution fees to be charged for the designated garbage bags, which fees shall reflect the bag size and shall be subject to such solid waste taxes as are imposed by the State of Minnesota.

Subd. 4. The City Council shall establish a fair and equitable means to ensure that all yard waste, which includes but is not limited to grass trimmings, tree branches, and leaves, is picked up by the City, or its designee, and disposed of properly.

Subd. 5. Disposal of Garbage and Refuse. No person shall bury any refuse or garbage in the City except in an approved sanitary landfill. No person shall burn refuse or garbage within the City limits of Jasper. It is unlawful for any person to haul and dispose of garbage and rubbish in a dumpster provided to a private business for that business's use.

SECTION 3.68. RECYCLABLE COLLECTION AND DISPOSAL. For purposes of this Section, the term "recyclable" means newsprint, corrugated paper, glass containers, aluminum foil and cans, tin cans, steel cans, and bi-metal cans reasonably free of food, dirt and other contaminants. Also included as a recyclable is any other material that the council may hereinafter be required to collect as a recyclable.

Subd. 1. Storage and Transporting Recyclables.

A. Recyclables, in appropriate containers, are to be placed at the curb or other location as approved by the council, for the property where the individual resides.

B. It is unlawful for any person to haul and dispose of recyclables in a dumpster provided to a private business for that business's use.

(Sections 3.69 through 3.98, inclusive, are reserved for future expansion)

SECTION 3.99. VIOLATION A MISDEMEANOR. Every person violates a Section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

CHAPTER 4

BEER, WINE AND LIQUOR LICENSING AND REGULATION

SECTION 4.01. DEFINITIONS. As used in this Chapter, unless otherwise stated in specific Sections, the following words and terms shall have the meanings stated:

1. "Application" means a form with blanks or spaces thereon, to be filling in and completed by the applicant as his request for a license, furnished by the City and uniformly required as a prerequisite to the consideration of the insurance of a license for a business.

2. "Applicant" means any person making an application for a license under this Chapter.

3. "License" means a document, issued by the City, to an applicant permitting him to carry on and transact the business stated therein.

4. "Licensee" means an applicant who, pursuant to his approved application, holds a valid, current, unexpired license, which has neither been revoked nor suspended, from the City or carrying on the business stated therein.

5. "License fee" means the money paid to the City pursuant to an application and prior to issuance of a license to transact and carry on the business stated therein.

6. "Liquor" means ethyl alcohol and distilled, fermented, spirituous, vinous and malt beverages containing in excess of 3.2 percent of alcohol by weight. (This definition includes so-called "wine coolers" and "malt coolers" with the alcoholic content limits stated herein.)

7. "Wine" means a beverage made without rectification or fortification by the fermentation of sound ripe grapes, grape juice, other fruits, or honey, and also carbonated wine, wine made from condensed grape must, wine made from other agricultural products, imitation wine, compounds sold as wine, vermouth, cider, perry and sake, containing not less than one-half of one percent nor more than fourteen percent alcohol by volume. (This definition includes so-called "wine coolers" with the alcoholic content limits stated herein.)

8. "Beer" means malt liquor containing not less than one-half of one percent alcohol by volume nor more than 3.2 percent alcohol by weight. (This definition includes so-called "wine coolers" and "non-alcoholic" beer with the alcoholic content limits stated herein.)

9. "Off-sale" means the retail sale of beer or liquor in original packages for consumption off or away from the premises where sold.

10. "On-sale" means the retail sale of beer, wine or liquor, by the glass or by the drink, for consumption on the premises where sold only.

11. "Sale", "Sell" and "Sold" mean all barter and all manners or means of furnishing beer, wine or liquor to persons, including such furnishing in violation or evasion of law.

12. "Manufacturer" means every person who, by any process of manufacture, fermenting, brewing, distilling, refining, rectifying, blending, or by the combination of different materials, prepares or produces liquors, wine or beer for sale.

13. "Wholesaler" means any person engaged in the business of selling liquor, wine or beer to retail dealers.

14. "Package" and "Original package" mean any container or receptacle holding liquor, wine or beer, which container or receptacle is corked, capped or sealed by a manufacturer or wholesaler.

15. "Club" means any corporation duly organized under the laws of this State for civic, fraternal, social, or business purposes or for intellectual improvement or for the promotion of sports, or a congressionally chartered veterans organization, which shall have more than fifty members, and shall, for more than a year, have owned, hired, or leased a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable accommodation of its members, and whose affairs and management are conducted by a Board of Directors, Executive Committee, or other similar body chosen by the members at a meeting held for that purpose, none of whose members, officers, agents, or employees are paid directly or indirectly any compensation by way of profit from the distribution or sale of beverages to the members of the club, or to its guests, beyond the amount of such reasonable salary or wages as may be fixed and voted each year by the Directors or other governing body. Such club or congressionally chartered veterans organization must be incorporated and must have been in existence for at least three years.

16. "Fraternal club" means a club which serves only members and their guests which uses any profits derived from liquor sales principally for sponsoring activities beneficial to the community and not for the profit of any individual.

17. "Restaurant" means any establishment, other than a hotel, under the control of a single proprietor or manager, having appropriate facilities for the serving of meals, and where, in consideration of payment therefor, meals are regularly served at tables to the general public, which employs an adequate staff to provide the usual and suitable service to its guests, and which shall have seating facilities for seating not less than thirty guests at one time.

18. "Hotel" and "Motel" mean and include any establishment having a resident proprietor or manager, where, in consideration of payment therefor, food and lodging are regularly

furnished to transients, and which contains not less than ten guest rooms with bedding and other suitable and necessary furnishings in each room, and which is provided with a suitable lobby, desk and office for the registration of its guests at the main entrance and on the ground floor, which employs an adequate staff to provide suitable and usual service, and which maintains under the same management and control as the rest of the establishment and has, as an integral part thereof, a dining room with appropriate facilities for seating not less than thirty guests at one time, where the general public is, in consideration of payment therefor, served with meals at tables.

19. "Exclusive liquor store" as herein used means an off-sale or on-sale establishment used exclusively for the sale of beer or liquors, at retail and under the control of an individual owner or manager, and as an incident thereof may also sell cigars, cigarettes, ice, all forms of tobacco, and soft drinks at retail.

20. "Church" means a building which is principally used as a place where persons of the same faith regularly assemble for the public worship of God.

21. "Alcoholic Beverage" means any beverage containing more than one-half of one percent alcohol by volume, including, but not limited to, beer, wine, and liquor as defined in this Section.

22. "Minor" means any natural person who either (1) has not attained the age of 21 years, or (2) was born after September 1, 1967, but before September 1, 1988.

23. "Malt Liquor" means any beer, ale, or other beverage made from malt by fermentation and containing not less than one-half of one percent alcohol by volume.

SECTION 4.02. APPLICATIONS AND LICENSES UNDER THIS CHAPTER - PROCEDURE AND ADMINISTRATION.

Subd. 1. Application. All applications shall be made at the office of the City Clerk-Treasurer upon forms prescribed by the City, or if by the State of Minnesota, then together with such additional information as the Council may desire. Information required may vary with the type of business organization making application. All questions asked or information required by the application forms shall be answered fully and completely by the applicant.

Subd. 2. False Statements. It is unlawful for any applicant to intentionally make a false statement or omission upon any application form. Any false statement in such application, or any willful omission to state any information called for on such application form shall, upon discovery of such falsehood, work an automatic refusal of license, or if already issued, shall render any license issued pursuant thereto void and of no effect to protect the applicant from prosecution for violation of this Chapter, or any part thereof.

Subd. 3. Application and Investigation Fees. At the time of the initial application,

an applicant for a license shall pay to the City such sum as is from time to time established by the City Council by resolution. Said fee shall be considered an application and investigation fee, nonrefundable to applicant, to cover the cost of the City in processing the application and investigation.

Subd. 4. Action.

A. Granting. The Council may approve any application for the period of the remainder of the then current license year or for the entire ensuing license year. All applications including proposed license periods must be consistent with this Chapter. Prior to the consideration of any application for a license, the applicant shall pay the license fee, and if applicable, pay the investigation fee. Upon rejection of any application for a license, or upon withdrawal of an application before approval of the issuance by the Council, the license fee shall be refunded to the applicant. Failure to pay any portion of a fee when due shall be cause for revocation.

B. Issuing. If an application is approved, the City Clerk-Treasurer shall forthwith issue a license pursuant thereto in the form prescribed by the City or the proper Department of the State of Minnesota, as the case may be, and upon payment of the license fee. All licenses shall be on a calendar year basis unless otherwise specified herein. For licenses issued and which are to become effective other than on the first day of the licensed year, the fee to be paid with the application shall be a pro rata share of the annual license fee. Licenses shall be valid only at one location and on the premises therein described.

C. License Refundment in Certain Cases. In the event that, during the license year, the licensed premises shall be destroyed or so damaged by fire, or otherwise, that the licensee shall cease to carry on the licensed business, or in case the business of the licensee shall cease by reason of his illness or death, or if it shall become unlawful for the licensee to carry on the licensed business under his license, except when such license is revoked, the City shall, upon the happening of any such event, refund to the licensee, or to his estate, such part of the license fee paid by him as corresponds to the time such license had yet to run. In the event of death of the licensee, his personal representative is hereby authorized to continue operation of said business for not more than ninety days after the death of such licensee.

D. Transfer. A license shall be transferable between persons upon consent of the Council and payment of the investigation fee. No license shall be transferable to a different location without prior consent of the Council and payment of the fee for a duplicate license. It is unlawful to make any transfer in violation of this Subparagraph.

E. Refusal and Termination. The Council may, in its sole discretion and for any reasonable cause, refuse to grant any application. No license shall be granted to a person of questionable moral character or business reputation. Licenses shall terminate only by expiration or revocation.

F. **Revocation or Suspension.** The Council may revoke or suspend, for a period not to exceed sixty days, a license granted under the provisions of this Chapter, or impose a civil fine not to exceed \$2,000.00, for each violation on a finding that the licensee has failed to comply with a statute, regulation or provision of the City Code relating to alcoholic beverages. The Council may revoke the license upon conviction of any licensee or agent or employee of a licensee for violating any law relating to the sale or possession of beer, wine or liquor upon premises of the licensee, or if such revocation is mandatory by Statute. If it shall be made to appear at the hearing thereon that such violation was not willful, the Council may order suspension; provided that revocation shall be ordered upon the third such violation or offense. No suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing before the Council, a committee of the Council, or a hearing under the Administrative Procedures Act, as may be determined by the Council in action calling the hearing. Such hearing shall be called by the Council upon written notice to the licensee served in person or by certified mail not less than fifteen nor more than thirty days prior to the hearing date, stating the time, place and purpose thereof. As additional restrictions or regulations on licensees under this Chapter, and in addition to grounds for revocation or suspension stated in the City Code or Statute, the following shall also be grounds for such action: (1) that the licensee suffered or permitted illegal acts upon licensed premises unrelated to the sale of beer, wine or liquor; (2) that the licensee had knowledge of such illegal acts upon licensed premises, but failed to report the same to police; (3) that the licensee failed or refused to cooperate fully with police in investigating such alleged illegal acts upon licensed premises; or, (4) that the activities of the licensee created a serious danger to public health, safety, or welfare.

G. **Waiver of Hearing on Revocation or Suspension.** If within five (5) days after receipt of written notice of hearing on revocation or suspension, the licensee executes and delivers to the City Clerk-Treasurer an unequivocal waiver of hearing thereon, no hearing shall be held and the Council shall, at its next regular or special meeting, revoke or suspend the license on the basis of reports and other information then in its possession. If no such waiver is filed with the City Clerk-Treasurer within the time limited, the hearing shall proceed as noticed and all costs and expenses for such hearing incurred by the City (as well as those incurred by the licensee) shall be paid by the licensee.

Subd. 5. Duplicate Licenses. Duplicates of all original licenses under this Chapter may be issued by the City Clerk-Treasurer without action by the Council, upon licensee's affidavit that the original has been lost, and upon payment of a fee of \$2.00 for issuance of the duplicate. All duplicate licenses shall be clearly marked DUPLICATE.

Subd. 6. Posting. All licensees shall conspicuously post their licenses in their places of business.

Subd. 7. Persons Disqualified.

A. No license under this Chapter may be issued to: (1) a person not a citizen of the United States or a resident alien; (2) a person who within five years of the license application

has been convicted of a willful violation of a Federal or State law, or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution, of alcoholic beverages; (3) a person who has had an alcoholic beverage license revoked within five years of the license application, or to any person who at the time of the violation owns any interest, whether as a holder of more than five percent of the capital stock of a corporate licensee, as a partner or otherwise, in the premises or in the business conducted thereon, or to a corporation, partnership, association, enterprise, business, or firm in which any such person is in any manner interested; (4) a person under the age of twenty-one years; or, (5) a person not of good moral character and repute.

B. No person holding a license from the Commissioner as a manufacturer, brewer or wholesaler may have any ownership, in whole or in part, in a business holding an alcoholic beverage license from the City.

SECTION 4.03. RENEWAL OF LICENSES. Applications for renewal of all licenses under this Chapter shall be made at least sixty (60) days prior to the date of expiration of the license, and shall contain such information as is required by the City. This time requirement may be waived by the Council for good and sufficient cause, and upon payment of a \$25.00 late application fee.

SECTION 4.04. DELINQUENT TAXES AND CHARGES. No license under this Chapter shall be granted for operation on any premises upon which taxes, assessments, or installments thereof, or other financial claims of the City, are owned and are delinquent and unpaid.

SECTION 4.05. CONDITIONAL LICENSES. Notwithstanding any provision of law to the contrary, the Council may, upon a finding of the necessity therefor, place such special conditions and restrictions, in addition to those stated in this Chapter, upon any license as it, in its discretion, may deem reasonable and justified.

SECTION 4.06. PREMISES LICENSED. Unless expressly stated therein, a license issued under the provisions of this Chapter shall be valid only in the compact and contiguous building or structure situated on the premises described in the license, and all transactions relating to a sale under such license must take place within such building or structure.

SECTION 4.07. UNLAWFUL ACTS.

Subd. 1. Consumption. It is unlawful for any person to consume, or any licensee to permit consumption of, beer, wine or liquor on licensed premises more than thirty (30) minutes after the hour when a sale thereof can legally be made.

Subd. 2. Closing. It is unlawful for any person, other than a licensee or his bona fide employee actually engaged in the performance of his duties, to be on premises licensed under this Chapter more than thirty (30) minutes after the legal time for making licensed sales.

SECTION 4.08. CONDUCT ON LICENSED PREMISES. Except as herein provided,

every licensee under this Chapter shall be responsible for the conduct of his place of business and shall maintain conditions of sobriety and order therein.

SECTION 4.09. SALE BY EMPLOYEE. Any sale of an alcoholic beverage in or from any premises licensed under this Chapter by any employee authorized to make such sale in or from such place is the act of the employer as well as of the person actually making the sale; and every such employer is liable to all of the penalties, except criminal penalties, provided by law for such sale, equally with the person actually making the sale.

SECTION 4.10. LICENSE CONDITION AND UNLAWFUL ACT.

Subd. 1. All premises licensed under this Chapter shall at all times be open to inspection by any police officer to determine whether or not this Chapter and all other laws are being observed. All persons, as a condition to being issued such license, consent to such inspection by such officers and without a warrant for searches or seizures.

Subd. 2. It is unlawful for any licensee, or agent or employee of a licensee, to hinder or prevent a police officer from making such inspection.

SECTION 4.11. FINANCIAL RESPONSIBILITY OF LICENSES.

Subd. 1. Proof. No beer, wine or liquor license shall be issued or renewed unless and until the applicant has provided proof of financial responsibility imposed by Minnesota Statutes by filing with the City:

A. A certificate that there is in effect an insurance policy or pool providing minimum coverages of (1) \$50,000.00 because of bodily injury to any one person in any one occurrence, and, subject to the limit for one person, in the amount of \$100,000.00 because of bodily injury to two or more persons in any one occurrence, and in the amount of \$10,000.00 because of injury to or destruction of property of others in any one occurrence, and (2) \$50,000.00 for loss of means of support of any one person in any one occurrence, and, subject to the limit for one person, \$100,000.00 for loss of means of support of two or more persons in any one occurrence; an annual aggregate of \$300,000.00 may be included in the insurance coverage; or,

B. A bond of a surety company with minimum coverages as provided in Subparagraph A of this Subdivision; or,

C. A certificate of the State Treasurer that the licensee has deposited with him \$100,000.00 in cash or securities which may legally be purchased by savings banks or for trust funds having a market value of \$100,000.00.

Subd. 2. Exception. This Section does not apply to on-sale beer licensees with sales of beer of less than \$10,000.00 for the preceding year, nor to off-sale beer licensees with sales of

beer of less than \$20,000.00 for the preceding year, nor does it apply to holders of on-sale wine licenses with sales of wine of less than \$10,000.00 for the preceding year. An affidavit of the licensee shall be required to establish the exemption under this Subdivision.

Subd. 3. Documents Submitted to Commissioner. All proofs of financial responsibility and exemption affidavits filed with the City under this Section shall be submitted by the City to the Minnesota Commissioner of Public Safety.

SECTION 4.12. INSURANCE CERTIFICATE REQUIREMENTS. Whenever an insurance certificate is required by this Chapter the applicant shall file with the City Clerk-Treasurer a certificate of insurance showing (1) that the limits are at least as high as required, (2) that coverage is effective for at least the license term approved, and (3) that such insurance will not be canceled or terminated without thirty days' written notice served upon the City Clerk-Treasurer. Cancellation or termination of such coverage shall be grounds for license revocation.

SECTION 4.13. MINORS AS DEFINED IN SECTION 5.01 - UNLAWFUL ACTS.

Subd. 1. Consumption. It is unlawful for any:

A. Licensee to permit any minor to consume alcoholic beverages on licensed premises.

B. Minor to consume alcoholic beverages except in the household of the minor's parent or guardian, and then only with the consent of such parent or guardian.

Subd. 2. Purchasing. It is unlawful for any person:

A. To sell, barter, furnish, or give alcoholic beverages to a minor unless such person is the parent or guardian of the minor, and then only for consumption in the household of such parent or guardian.

B. Minor to purchase or attempt to purchase any alcoholic beverage.

C. To induce a minor to purchase or procure any alcoholic beverage.

Subd. 3. Possession. It is unlawful for a minor to possess any alcoholic beverage with the intent to consume it at a place other than the household of the minor's parent or guardian. Possession of an alcoholic beverage by a minor at a place other than the household of the parent or guardian is prima facie evidence of intent to consume it at a place other than the household of his parent or guardian.

Subd. 4. Entering Licensed Premises. It is unlawful for any minor, as defined in this Chapter, to enter licensed premises for the purpose of purchasing or consuming alcoholic

beverage. It is not unlawful for any person who has attained the age of eighteen years to enter licensed premises for the following purposes: (1) to perform work for the establishment, including the serving of alcoholic beverages, unless otherwise prohibited by statute; (2) to consume meals; and (3) to attend social functions that are held in a portion of the establishment where liquor is not sold. It is unlawful for a license to permit a person under the age of eighteen years to enter a licensed premises unless attending a social event at which alcoholic beverages are not served, or in the company of a parent or guardian.

Subd. 5. Misrepresentation of Age. It is unlawful for a minor to misrepresent his age for the purpose of purchasing an alcoholic beverage.

Subd. 6. Proof of Age. Proof of age for purchasing or consuming alcoholic beverages may be established only by a valid driver's license, a Minnesota Identification card, or, in the case of a foreign national, by a valid passport.

SECTION 4.14. CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES ON STREETS, PUBLIC PROPERTY, AND PRIVATE PARKING LOTS TO WHICH THE PUBLIC HAS ACCESS. It is unlawful for any person to consume, or possess in an unsealed container, any alcoholic beverage on any (1) City park, (2) street, (3) public property, or (4) private parking lot to which the public has access, except on such premises when and where permission has been specifically granted or licensed by the Council. Provided, that this Section shall not apply to the possession of an unsealed container in a motor vehicle when the container is kept in the trunk of such vehicle if it is equipped with a trunk, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the motor vehicle is not equipped with a trunk. For the purpose of this Section, a utility or glove compartment shall be deemed to be within the area occupied by the driver or passengers.

(Sections 4.16 through 4.29, inclusive, reserved for future expansion.)

SECTION 4.30. BEER LICENSE REQUIRED. It is unlawful for any person, directly or indirectly, on any pretense or by any device, to sell, barter, keep for sale, or otherwise dispose of beer, as part of a commercial transaction, without a license therefor from the City. This Section shall not apply to sales by manufacturers to wholesalers or to sales by wholesalers to persons holding beer licenses from the City. Annual on-sale beer licenses may be issued only to drug stores, restaurants, hotels, bowling centers, clubs, and establishments used exclusively for the sale of beer with the incidental sale of tobacco and soft drinks. Any person licensed to sell liquor at on-sale shall not be required to obtain an on-sale beer license, and may sell beer on-sale without an additional license. Any person licensed to sell liquor off-sale shall not be required to obtain an off-sale beer license, and may sell beer off-sale without an additional license.

SECTION 4.31. BEER LICENSE FEES.

Subd. 1. The annual on-sale beer license fee shall be established, from time to time

by resolution of the council.

Subd. 2. The annual off-sale beer license fee shall be established, from time to time by resolution of the council.

Subd. 3. The daily temporary on-sale beer license fee shall be established, from time to time by resolution of the council.

SECTION 4.32. TEMPORARY BEER LICENSE.

Subd. 1. Applicant. A club or charitable, religious, or non-profit organization, duly incorporated as a non-profit or religious corporation under the laws of the State of Minnesota, and having its registered office and principal place of activity within the City, shall qualify for a temporary on-sale beer license, for serving beer off school grounds, and not in school buildings.

Subd. 2. Conditions.

A. An application for a temporary license shall state the exact dates and place of proposed temporary sale.

B. No applicant shall qualify for a temporary license for more than a total of seven (7) days in any calendar year.

C. The Council may, but at no time shall it be under any obligation whatsoever to, grant a temporary beer license on premises owned or controlled by the City. Any such license may be conditioned, qualified or restricted as the Council sees fit. If the premises to be licensed are owned or under the control of the City, the applicant shall file with the City, prior to issuance of the license, a certificate of liability insurance coverage in at least the sum of \$50,000.00 for injury to any one person and \$100,000.00 for injury to more than one person, naming the City as an insured during the license period. Such license shall be issued only on the condition that the applicant will not sell in excess of \$10,000.00 (retail value) worth of beer in any calendar year, and thereupon shall be exempt from proof of financial responsibility as provided for herein.

SECTION 4.33. BEER LICENSE RESTRICTIONS AND REGULATIONS.

Subd. 1. No gambling or gambling device shall be permitted on any licensed premises, except such as are licensed by or under the control of the Charitable Gambling Control Board.

Subd. 2. No licensee shall, during the effective period of such license, be the owner or holder of a Federal retail liquor dealer's tax stamp for the sale of intoxicating liquor, unless such owner or holder also holds a liquor license from the City, and ownership or holding thereof shall be grounds for immediate revocation, without a hearing.

Subd. 3. No license shall be granted to a wholesaler or manufacturer of beer or to anyone holding a financial interest in such manufacture or wholesaling.

Subd. 4. No person who has not attained the age of eighteen (18) years shall be employed to sell or serve beer in any on-sale establishment.

Subd. 5. Except as otherwise provided in this Chapter, no license shall be granted for any building within 300 feet of any public elementary or secondary school structure, or within 100 feet of any church structure.

Subd. 6. Every license shall be granted subject to the provisions of this Chapter and all other applicable provisions of the City Code and other laws relating to the operation of licensee's business.

SECTION 4.34. HOURS AND DAYS OF BEER SALES. No sale of beer shall be made between the hours of 1:00 o'clock A.M. and 8:00 o'clock A.M. on any weekday, Monday through Saturday, inclusive. Neither shall any beer sale be made on any Sunday between the hours of 1:00 o'clock A.M. and 12:00 o'clock noon.

SECTION 4.35. UNLAWFUL ACTS (BEER). It is unlawful for any:

Subd. 1. Person to knowingly induce another to make an illegal sale or purchase of beer.

Subd. 2. Licensee to sell or serve beer to any person who is obviously intoxicated.

Subd. 3. Licensee to fail, when doubt could exist, to require adequate proof of age of a person upon licensed premises.

Subd. 4. Licensee to sell beer on any day, or during any hour, when such sales are not permitted by law.

Subd. 5. Licensee to allow consumption of beer on licensed premises on any day when sales of beer are not permitted by law.

Subd. 6. Person to purchase beer on any day, or during any hour, when sales of beer are not permitted by law.

(Sections 4.36 through 4.49, inclusive, reserved for future expansion.)

SECTION 4.50. LIQUOR LICENSE REQUIRED. It is unlawful for any person to sell, or keep or offer for sale, any liquor without a license therefor from the City. This Section shall not apply (1) to possession or handling for sale or otherwise of sacramental wine or any representative

of any religious order or for use in connection with a legitimate religious ceremony, (2) to such potable liquors as are prescribed by licensed physicians and dentists for therapeutic purposes, (3) to industrial alcohol and its compounds not prepared or used for beverage purposes, (4) to wine in the possession of a person duly licensed under this Chapter as an on-sale wine licensee, or (5) to sales by manufacturers to wholesalers duly licensed as such by the State of Minnesota and to sales by wholesalers to persons holding on-sale or off-sale licenses from the City.

SECTION 4.51. LIQUOR LICENSE FEES.

Subd. 1. The annual on-sale liquor license fee shall be established, from time to time by resolution of the council.

Subd. 2. The annual off-sale liquor license fee shall be established, from time to time by resolution of the council.

Subd. 3. The annual fraternal club on-sale liquor license fee shall be established, from time to time by resolution of the council.

Subd. 4. The daily temporary on-sale liquor license fee shall be established, from time to time by resolution of the council.

SECTION 4.52. LIQUOR LICENSE RESTRICTIONS AND REGULATIONS.

Subd. 1. Prior to issuance of any license the applicant shall file with the City Clerk-Treasurer satisfactory documentation of compliance with Section 5.11 and Section 5.12 of this Chapter.

Subd. 2. No license shall be granted to a wholesaler or manufacturer of liquor, or to anyone holding a financial interest in such manufacture or wholesaling.

Subd. 3. No license shall be effective until a permit shall be issued to a licensee under the laws of the United States, if such permit be required under such laws or the State of Minnesota.

Subd. 4. No gambling or gambling device shall be permitted on any licensed premises, except such as are licensed by or under the control of the Charitable Gambling Control Board.

Subd. 5. No person under eighteen (18) years of age may sell or serve liquor on licensed premises.

Subd. 6. No licensee shall sell, offer for sale, or keep for sale, liquor in any original package which has been refilled or partly refilled.

Subd. 7. No licensee shall display liquor for sale to the public during hours when the sale of liquor is prohibited.

Subd. 8. No license shall be granted for any building within 300 feet of any public elementary or secondary school structure or within 100 feet of any church structure.

Subd. 9. No more than one license shall be held by any person. For the purpose of this Subdivision, any person owning a beneficial interest of five percent, or more, of any licensed establishment shall be considered a licensee.

Subd. 10. On-sale licenses shall be granted only to exclusive liquor stores, hotels, motels, restaurants, bowling centers, clubs, fraternal clubs, and congressionally chartered veterans organizations.

Subd. 11. The Council may issue the number of licenses authorized by statute or restrict such number from time to time as it may, in its discretion, deem proper.

Subd. 12. Every license shall be granted subject to the provisions of this Chapter and all other applicable provisions of the City Code and other laws relating to the operation of the licensed business.

SECTION 4.53. HOURS AND DAYS OF LIQUOR SALES. No sale of liquor shall be made after 1:00 o'clock A.M. on Sunday, nor until 8:00 o'clock A.M. on Monday, nor after 8:00 o'clock P.M. on December 24. No on-sale shall be made between the hours of 1:00 o'clock A.M. and 8:00 o'clock A.M. on any weekday. No off-sale shall be made before 8:00 o'clock A.M. or after 10:00 o'clock P.M. on any weekday. No off-sale shall be made on New Year's Day, January 1; Independence Day, July 4; Thanksgiving Day; or Christmas Day, December 25.

SECTION 4.54. UNLAWFUL ACTS (LIQUOR). It is unlawful for any:

Subd. 1. Person to knowingly induce another to make an illegal sale or purchase of liquor.

Subd. 2. Licensee to sell liquor on any day, or during any hour, when sales of liquor are not permitted by law.

Subd. 3. Person to purchase liquor on any day, or during any hour, when sales of liquor are not permitted by law.

Subd. 4. Licensee to sell or serve liquor to any person who is obviously intoxicated.

Subd. 5. Licensee to fail, where doubt could exist, to require adequate proof of age of a person upon licensed premises.

ORDINANCE NO. 24-01

AN ORDINANCE AMENDING JASPER CITY CODE OF ORDINANCE 4.52(8)

An amendment to Ordinance 4.52(8) to allow for retail development and redevelopment of the downtown area for new and existing retail businesses.

The City Council of Jasper, Minnesota ordains:

Section 1. City Code of Ordinance Liquor Licensing Ordinance Section 4.52(8) – No license shall be granted for any building within 300 feet of any public elementary or secondary school structure or within 100 feet of any church structure.

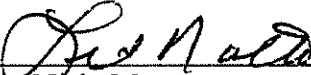
Is hereby amended as follows:

Liquor Licensing Ordinance Section 4.52(8) – No license shall be granted for any building within 300 feet of any public elementary or secondary school structure or within 100 feet of any church structure with the exception of the General Business District (B-1).

Section 2. The Ordinance shall take effect February 1, 2024 with posting of publication.

Passed by the City Council of Jasper, Minnesota this 16th day of January, 2024.

**JASPER CITY COUNCIL,
CITY OF JASPER, MINNESOTA**



Les Nath, Mayor

1-16-24
Date

Attested:



Trinidad Garcia - City Clerk-Treasurer

1-16-24
Date

Introduced on: January 9, 2024

Final Passage on: January 16th, 2024

Published in Pipestone Star: January 25, 2024

PRINTER'S AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)

) ss.

County of Pipestone)

John C. Draper, being duly sworn, on oath says that he is the publisher of the newspaper known as the Pipestone County Star, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) Mortgage Foreclosure Notices. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in Pipestone County. The newspaper complies with the conditions described in §580.033, subd.1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

(C) The printed Ordinance No. 24-01

City of Jasper, MN

which is attached was cut from the columns of said newspaper, and was printed and published once each week, for 1 successive weeks; it was first published on Thursday, the 25th day of January, 2024, and was thereafter printed and published on every Thursday to and including Thursday, the day of , 2024; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice.

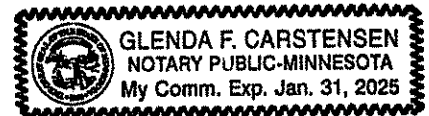
abcdefghijklmnopqrstuvwxyz


Publisher, Pipestone County Star

Subscribed and sworn to before me on

this 25th day of January, 2024.

Glenda F. Carstensen
Notary Public, Pipestone County Minnesota



RATES: Lowest classified rate paid by commercial users for comparable space, as determined pursuant to §331A.06 is \$12.90 per column inch, which is the maximum rate allowed by law for the above matter. The rate actually charged for the above matter is \$12.90 per column inch first insertion, \$6.45 subsequent run when applicable.

SECTION 4.55. TEMPORARY LIQUOR LICENSE.

Subd. 1. License Authorized. Notwithstanding any provision of the City Code to the contrary, the Council may issue a license for the temporary on-sale of liquor in connection with a social event sponsored by the licensee. Such licensee may provide that the licensee may contract with the holder of a full-year on-sale license, issued by the City, for liquor catering services.

Subd. 2. Applicant. The applicant for a license under this Section must be a Club or charitable, religious, or other non-profit organization in existence for at least three years.

Subd. 3. Terms and Conditions of License.

A. No license is valid until approved by the Commissioner.

B. No license shall be issued for more than three consecutive days.

C. Licenses may authorize sales on premises other than those owned or permanently occupied by the licensee.

(Sections 4.56 through 4.69, inclusive, reserved for future expansion.)

SECTION 4.70. ON-SALE WINE.

Subd. 1. On-Sale Wine License Required. It is unlawful for any person to sell, or keep or offer for sale, any wine without a license therefor from the City. This Section shall not apply (1) to possession or handling for sale or otherwise of sacramental wine or any representative of any religious ceremony, (2) to sales by manufacturers to wholesalers duly licensed as such by the State of Minnesota, (3) to sales by wholesalers to persons holding on-sale or off-sale liquor licenses from the City, or (4) to sales by wholesalers to persons holding on-sale wine licenses from the City.

Subd. 2. On-Sale Wine License Fee. The annual on-sale wine license fee shall be established, from time to time by resolution of the council.

Subd. 3. On-Sale Wine License Restrictions and Regulations.

A. Prior to issuance of any license the applicant shall file with the City Clerk-Treasurer satisfactory documentation of compliance with Section 5.11 and Section 5.12 of this Chapter.

B. No license shall be granted to a wholesaler or manufacturer of wine, or to anyone holding a financial interest in such manufacture or wholesaling.

C. No gambling or gambling device shall be permitted on any licensed

premises, except such as are licensed by or under the control of the Charitable Gambling Control Board.

D. No person under the age of eighteen (18) years may sell or serve wine on licensed premises.

E. No licensee shall display wine for sale to the public on days or during hours when the sale of wine is prohibited.

F. No license shall be granted for any building within 300 feet of any public elementary or secondary school structure or within 100 feet of any church structure.

G. No more than one license shall be held by any person. For the purpose of this Subparagraph, any person owning a beneficial interest of five percent, or more, of any licensed establishment shall be considered a licensee.

H. On-sale wine licenses shall be granted only to restaurants as defined in this Chapter. Provided, however, for purposes of this Section, such restaurant shall have appropriate facilities for seating not less than twenty-five guests at one time.

I. Every license shall be granted subject to the provisions of this Chapter and all other applicable provisions of the City Code and other laws relating to the operation of the licensed business.

SECTION 4.71. HOURS AND DAYS OF SALES BY ON-SALE WINE LICENSEES.

No on-sale of wine shall be made between 1:00 o'clock A.M. and 12:00 o'clock noon on Sunday, nor between 12:00 o'clock midnight and until 8:00 o'clock A.M. on Monday, nor between the hours of 1:00 o'clock A.M. and 8:00 o'clock A.M. on any weekday, nor between the hours of 8:00 o'clock P.M. on December 24 and 8:00 o'clock A.M. on December 25.

SECTION 4.72. UNLAWFUL ACTS (WINE). It is unlawful for any:

Subd. 1. Person to knowingly induce another to make an illegal sale or purchase of wine.

Subd. 2. Licensee to sell wine on any day, or during any hour, when sales of wine are not permitted by law.

Subd. 3. Person to purchase wine on any day, or during any hour, when sales of wine are not permitted by law.

Subd. 4. Licensee to sell or serve wine to any person who is obviously intoxicated.

Subd. 5. Licensee to fail, where doubt could exist, to require adequate proof of age of a person upon licensed premises.

Subd. 6. Licensee to sell wine except in conjunction with the sale of food.

(Sections 4.73 through 4.79, inclusive, reserved for future expansion.)

SECTION 4.80. CONSUMPTION AND DISPLAY.

Subd. 1. Definition. For purposes of this Section, the term "bottle club" is a "club" as defined in this Chapter, or an unincorporated society which, except for its lack of incorporation, otherwise meets the requirements of a club, and which is not otherwise licensed for the sale of liquor, either on-sale or off-sale or both.

Subd. 2. Consumption and Display License Required. It is unlawful for any bottle club or for any business establishment to allow the consumption or display of liquor or the serving of any liquid for the purpose of mixing liquor without a license therefor from the City, but a bottle club as herein defined and licensed may permit its members to bring and keep a personal supply of liquor in lockers assigned to such members.

Subd. 3. Consumption and Display License Fee. The annual consumption and display license fee shall be established, from time to time by resolution of the council.

Subd. 4. Consumption and Display Restrictions and Regulations.

A. Every bottle, container or other receptacle containing liquor stored by a member of a bottle club shall have attached to it a label signed by the member of the club, shall be kept in a locker designated to the use of such member, and no other liquor shall be on bottle club premises.

B. It is unlawful for any club member who is a minor to be assigned a locker for the storage of liquor or to consume or display liquor on any premises under control by such club.

C. No license may permit a person to consume or display liquor, and no person may consume or display liquor, between 1:00 o'clock A.M. and 12:00 o'clock noon on Sundays, nor between 1:00 o'clock A.M. and 8:00 o'clock A.M. on Monday through Saturday.

D. No license shall be issued to any bottle club when a member of the board, management, executive committee, or other similar body chosen by its members, or when a business establishment or the owner thereof holds a Federal retail liquor dealer's special tax stamp for the sale of liquor.

E. Liquor sold, served or displayed in violation of this Section shall be subject to seizure for purposes of evidence.

Subd. 5. Other Licenses. An on-sale liquor or wine licenses may also be licensed for consumption and display.

(Sections 4.81 through 4.89, inclusive, reserved for future expansion.)

SECTION 4.90. NUDITY OR OBSCENITY PROHIBITED.

Subd. 1. Definitions. As used in this Section, the following words and terms shall have the meanings stated:

A. "Nudity" means uncovered, or less than opaquely covered, post-pubertal human genitals, pubic areas, the post-pubertal human female breast below a point immediately above the top of the areola, or the covered human male genitals in a discernibly turgid state. For purposes of this definition, a female breast is considered uncovered if the nipple only or the nipple and the areola only are covered.

B. "Obscene performance" means a play, motion picture, dance, show or other presentation, whether pictured, animated or live, performed before an audience and which in whole or in part depicts or reveals nudity, sexual contact, sexual excitement or sado-masochistic abuse, or which includes obscenities or explicit verbal descriptions or narrative accounts of sexual conduct.

C. "Obscenities" means those slang words currently generally rejected for regular use in mixed society, that are used to refer to genitals, female breasts, sexual conduct or excretory functions or products, either that have no other meaning or that in context are clearly used for their bodily, sexual or excretory meaning.

D. "Sado-masochistic abuse" means flagellation or torture by or upon a person who is nude or clad in undergarments or in revealing or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

E. "Sexual conduct" means human masturbation, sexual intercourse, or any touching of the genitals, pubic areas or buttocks of the human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

F. "Sexual excitement" means the condition of human male or female genitals or the breasts of the female when in a state of sexual stimulation, or the sensual experiences of humans engaging in or witnessing sexual conduct or nudity.

Subd. 2. Unlawful Act. It is unlawful for any person issued a license provided for in this Chapter to permit upon licensed premises any nudity, obscene performance, or continued use of obscenities by any agent, employee, patron or other person.

(Sections 4.91 through 4.98, inclusive, reserved for future expansion.)

SECTION 4.99. VIOLATION A MISDEMEANOR. Every person violates a Section,

subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

CHAPTER 5

BUSINESS REGULATION AND LICENSING

SECTION 5.01. DEFINITIONS. As used in this Chapter, the following words and terms shall have the meanings stated:

1. "Applicant" means any person making an application for a license under this Chapter.

2. "Application" means a form with blanks or spaces thereon, to be filled in and completed by the applicant as his request for a license, furnished by the City and uniformly required as a prerequisite to the consideration of the issuance of a license for a business.

3. "Bond" means a corporate surety document in the form and with the provisions acceptable and specifically approved by the City Attorney.

4. "Business" means any activity, occupation, sale of goods or services, or transaction that is either licensed or regulated, or both licensed and regulated, by the terms and conditions of this Chapter, and not regulated by any other Chapter of the City Code.

5. "License" means a document issued by the City to an applicant permitting him to carry on and transact a business.

6. "Licensee" means an applicant who, pursuant to his application, holds a valid, current, unexpired and unrevoked license from the City for carrying on a business under this Chapter.

7. "License fee" means the money paid to the City pursuant to an application and prior to the issuance of a license to transact and carry on a business.

8. "Sale", "Sell" and "Sold" mean all forms of barter and all manner or means of furnishing merchandise to persons.

SECTION 5.02. APPLICATIONS. All applications shall be made as follows:

Subd. 1. All applications shall be made at the office of the City Clerk-Treasurer upon forms that have been furnished by the City for such purposes.

Subd. 2. All initial applications shall be accompanied by a payment of an investigation fee, if any, to cover the cost of investigation as herein provided.

Subd. 3. All such applications must be subscribed, sworn to, and include, but not be

limited to, the following:

- A. Applicant's name, age and citizenship.
- B. Applicant's present address and length of time he has lived at that address.
- C. Applicant's occupation and length of time so engaged.
- D. Applicant's addresses and occupations for the three years last preceding the date of application.
- E. Names and addresses of applicant's employers, if any, for the three years last preceding the date of application.
- F. Whether or not applicant has ever been convicted of a felony, gross misdemeanor, or misdemeanor, including violation of a municipal ordinance but excluding traffic violations, and if so, the date and place of conviction and the nature of the offense.
- G. Type of license and location of premises for which application is made.
- H. At least four character references if applicant has not resided in the City for two years last preceding the date of application.
- I. Such other information as the Council shall deem necessary considering the nature of the business for which license application is made.

Subd. 4. It is unlawful for any applicant to intentionally make a false statement or omission upon any application form. Any false statement in such application, or any willful omission to state any information called for on such application form, shall, upon discovery of such falsehood work an automatic refusal of license, or if already issued, shall render any license or permit issued pursuant thereto, void, and of no effect to protect the applicant from prosecution for violation of this Chapter, or any part hereof.

Subd. 5. The City Clerk-Treasurer shall, upon receipt of each application completed in accordance herewith, forthwith investigate the truth of statements made therein and the moral character and business reputation of each applicant for license to such extent as he deems necessary. The Council shall not consider an application before such investigation has been completed.

Subd. 6. Applications for renewal licenses may be made in such abbreviated form as the Council may by resolution adopt.

SECTION 5.03. ACTION OF APPLICATION, TRANSFER, TERMINATION AND DUPLICATE LICENSE.

Subd. 1. Granting. The Council may grant any application for the period of the remainder of the then current calendar year or for the entire ensuing license year. All applications, including proposed license periods, must be consistent with this Chapter.

Subd. 2. Issuing. If an application is approved, the City Clerk-Treasurer shall forthwith issue a license pursuant thereto in the form prescribed by the Council, payment of the appropriate license fee, and approval of the bond or insurance as to form and surety or carrier, if required. All licenses shall be on a calendar year basis unless otherwise specified herein as to particular businesses. Unless otherwise herein specified, license fees shall be pro-rated on the basis of 1/12th for each calendar month or part thereof remaining in the then current license year. Except as to licenses which are specifically City-wide, licenses shall be valid only at one location and on the premises therein described.

Subd. 3. Transfer. A license shall be transferable between persons upon consent of the Council and payment of the investigation fee. No license shall be transferable to a different location without prior consent of the Council and upon payment of the fee for a duplicate license. It is unlawful to make any transfer in violation of this Subdivision.

Subd. 4. Termination. Licenses shall terminate only by expiration or revocation.

Subd. 5. Refusal and Revocation. The Council may, for any reasonable cause, refuse to grant any application, or revoke any license. No license shall be granted to a person who has been convicted of a felony within the past five years. Before revocation of any license, the Council shall give notice to the licensee and grant such licensee opportunity to be heard. Notice to be given and the exact time of hearing shall be stated in the resolution calling for such hearing. Grounds for revocation may be, but are not limited to, any of the following: (1) that the licensee suffered or permitted illegal acts upon licensed premises; (2) that the licensee had knowledge of such illegal acts but failed to report the same to police; (3) that the licensee failed or refused to cooperate fully with police in investigating such alleged illegal acts; or, (4) that the activities of the licensee created a serious danger to public health, safety, or welfare.

Subd. 6. Duplicate License. Duplicates of all original licenses may be issued by the City Clerk-Treasurer, without action by the Council, upon licensee's affidavit that the original has been lost, and upon payment of a fee of \$5.00 for issuance of the duplicate. All duplicate licenses shall be clearly marked DUPLICATE.

SECTION 5.04. FIXING LICENSE FEES. Except as otherwise herein provided, all fees for licenses under this Chapter shall be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such license fees may, from time-to-time, be amended by the Council by resolution. A copy of the resolution setting forth currently effective license fees shall be kept on file in the office of the City Clerk-Treasurer, and open to inspection during regular business hours. For the purpose of fixing such fees, the Council may subdivide and categorize licenses under a specific license requirement, provided, that any such subdivision or categorization shall be included in the

resolution authorized by this Section.

SECTION 5.05. CARRYING OR POSTING. All solicitors shall at all times when so engaged, carry their license on their person. All other licensees shall post their licenses in their place of business near the licensed activity. Provided, however, that in the case of machine or other device, the City may provide a sticker for the current license year which shall be affixed to each machine or device requiring such sticker. All licensees shall display their licenses upon demand by any officer or citizen.

SECTION 5.06. CONDITIONAL LICENSES. Notwithstanding any provision of law to the contrary, the Council may, upon a finding of the necessity therefor, place such conditions and restrictions upon a license as it, in its discretion, may deem reasonable and justified.

SECTION 5.07. RENEWAL OF LICENSES. Applications for renewal of an existing license shall be made at least thirty (30) days prior to the date of expiration of the license, and shall contain such information as is required by the City. This time requirement may be waived by the Council for good and sufficient cause.

SECTION 5.08. FRANCHISES.

Subd. 1. Definition. The term "franchise" as used in this Section shall be construed to mean any special privileges granted to any person in, over, upon, or under any of the streets or public places of the City, whether such privilege has heretofore been granted by it or by the State of Minnesota, or shall hereafter be granted by the City or by the State of Minnesota.

Subd. 2. Franchise Ordinances. The City Council may grant franchises by ordinance. Franchise rights shall always be subject to the superior right of the public to the use of streets and public places. All persons desiring to make any burdensome use of the streets or public places, inconsistent with the public's right in such places, or desiring the privileges of placing in, over, upon, or under any street or public place any permanent or semi-permanent fixtures for the purpose of constructing or operating railways, telegraphing, or transmitting electricity, or transporting by pneumatic tubes, or for furnishing to the City or its inhabitants or any portion thereof, transportation facilities, water, light, heat, power, gas, or any other such utility, or for any other purpose, shall be required to obtain a franchise before proceeding to make such use of the streets or public places or before proceeding to place such fixtures in such places.

Subd. 3. Power of Regulation Reserved. The City shall have the right and power to regulate and control the exercise by any person, of any franchise however acquired, and whether such franchise has been heretofore granted by it or by the State of Minnesota.

Subd. 4. Conditions in Every Franchise. All conditions specified in this Section shall be a part of every franchise even though they may not be expressly contained in the franchise:

A. That the grantee shall be subject to and will perform on its part all the terms of this Section and will comply with all pertinent provisions of the City Code, as the same may from time to time be amended.

B. That the grantee shall in no case claim or pretend to exercise any power to fix fares, rates, and charges; but that such fares, rates, and charges shall at all times be just, fair and reasonable for the services rendered and shall in all cases be fixed and from time to time changed, unless regulated by an agency of the State of Minnesota, in the manner following:

1. A reasonable rate shall be construed to be one which will, with efficient management, normally yield above all operating expenses and depreciation, a fair return upon all money invested.

2. If possible, maximum rates and charges shall be arrived at by direct negotiation with the City Council.

3. If direct negotiations fail to produce agreement, the City Council shall, not less than thirty days before the expiration of any existing rate schedule or agreement, appoint an expert as its representative, the franchisee shall likewise appoint an expert as its representative and the two of them shall appoint a third person, preferably an expert, and the three of them shall constitute a board of arbitration. The board shall report its findings as soon as possible and the rates and charges it shall agree upon by majority vote shall be legal and binding, subject only to review by a court of competent jurisdiction upon application of one of the parties.

C. That the City Council shall have the right to require reasonable extensions of any public services system from time to time, and to make such rules and regulations as may be required to secure adequate and proper service and to provide sufficient accommodations for the public.

D. That the Grantee shall not issue any capital stock on account of the franchise or the value thereof, and that the grantee shall have no right to receive upon condemnation proceedings brought by the City to acquire the public utility exercising such franchise, any return on account of the franchise or its value.

E. That no sale or lease of said franchise shall be effective until the assignee or lessee shall have filed with the City an instrument, duly executed, reciting the facts of such sale or lease, accepting the terms of the franchise, and agreeing to perform all the conditions required of the grantee thereunder.

F. That every grant in said franchise contained of permission for the erection of poles, masts, or other fixtures in the streets and for the attachment of wires thereto, or for the laying of tracks in, or of pipes or conduits under the streets or public places, or for the placing in the streets or other public places of any permanent or semi-permanent fixtures whatsoever, shall be

subject to the conditions that the City Council shall have the power to require such alterations therein, or relocation or rerouting thereof, as the City Council may at any time deem necessary for safety, health, or convenience of the public, and particularly that it shall have the power to require the removal of poles, masts, and other fixtures bearing wires and the placing underground of all facilities for whatsoever purpose used.

G. Every franchise shall contain a provision granting the City the right to acquire the same in accordance with statute.

H. That the franchisee may be obligated by the City to pay the City fees to raise revenue or defray increased costs accruing as a result of utility operations, or both, including, but not limited to, a sum of money based upon gross operating revenues or gross earnings from its operations in the City.

Subd. 5. Further Provisions of Franchise. The enumeration and specification of particular matters which must be included in every franchise or renewal or extension thereof, shall not be construed as impairing the right of the City to insert in any such franchise or renewal or extension thereof such other and further conditions and restrictions as the City Council may deem proper to protect the City's interest, nor shall anything contained in this Section limit any right or power possessed by the City over existing franchises.

(Sections 5.09 through 5.29, inclusive, reserved for future expansion.)

SECTION 5.30. DANCES.

Subd. 1. Definitions. As used in this Section, the following words and terms shall have the meanings stated:

A. "Public dance" means any dance wherein the public may participate by payment, directly or indirectly, of an admission fee or price for dancing, which fee may be in the form of a club membership, or payment of money, directly or indirectly.

B. "Public dancing place" means any room, place, or space open to the public patronage in which dancing, wherein the public may participate, is carried on and to which admission may be had by the public by payment, directly or indirectly, of an admission fee or price for dancing.

Subd. 2. License Required. It is unlawful for any person to operate a public dancing place, or hold a public dance, without a license therefor from the City.

Subd. 3. Application and License.

A. A verified application for a dance license shall be filed with the City and shall specify the names and addresses of the person, persons, committee or organization that is to

hold the dance, time and place thereof, and the area of the dance floor.

B. All applications shall be accompanied by affidavits of two residents showing that the applicant is of good character and reputation in the community in which he lives, that he had not been convicted of a felony, gross misdemeanor, or violation of any public dance laws within the past five years. No license shall be issued to any person who has been so convicted.

C. No license shall be granted by the City Clerk-Treasurer for any place having so-called "private apartments" or "private rooms" furnished or used for any purposes other than a legitimate business purpose which adjoins such dancing place, or which may be reached by stairs, elevators, or passageway leading from such dancing place. Nor shall a license be granted for any place which is not properly ventilated and equipped with necessary toilets, washrooms or lighting facilities.

D. Applications may be referred by the City Clerk to any law enforcement agency for investigation and report prior to being acted upon by the Council.

E. The Council shall review all dance licenses granted by the City Clerk-Treasurer at a regular or special meeting thereof, whether or not it is included in the call or agenda of the meeting.

F. A natural person shall be employed by the licensee, as an observer, to be present during the entire time the dance is held. The observer shall have available telephone or radio communication with on-duty police, and shall use such communication to report any violation of this Section, another provision of the City Code, or any other law.

G. The dance license shall be posted in the public dancing place and shall state the name of the licensee, the amount paid therefor, and the time and place licensed. The license shall also state that the licensee is responsible for the manner of conducting the dance.

H. No license shall be issued to any applicant under the age of twenty-one (21) years.

Subd. 4. Dance Regulations.

A. Obscenity and Immorality Prohibited. It is unlawful for any person to dance, or for a licensee to permit or suffer any person to dance at any public dance in an indecent or immodest manner. It is also unlawful for any person at a public dance to speak in a rude, boisterous, obscene, or indecent manner or for any licensee to suffer or permit any person so to act or speak in any public dancing place.

B. Illumination. Every public dancing place shall be brightly illuminated while in public use, and dancing therein while the lights are extinguished, dimmed or turned low so

as to give imperfect illumination is prohibited.

C. **Certain Persons Prohibited.** No licensee shall permit any unmarried person under the age of sixteen (16) years, unless said unmarried person is accompanied by his parent or guardian, to remain in a public dancing place. Nor shall any licensee permit any intoxicated person, or other person who persists in violating the law, to be or remain in a public dancing place.

D. **Hours of Dancing.** No public dance shall be held on Sunday between the hours of 1:00 o'clock A.M. and 12:00 o'clock noon. No public dance shall be held on any day between the hours of 1:00 o'clock A.M. and 6:00 o'clock A.M.

SECTION 5.31. SHOWS.

Subd. 1. License Required. It is unlawful for any person to present any public show, movie, caravan, circus, carnival, theatrical or other performance or exhibition without first having obtained a license therefor from the City.

Subd. 2. Exceptions. No license shall be required in the following instances:

A. Performances presented in the local schools, under the sponsorship of such schools, and primarily for the students thereof only.

B. Performances of athletic, musical or theatrical events sponsored by local schools or colleges using student talent only.

C. Any performance or event in, or sponsored by, bona fide local church and non-profit organizations, provided that such organization shall be incorporated.

Subd. 3. Obscenity Prohibited.

A. **Definitions.** As used in this Subdivision, the following words and terms shall have the meanings stated:

1. "Nudity" means uncovered, or less than opaquely covered, post-pubertal human genitals, pubic areas, the post-pubertal human female breast below a point immediately above the top of the areola, or the uncovered human male genitals in a discernibly turgid state. For purposes of this definition, a female breast is considered uncovered if the nipple only or the nipple and the areola only are covered.

2. "Obscene performance" means a performance which in whole or in part depicts or reveals nudity, sexual conduct, sexual excitement or sado-masochistic abuse, or which includes obscenities or explicit verbal descriptions or narrative accounts of sexual conduct.

3. "Obscenities" means those slang words currently generally rejected for regular use in mixed society, that are used to refer to genitals, female breasts, sexual conduct or excretory functions or products, either that have no other meaning or that in context are clearly used for their bodily, sexual or excretory meaning.

4. "Performance" means any play, motion picture film, dance, or other exhibition pictured, animated, or live, performed before an audience.

5. "Sado-masochistic abuse" means flagellation or torture by or upon a person who is nude or clad in undergarments or in revealing or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

6. "Sexual conduct" means human masturbation, sexual intercourse, or any touching of the genitals, pubic areas or buttocks of the human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

7. "Sexual excitement" means the condition of human male or female genitals or the breast of the female when in a state of sexual stimulation, or the sensual experience of humans engaging in or witnessing sexual conduct or nudity.

B. It is unlawful for any licensee, for a monetary consideration or other valuable commodity or service, to knowingly or recklessly (1) exhibit an obscene performance; or, (2) directly or indirectly sell an admission ticket or other means to gain entrance into an obscene performance, or, (3) directly or indirectly permit admission of a person to premises whereon there is exhibited an obscene performance.

C. Any prosecution under this Subdivision shall include the following elements: (1) that the average person, applying contemporary community standards, would find the performance, taken as a whole, appealing to the prurient interest of the audience; (2) that the performance describes or depicts, in a patently offensive way, sexual conduct included in the definition of "obscene performance"; and, (3) that the performance, taken as a whole, lacks serious literary artistic, political or scientific value.

SECTION 5.32. BILLIARDS AND POOL.

Subd. 1. License Required. It is unlawful for any person to keep or maintain any pool, billiard, snooker or other game table, available for the public use without first having obtained a license from the City. Provided, however, that this subdivision shall not apply to establishments having two or fewer such billiard tables.

Subd. 2. Practices Prohibited. It is unlawful for any:

RESOLUTION NO. 00-221

A RESOLUTION RELATING TO THE SALE, POSSESSION, AND USE OF TOBACCO, TOBACCO PRODUCTS, AND TOBACCO RELATED DEVICES IN THE CITY OF JASPER, AND TO REDUCE THE ILLEGAL SALE, POSSESSION, AND USE OF SUCH ITEMS TO AND BY MINORS.

WHEREAS, Minnesota Statutes 461.12 provides that county boards will license and regulate the sale of tobacco in unorganized territory of the county and in a town or a home rule charter or statutory city if a town or city does not license and regulate retail tobacco sales, and

WHEREAS, the County Commissioners for the County of Pipestone, State of Minnesota, have finally adopted a County Tobacco Ordinance, and


WHEREAS, City of Jasper's RESOLUTION NO. 99-166 shall be rescinded at this time, and

WHEREAS, the City Council is of the opinion that licensing and regulation of tobacco retail establishments by the City of Jasper would simply duplicate the work of any Public Health Service agency as the licensing authority under either the Rock County or Pipestone County Ordinance.

NOW THEREFORE, be it hereby resolved that the City of Jasper does hereby grant to Nobles Rock Public Health full licensing authority over tobacco retail establishments in Rock County within the city limits and grant to Lincoln, Lyon, Murray, and Pipestone Public Health Services full licensing authority over tobacco retail establishments in Pipestone County within the city limits for the purpose of enforcing the County Ordinances including the conduct of unannounced compliance checks at least once each calendar year at each location where tobacco is sold as required under Minnesota Statutes 461.12 effective on the date below written.

Dated: August 8, 2000

CITY OF JASPER


By its Mayor


City Clerk

SEAL

A. Pool, billiard, snooker or other game table licensee to be open between 1:00 o'clock A.M. and 8:00 o'clock A.M. of any weekday, or between 1:00 o'clock A.M. and 12:00 o'clock noon on any Sunday, and permit use of such licensed facilities.

B. Person under the age of twenty-one years to play pool, billiards, snooker or other such game table where beer or liquor is sold or consumed, unless accompanied by his parent or guardian.

C. License to cause or permit any person under the age of twenty-one years to play pool, billiards, snooker or other similar game table where beer or liquor is sold or consumed unless such minor is accompanied by his parent or guardian.

D. License to permit any form of gambling except as may be licensed by or under the control of the Charitable Gambling Control Board.

E. Licensee to permit any person to become disorderly or to use profane, obscene or indecent language.

F. Licensee, not having an on-sale liquor license, to sell or possess, or knowingly allow any person on the licensed premises to sell or possess, intoxicating liquor.

SECTION 5.33. TOBACCO.

see Resolution 99-166 A & B

Subd. 1. Definition. As used in this Section, the term "tobacco" means and includes tobacco in any form, including but not limited to, cigarettes, cigars, bagged, canned or packaged product.

Subd. 2. License Required. It is unlawful for any person, directly or indirectly, to keep for retail sale, sell at retail, or otherwise dispose of any tobacco in any form unless a license therefor shall first be obtained from the City.

Subd. 3. Restrictions.

A. Separate licenses shall be issued for the sale of tobacco at each fixed place of business, and no license shall be issued for a movable place of business.

B. It is unlawful for any person to sell or give away any tobacco in any form to any person under the age of eighteen (18) years.

SECTION 5.34. SOLICITORS.

Subd. 1. Purpose. This Section is not intended to in any way hinder, delay or interfere with legitimate business or organizational activities. The Council finds, however, that

solicitors have used public streets and their direct contact with residents of the City for the illegitimate solicitation practices of harassment, nuisance, theft, deceit, or menacing, troublesome or unlawful activities. This Section is intended to ferret out and control: (1) businesses and organizations using solicitation as a means of concealing unlawful activities; and, (2) businesses and organizations which, though its activities be lawful or even commendable, use such illegitimate practices in solicitation; and, (3) individual natural persons who, though they represent lawful businesses and organizations, use such illegitimate solicitation practices. The Council further finds that a large number of the residents of the City are employed as their livelihood and means of support by manufacturing plants and other businesses on shifts rotating between night and day, and to disturb them during their sleeping hours for the purpose of solicitation is a source of nuisance or even harassment and should be subject to control.

Subd. 2. Definitions. The following terms, as used in this Section, shall have the meanings stated:

A. "Solicitor" means any person making the solicitation, including such common terms as "peddler", "transient merchant" and "canvasser".

B. "Solicitee" means the person solicited.

C. "Goods" means any tangible thing of value, but not including money, things in action or intangible personal property other than merchandise certificates or coupons as herein described. The term includes such chattels as are furnished or used at the time of sale or subsequently in the modernization, rehabilitation, repair, alteration, improvement or construction of real property so as to become a part thereof whether or not severable therefrom. The term also includes merchandise certificates or coupons, issued by a retail seller, not redeemable in cash and to be used in their face amount in lieu of cash, in exchange for goods or services sold by such seller.

D. "Services" means work, labor, or services of any kind.

E. "Established place" means real estate in the City owned, leased on a month-to-month or term-certain longer than thirty (30) days. The term includes a booth, compartment, or area leased or assigned during and for the length of an event or occasion.

F. "Business solicitation" means an attempt by a solicitor, engaging in transactions of the same kind, to sell or distribute for a consideration any goods or services primarily for personal, family, or household purposes, when either the solicitor or person acting for him contracts the solicitee by telephone or in person, other than at the established place of business of solicitor, except: (1) an attempted solicitation in which the solicitee personally knows the identity of the solicitor, the name of the business firm or organization he represents, and the identity or kinds of goods, services or things of value offered; or, (2) an attempted solicitation in which the solicitee has first initiated the contract with the solicitor; or, (3) an attempted solicitation of a newspaper subscription in which the solicitor is a minor child engaged in both the delivery and sale of the

newspaper; or (4) an attempted solicitation for the sale of products of a farm or garden occupied or cultivated by the solicitor, when facts of such occupancy or cultivation are proven by the solicitor.

G. "Contribution solicitation" means an attempt by a solicitor to obtain money from a solicitee for any cause or purpose, when either the solicitor or person acting for him contacts the solicitee by telephone or in person other than at the established place of meeting, business, service, or activity of the organization represented by the solicitor, except: (1) an attempted solicitation in which the solicitee personally knows the identity of the solicitor, the name of the organization he represents, and the identity of the services performed or offered by the organization, or, (2) an attempted solicitation in which the solicitee has first initiated the contract with the solicitor or the organization represented by him.

Subd. 3. Prohibited Solicitation Practices.

A. It is unlawful for any solicitor to engage in solicitation for any unlawful business or organizational purpose or activity.

B. It is unlawful for any solicitor to practice harassment, nuisance, theft, deceit, or menacing, troublesome or otherwise unlawful activities during the course of solicitation.

C. It is unlawful for any solicitor to enter, or attempt to gain entrance, to residential premises displaying at such entrance a sign at least 3-3/4 inches long and 3-3/4 inches high with the words "Peddlers and Solicitors Prohibited" or "Solicitors Prohibited" in type not smaller than 48 point.

D. It is unlawful for any solicitor to refuse to leave business premises when requested by the owner, lessee, or person in charge thereof.

E. It is unlawful for any person to engage in contribution solicitation without completion of licensing or registration as herein provided.

F. It is unlawful for any person to engage in business solicitation without a license as herein provided.

Subd. 4. Application. Applications for licensing or registration shall contain the name, date of birth, and address of the solicitor, the name and address of the business or organization for which solicitations are sought and such other information as may reasonably be required by the Council as a condition to registration or licensing or to permit investigation into the applicant's background and past solicitation practices.

Subd. 5. Investigation, Approval or Disapproval.

A. All applications for licensing or registration shall be immediately referred

to a designated law enforcement agency and investigated as to the truth thereof. Said law enforcement agency shall have five (5) business days within which to investigate and make a recommendation thereon.

B. If he finds no past history of the applicant indicating violations similar to those declared unlawful in this Section he shall recommend issuing a license or approving registration, as the case may be, and the City Clerk-Treasurer shall forthwith advise the applicant. The City Clerk-Treasurer shall issue a license, upon payment of the fee therefor, to the approved applicant for business solicitation, and shall approve the completion of registration by the applicant for a contribution solicitor.

C. If the law enforcement agency finds a past history of the applicant indicating violations similar to those declared unlawful in this Section, it shall recommend denial of the license or registration. In all matters of recommended denial the applicant shall be forthwith advised thereof, and the application shall be referred to the Council and considered by it at its next regular or special meeting occurring more than ten (10) days thereafter. The applicant shall be afforded an opportunity to be heard at such meeting.

Subd. 6. Duration of Contribution Solicitation Registration. Registration of contribution solicitation shall expire sixty (60) days after registration is approved.

(Sections 5.35 through 5.98, inclusive, reserved for future expansion.)

SECTION 5.99. VIOLATION A MISDEMEANOR. Every person violates a Section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

CHAPTER 6

STREETS AND SIDEWALKS GENERALLY

(THIS CHAPTER CONTAINS PROVISIONS AS TO DEFINITIONS, APPLICATION AND SCOPE RELATING TO CHAPTERS 8 AND 9 AS WELL AS THIS CHAPTER)

SECTION 6.01. DEFINITIONS. Except as otherwise defined in the City Code, or where the context clearly indicates a contrary intent, the words and terms defined in Minnesota Statutes, Chapter 169, shall be applicable to City Code, Chapters 7, 8 and 9.

SECTION 6.02. APPLICATION. The provisions of City Code, Chapters 7, 8 and 9, are applicable to the drivers of all vehicles and animals upon streets, including, but not limited to, those owned or operated by the United States, the State of Minnesota, or any county, town, city, district, or other political subdivision.

SECTION 6.03. SCOPE AND ORDERS OF OFFICERS.

Subd. 1. Scope. The provisions of Chapters 7, 8, and 9 relate exclusively to the streets and alleys in the City, and the operation and parking of vehicles refer exclusively to the operation and parking of vehicles upon such streets and alleys.

Subd. 2. Orders of an Officer. It is a misdemeanor for any person to willfully fail or refuse to comply with any lawful order or direction of any police or peace officer invested by law with authority to direct, control or regulate traffic.

SECTION 6.04. TRAFFIC AND PARKING CONTROL.

Subd. 1. Council Action. No device, sign or signal shall be erected or maintained for traffic or parking control unless the Council shall first have approved and directed the same, except as otherwise provided in this Section; provided, that when traffic and parking control is marked or sign-posted, such marking or sign-posting shall attest to Council action thereon.

Subd. 2. Temporary Restrictions. The City, acting through Law Enforcement, may temporarily restrict traffic or parking for any private, public or experimental purpose. It is the duty of Law Enforcement to so restrict traffic or parking when a hazardous condition arises or is observed.

Subd. 3. Traffic Restrictions and Prohibitions. It is a misdemeanor for any person to drive a vehicle contrary to lane restrictions or prohibitions painted on any street, or contrary to sign-posted, fenced, or barricaded restrictions or prohibitions.

Subd. 4. Parking Restrictions and Prohibitions. It is unlawful for any person to park a vehicle, except an emergency vehicle, contrary to lane restrictions or prohibitions painted on any curb, or contrary to sign-posted, fenced, or barricaded restrictions or prohibitions.

Subd. 5. Damaging or Moving Markings. It is a misdemeanor for any person to deface, mar, damage, move, remove, or in any way tamper with any structure, work, material, equipment, tools, sign, signal, barricade, fence, painting or appurtenance in any street unless such person has written permission from the City or is an agent, employee or contractor for the City, or other authority having jurisdiction over a particular street, and acting within the authority or scope of a contract with the City or such other authority.

SECTION 6.05. ICE AND SNOW ON PUBLIC SIDEWALKS.

Ordinance

89
-11-07 **Subd. 1. Ice and Snow a Nuisance.** All snow and ice remaining upon public sidewalks is hereby declared to constitute a public nuisance and shall be abated by the owner or tenant of the abutting private property within forty-eight (48) hours after such snow or ice has ceased to be deposited.

Subd. 2. City to Remove Snow and Ice. The City may cause to be removed from all public sidewalks, beginning seventy-two (72) hours after snow or ice has ceased to fall, all snow or ice which may be discovered thereon, and it shall keep a record of the cost of such removal and the private property adjacent to which such accumulations were found and removed.

Subd. 3. Cost of Removal to be Assessed. The City Clerk-Treasurer shall, upon direction of the Council, and on receipt of the information provided for in the preceding Subdivision, extend the cost of such removal of snow or ice as a special assessment against the lots or parcel of ground abutting on walks which were cleared, and such special assessments shall at the time of certifying taxes to the County Auditor be certified for collection as other special assessments are certified and collected.

Subd. 4. Civil Suit for Cost of Removal. The City Clerk-Treasurer shall, in the alternative, upon direction of the Council, bring suit in a court of competent jurisdiction to recover from the persons owning land adjacent to which sidewalks were cleared, as provided in Subdivision 2 hereof, the cost of such clearing and the cost and disbursement of a civil action therefor.

SECTION 6.06. CONSTRUCTION AND RECONSTRUCTION OF ROADWAY SURFACING, SIDEWALK, CURB AND GUTTER.

Subd. 1. Methods of Procedure.

A. Abutting or affected property owners may contract for, construct, remove, or reconstruct roadway surfacing, sidewalk or curb and gutter in accordance with this Section if advance payment is made therefor or arrangements for payment considered adequate by the City are

City of
JASPER
MINNESOTA

Phone 507-348-3701
Fax 507-348-3000
jasper@iw.net

"Home of the Quartzite"
One of the World's Hardest Stones

105 Wall Street E. • P.O. Box 277
Jasper, MN 56144-0277

January 9, 2008

Mark Davis
P.O. Box 94
Jasper, MN 56144

Dear Mark:

Here is a copy of the publication that was in the *Jasper Journal* regarding the change in our ordinance regarding snow removal.

This is a reminder to all property owners & renters to remove ice & snow from their sidewalks. The council rewrote the ordinance as follows:

ORDINANCE No. 89

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF JASPER BY AMENDING SECTION 6.05 ON ICE AND SNOW ON PUBLIC SIDEWALKS

Section 1. The City Code of the City of Jasper is hereby amended in Section 6.05 as follows:

SECTION 6.05 ICE AND SNOW ON PUBLIC SIDEWALKS

All snow and ice remaining upon public sidewalks is hereby declared to constitute a public nuisance and shall be abated by the owner or tenant of the abutting property within forty-eight (48) hours after such snow or ice has ceased to be deposited.

Section 2. This ordinance shall be effective upon its adoption and publication in accordance with law.

Adopted this 11th day of December, 2007.

/s/ Les Nath
Les Nath, Mayor

Attest:

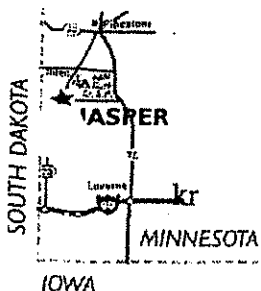
/s/ Kris Rodman
Kris Rodman, City Clerk

The changes in this ordinance can be seen in its entirety at the Jasper City Office during regular office hours.

Published 12/17 & 12/24/07 Jasper Journal

Sincerely,

Les Nath, Mayor



d Meeting of November 26,
 i Meeting of December 10,
 and November

ft. of \$150.00 for Climbing
 j and Youth, Inc., Gift of
 Brown
 nrichment Foundation,
 benches on School
 nrichment Foundation,
 benches on School

for Climbing Wall at
 reements
 r at the Colony
 Advisor
 nt
 Levy Limitation and
 Cal Jans Maintenance

Brown
 eniority List
 Custodians Seniority List

sorted and fed to gain weight very efficiently, even considering the high corn prices we've had this fall.
 There is generally a higher price paid for cows in better condition than for thin cows. So, let's assume a producer could expect around \$0.40 per lb for lean cows and \$0.50 per lb for the cows in better condition. Allow me to provide a simplified scenario of what a typical cow/calf producer in this area could

prontable if the cows are managed properly. These thinner cows can be fed and managed similar to traditional feedlot cattle, but will generally gain weight more efficiently, especially right after weaning. So, assuming producers have the time, resources and pen space to manage and feed these cows, the process could pay for itself within a few short months.

Jackson to host Annie's Project

Southwestern Minnesota farm women have an opportunity to improve their farm management skills by participating in Annie's Project starting in January in Jackson. "Farming has always been a risky business," says regional Extension educator Margot Rudstrom. Rudstrom states that, "Annie's Project addresses those farming risks and helps participants gain the confidence to manage them effectively." Participants will receive information and management training in financial and production record keeping, grain marketing and financial risk management, human resource and time management, retirement, farm transfer and estate planning.

Annie's Project was developed by Ruth Hambleton (a University of Illinois Extension Farm Business Management educator) based on the experiences of her mother,

Annie Fleck. Annie was a city girl and school teacher who married a dairy farmer. She kept the books for the farm but lacked the farm management skills to feel confident in helping her husband with management decisions. However, Annie kept the farm business running. When big decisions had to be made she was there with her records. To increase cash flow, Annie sent her husband to work-off farm while she milked cows and kept an egg route in Chicago. Eventually, her records guided them to discontinue their operation as other farmers with larger equipment and more resources could better run the farm. Through a grant from the USDA Risk Management Agency (RMA), Annie's Project was developed to help other farm women who want to improve their farm management skills.

In Jackson, each three hour

session will be taught by educators from the Minnesota West Community and Technical College Farm Business Management program, the University of Minnesota Extension, as well as local experts. Since computers are such an important tool to aid the decision making process on the farm, a portion of the 18 hours of study will take place in the computer lab at Minnesota West Community and Technical College. A \$100 registration fee includes farm management computer software and other class materials provided to participants for the six-session program, as well as registration for 1 credit in the Minnesota West Community and Technical College Farm Business Management program.

Annie's Project is being sponsored in our region by the Minnesota West Community and Technical College, AgStar Financial Services and the University of Minnesota, with funding from the North Central Risk Management Education Center (RME). Since many farm women are employed off the farm, evening classes are scheduled to accommodate their work schedule. The sessions in Jackson will be held on Monday evenings from 5:30 - 9:00 p.m. beginning on January 7th at Minnesota West Community and Technical College (Room O-109) located on 401 West Street in Jackson.

To register for Annie's Project contact Margot Rudstrom toll free at 1-888-241-4532. Registration forms can also be downloaded from the Internet at <http://www.extension.umn.edu/agbusinessmanagement/components/pdfs/BrochureJackson.pdf>. Registrations are due by December 28, 2007. Class size is limited to 30 participants so call today to reserve your spot for this great educational opportunity.

This is a reminder to all property owners & renters to remove ice & snow from their sidewalks. The council rewrote the ordinance as follows:

ORDINANCE No. 89

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF JASPER BY AMENDING SECTION 6.05 ON ICE AND SNOW ON PUBLIC SIDEWALKS

Section 1. The City Code of the City of Jasper is hereby amended: in Section 6.05 as follows:

SECTION 6.05 ICE AND SNOW ON PUBLIC SIDEWALKS

All snow and ice remaining upon public sidewalks is hereby declared to constitute a public nuisance and shall be abated by the owner or tenant of the abutting property within forty-eight (48) hours after such snow or ice has ceased to be deposited.

Section 2. This ordinance shall be effective upon its adoption and publication in accordance with law.

Adopted this 11th day of December, 2007.

/s/ Les Nath
 Les Nath, Mayor

Attest:
 /s/ Kris Rodman
 Kris Rodman, City Clerk.

The changes in this ordinance can be seen in its entirety at the Jasper City Office during regular office hours.

RESOLUTION #07-345F

Ordinance No. 89

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF JASPER BY
AMENDING SECTION 6.05 ON ICE AND SNOW ON PUBLIC SIDEWALKS

Section 1. The City Code of the City of Jasper is hereby amended by inserting the underlined language and deleting the ~~everstruck~~ language in Section 6.05 as follows:

SECTION 6.05 ICE AND SNOW ON PUBLIC SIDEWALKS

~~Subd. 1. Ice and Snow a Nuisance.~~ All snow and ice remaining upon public sidewalks is hereby declared to constitute a public nuisance and shall be abated by the owner or tenant of the abutting property within forty-eight (48) hours after such snow or ice has ceased to be deposited.

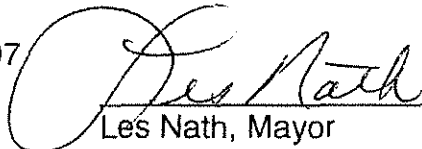
~~Subd. 2. City to Remove Snow and Ice.~~ The City may cause to be removed from all public sidewalks, beginning seventy two (72) hours after snow or ice has ceased to fall, all snow or ice which may be discovered thereon, and it shall keep a record of the cost of such removal and the private property adjacent to which such accumulations were found and removed.

~~Subd. 3. Cost of Removal to be Assessed.~~ The City Clerk Treasurer shall, upon direction of the Council, and on receipt of the information provided for in the proceeding Subdivision, extend the cost of such removal of snow and ice as a special assessment against the lots or parcel of ground abutting on walks which were cleared, and such special assessments shall at the time of certifying taxes to the County Auditor be certified for collection as other special assessments are certified and collected.

~~Subd. 4. Civil Suit for Cost of Removal.~~ The City Clerk Treasure shall, in the alternative, upon direction of the Council, bring suit in a court of competent jurisdiction to recover from the persons owning land adjacent to which sidewalks were cleared, as provided in Subdivision 2 hereof, the cost of such clearing and the cost and disbursement of a civil action therefor.

Section 2. This ordinance shall be effective upon its adoption and publication in accordance with law.

Adopted this 11th day of December, 2007


Les Nath, Mayor

Attest:


Kris Rodman, City Clerk

completed in advance.

B. With or without petition by the methods set forth in the Local Improvement Code of Minnesota Statutes, presently beginning with Section 429.011, as the same may from time to time be amended.

Subd. 2. Permit Required. It is a misdemeanor to remove, construct or reconstruct a sidewalk, curb and gutter, driveway, or roadway surfacing in any street or other public property in the City without a permit in writing from the City. Application for such permit shall be made on forms approved and provided by the City and shall sufficiently describe the contemplated improvements, the contemplated date of beginning work, and the length of time required to complete the same, provided, that no permit shall be required for any such improvement ordered installed by the Council. All such applications shall contain an agreement by the applicant to be bound by this Chapter and plans and specifications consistent with the provisions of this Chapter and good engineering practices shall also accompany the application. A permit from the City shall not relieve the holder from damages to the person or property of another caused by such work.

Subd. 3. Specifications and Standards. All construction and reconstruction of roadway surfacing, sidewalk and curb and gutter improvements, including curb cuts, shall be strictly in accordance with standards prescribed by the City.

Subd. 4. Inspection. The City shall inspect such improvements as deemed necessary or advisable. Any work not done according to the applicable standards shall be removed and corrected at the expense of the permit holder. Any work done hereunder may be stopped by the City if found to be unsatisfactory or not in accordance with the standards, but this shall not place a continuing burden upon the City to inspect or supervise such work.

SECTION 6.07. OBSTRUCTIONS IN STREETS.

Subd. 1. Obstructions. It is a misdemeanor for any person to place, deposit, display or offer for sale, any fence, goods or other obstructions upon, over, across or under any street without first having obtained a written permit from the Council, and then only in compliance in all respects with the terms and conditions of such permit, and taking precautionary measures for the protection of the public. An electrical cord or device of any kind is hereby included, but not by way of limitation, within the definition of an obstruction.

Subd. 2. Fires. It is a misdemeanor for any person to build or maintain a fire upon a street.

Subd. 3. Dumping in Streets. It is a misdemeanor for any person to throw or deposit in any street any nails, dirt, glass or glassware, cans, discarded cloth or clothing, metal scraps, garbage, leaves, grass or tree limbs, paper or paper products, shreds or rubbish, oil, grease or other petroleum products, or to empty any water containing salt or other injurious chemical

thereon. It is a violation of this Section to haul any such material, inadequately enclosed or covered, thereby permitting the same to fall upon streets. It is also a violation of this Section to place or store any building materials or waste resulting from building construction or demolition on any street without first having obtained a written permit from the Council.

Subd. 4. Signs and Other Structures. It is a misdemeanor for any person to place or maintain a sign in violation of the City of Jasper Zoning Ordinance, Section 7 (729), as amended.

Subd. 5. Placing Snow or Ice in a Roadway or on a Sidewalk.

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

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

Subd. 6. Continuing Violation. Each day that any person continues in violation of this Section shall be a separate offense and punishable as such.

Subd. 7. Condition. Before granting any permit under any of the provisions of this Section, the Council may impose such insurance or bonding conditions thereon as it, considering the projected danger to public or private property or to persons, deems proper for safeguarding such persons and property. Such insurance or bond shall also protect the City from any suit, action or cause of action arising by reason of such obstruction.

SECTION 6.08. STREET OPENINGS OR EXCAVATIONS. It is a misdemeanor for any person, except a City employee acting within the course and scope of his employment or a contractor acting within the course and scope of a contract with the City, to make any excavation, opening or tunnel in, over, across or upon a street or other public property without first having obtained a written permit from the City as herein provided.

Subd. 1. Application. Application for a permit to make a street excavation shall describe with reasonable particularity the name and address of the applicant, the place, purpose and size of the excavation, and such other information as may be necessary or desirable to facilitate the investigation hereinafter provided for, and shall be filed with the City.

Subd. 2. Investigation and Payment of Estimated Costs. Upon receipt of such application, the City shall cause such investigation to be made as he may deem necessary to determine estimated costs of repair, such as back-filling, compacting, resurfacing and replacement,

and the conditions as to the time of commencement of work, manner or procedure and time limitation upon such excavation. The foregoing estimated costs shall include permanent and temporary repairs due to weather or other conditions, and the cost of such investigation shall be included in such estimate.

Subd. 3. Protection of the City and the Public.

A. Non-Completion or Abandonment. Work shall progress expeditiously to completion in accordance with any time limitation placed thereon so as to avoid unnecessary inconvenience to the public. In the event that work is not performed in accordance therewith, or shall cease or be abandoned without due cause, the City may, after six hours notice in writing to the holder of the permit of its intention to do so, correct the work, fill the excavation and repair the public property, and the cost thereof shall be paid by the person holding the permit.

B. Insurance. Prior to commencement of the work described in the application, the applicant shall furnish the City satisfactory evidence in writing that the applicant will keep in effect the public liability insurance of not less than \$600,000.00 for any person, \$600,000.00 for any occurrence and property damage insurance of not less than \$50,000.00, issued by an insurance company authorized to do business in the State of Minnesota on which the City is named as a co-insured.

C. Indemnification. Before issuance of a permit, the applicant shall, in writing, agree to indemnify and hold the City harmless from any liability for injury or damage arising out of the action of the applicant in performance of the work, or any expense whatsoever incurred by the City incident to a claim or action brought or commenced by any person arising therefrom.

Subd. 4. Issuance of Permit. The City shall issue such permit after (1) completion of such investigation, (2) payment by the applicant in advance of all estimated costs as aforesaid; (3) agreement by the applicant to the conditions of time and manner as aforesaid; (4) agreement in writing by the applicant to pay all actual cost of repairs over and above such estimate, including cost of such investigation, and, (5) agreement in writing by the applicant to be bound by all of the provisions of this Section.

Subd. 5. Repairs. All temporary and permanent repairs, including back-filling, compacting and resurfacing shall be made, or contracted for, by the City in a manner prescribed by the City and an accurate account of costs thereof shall be kept.

Subd. 6. Cost Adjustment. Within sixty days following completion of such permanent repairs the City shall determine actual costs of repairs, including cost of investigation, and prepare and furnish to such permit holder an itemized statement thereof and claim additional payment from, or make refund (without interest) to, the permit holder, as the case may be.

Subd. 7. Alternate Method of Charging. In lieu of the above provisions relating

to cost and cost adjustment for street openings, the City may charge on the basis of surface square feet removed, excavated cubic feet, or a combination of surface square feet and excavated cubic feet, on an established unit price uniformly charged.

Subd. 8. Emergency. During an emergency occurring during non-business hours or days, law enforcement under contract with the City, may inspect and, upon making a determination that an emergency exists, waive a permit on the condition that one will be applied for within two (2) hours after the City offices are next open for business.

SECTION 6.09. REGULATION OF GRASS, WEEDS AND TREES.

Subd. 1. City to Control Tree Planting (Standards). The City shall have control and supervision of planting shrubs and trees upon, or overhanging, all the streets or other public property. The City may establish and enforce uniform standards relating to the kinds and types of trees to be planted and the placement thereof.

Subd. 2. Permit Required. It is unlawful for any person to plant, spray, trim or remove trees or other plants which are upon City property, including rights-of-way, without first procuring from the City a permit in writing to do so.

Subd. 3. Duty of Property Owners to Cut Grass and Weeds and Maintain Trees and Shrubs. Every owner of property abutting on any street shall cause the grass and weeds to be cut from the line of such property nearest to such street to the center of such street. If the grass or weeds in such a place attain a height in excess of six (6) inches it shall be prima facie evidence of a failure to comply with this Subdivision. Every owner of property abutting on any street shall, subject to the provision herein requiring a permit therefor, trim, cut and otherwise maintain all trees and shrubs from the line of such property nearest to such street to the center of such street.

Subd. 4. City May Order Work Done. The City may, in cases of failure to comply with this Section, perform such work with employees of the City, keeping an accurate account of the cost thereof for each lot, piece or parcel of land abutting upon such street.

Subd. 5. Assessment. If such maintenance work is performed by the City as set forth in the foregoing Subdivision, the City Clerk-Treasurer shall forthwith upon completion thereof ascertain the cost attributable to each lot, piece or parcel of abutting land. The City Clerk-Treasurer shall, at the next regular meeting thereof, present such certificate to the Council and obtain its approval thereof. When such certificate has been approved it shall be extended as to the cost therein stated as a special assessment against such abutting land and such special assessment shall, at the time of certifying taxes to the County Auditor, be certified for collection as other special assessments are certified and collected.

SECTION 6.10. CURB SET-BACK.

Subd. 1. Permit Required. It is a misdemeanor for any person to hereafter remove, or cause to be removed, any curb from its position abutting upon the roadway to another position without first making application to the Council and obtaining a permit therefor.

Subd. 2. Agreement Required. No such permit shall be issued until the applicant, and abutting landowner if other than applicant, shall enter into a written agreement with the City agreeing to pay all costs of constructing and maintaining such set-back area in at least as good condition as the abutting roadway, and further agreeing to demolish and remove such set-back and reconstruct the area as was at the expense of the landowner, his heirs or assigns if the area ever, in the Council's opinion becomes a public hazard. Such agreement shall be recorded in the office of the County Recorder, and shall run with the adjoining land.

Subd. 3. Sign-Posting. ANGLE PARKING ONLY signs shall be purchased from the City and erected and maintained at the expense of the adjoining landowner in all such set-back areas now in use or hereafter constructed. It is unlawful for any person to park other than at an angle in such set-back areas, as such angle parking is herein described and allowed.

Subd. 4. Public Rights Preserved. Such set-back parking areas shall be kept open for public parking and the abutting landowner shall at no time acquire any special interest or control of or in such areas.

SECTION 6.11. LOAD LIMITS. The City may from time to time impose upon vehicular traffic on any part or all of the streets such load limits as may be necessary or desirable. Such limits, and the specific extent or weight to which loads are limited, shall be clearly and legibly sign-posted thereon. It is a misdemeanor for any person to operate a vehicle on any street in violation of the limitation so posted.

SECTION 6.12. REQUIREMENT OF SEWER AND WATER MAIN SERVICE LATERAL INSTALLATION.

Subd. 1. Requirement of Sewer and Water Laterals. No petition for the improvement of a street shall be considered by the Council if such petition contemplates constructing therein any part of a pavement or stabilized base, or curb and gutter, unless all sewer and water main installations shall have been made therein, including the installation of service laterals to the curb, if the area along such street will be served by such utilities installed in the street.

Subd. 2. Sewer System Service and Water Main Service Laterals. No sewer system shall be hereafter constructed or extended unless service laterals to platted lots and frontage facing thereon shall be extended simultaneously with construction of mains.

Subd. 3. Waiver. The Council may waive the requirements of this Section only if it finds the effects thereof are burdensome and upon such notice and hearing as the Council may deem necessary or proper.

SECTION 6.13. PRIVATE USE OF PUBLIC STREETS AND PARKING LOTS.

Subd. 1. Authority, Permission and Procedure. Upon an application duly made, the Council may in its discretion, grant special permission whereby on-street parking or the use of City-owned parking lots or ramps or public sidewalks may be temporarily or permanently prohibited or restricted for private reasons and purposes (including, but not limited to, establishment of private or "leased" parking, "loading zones", or benches) at such places, on such terms and for such consideration as the Council may deem just and equitable. In establishing the amount of such consideration to be paid to the City, the Council shall consider the amount of space, location thereof, if any, public inconvenience, and hazards to persons or property. Upon complaint of any aggrieved person at any time and by reason of any specific special permission so granted, the Council shall at its next regular meeting after receipt of such complaint, call a hearing thereon to be held after ten days' notice in writing to applicant and complainant and published notice at least ten days prior to such hearing. After such hearing the Council shall by resolution decide whether to terminate, continue or redefine the terms of such permission and such decision shall be final and binding on all persons directly or indirectly interested therein, except that the Council may, in its own motion, reconsider the same.

Subd. 2. Public Vehicles. Reserved on-street parking shall be limited to City-owned and operated vehicles.

Subd. 3. Forbidden Practices. It is unlawful for any person to park or otherwise infringe upon a grant of right under this Section, when clearly and distinctly marked or sign-posted. It is unlawful for any person not granted such right to assert the same, or for any grantee of such right to exceed the same under claim thereto.

Subd. 4. Condition. Before granting any permit under any of the provisions of this Section, the Council may impose such insurance or bonding conditions thereon as it, considering the projected danger to public or private property or to persons, deems proper for safeguarding such persons and property. Such insurance or bond shall also protect the City from any suit, action or cause of action arising by reason thereof.

SECTION 6.14. CURB AND GUTTER, STREET AND SIDEWALK PAINTING OR COLORING. It is unlawful for any person to paint, letter or color any street, sidewalk or curb and gutter for advertising purposes, or to paint or color any street, sidewalk or curb and gutter for any purpose, except as the same may be done by City employees acting within the course or scope of their employment. Provided, however, that this provision shall not apply to uniformly coloring concrete or other surfacing, or uniformly painted house numbers, as such coloring may be approved by the City.

SECTION 6.15. MOTORIZED VEHICLES PROHIBITED ON SIDEWALKS. It is unlawful for any person to drive or operate a motorized vehicle, except for sidewalk maintenance equipment, on any public sidewalk or public property designated for use as a pedestrian walkway

or bicycle trail, except when crossing the same for ingress and egress to private property lying on the other side thereof.

SECTION 6.16. SIDEWALK MAINTENANCE AND REPAIR.

Subd. 1. Primary Responsibility. It is the primary responsibility of the owner of property upon which there is abutting any sidewalk to keep and maintain such sidewalk in safe and serviceable condition.

Subd. 2. Notice - No Emergency. Where the City determines that no emergency exists, notice of the required repair or reconstruction shall be given to the owner of the abutting property. Such notice shall require completion of the work within ninety (90) days, and shall be mailed to the owner or owners shown to be such on the records of the County Officer who mails tax statements.

Subd. 3. Notice - Emergency. Where the City determines that an emergency exists, notice of the required repair or reconstruction shall be given to the owner of the abutting property. Such notice shall require completion of the work within ten (10) days, and shall be mailed to the owner or owners shown to be such on the records of the County Officer who mails tax statements.

Subd. 4. Failure of Owner to Reconstruct or Make Repairs. If the owner of the abutting property fails to make repairs or accomplish reconstruction as herein required, the City Clerk-Treasurer shall report such failure to the Council and the Council may order such work to be done under its direction and the cost thereof assessed to the abutting property owner as any other special assessment.

Subd. 5. Seasonal Exception. No maintenance or repair work involving poured concrete shall be required during the period from October 1 to May 1 of the year next following.

SECTION 6.17. NUMBERING BUILDINGS.

Subd. 1. Requirement. The current address of all homes and other buildings occupied for living purposes and business buildings shall be displayed on the exterior of said home or business facing the street adjacent to said home or business building in compliance with this Section.

Subd. 2. Size of Numbers. Each number of the address attached to the home or business shall be three (3) inches or greater in size. The numbers shall be of a color that contrasts to the color of the building to which it is attached. The numbers of the address shall be in Arabic numbers. Roman numerals and numbers in writing still have to display Arabic numbers.

Subd. 3. Location. All numbers attached to a home or business place shall display the address of said home or business place and shall be located in a position near the front door of

said building so it may be seen from the street and road clearly at night with a spotlight or a porch light attached to the building.

(Sections 6.17 through 6.98, inclusive, reserved for future expansion.)

SECTION 6.99. VIOLATION A MISDEMEANOR OR PETTY MISDEMEANOR.

Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as follows:

Subd. 1. Where the specific section, subdivision, paragraph or provision specifically makes violation a misdemeanor, he shall be punished as for a misdemeanor; where a violation is committed in a manner or under circumstances so as to endanger or be likely to endanger any person or property, he shall be punished as for a misdemeanor; where he stands convicted of violation of any provision of this Chapter, exclusive of violations relating to the standing or parking of an unattended vehicle, within the immediate preceding 12-month period for the third or subsequent time, he shall be punished as for a misdemeanor.

Subd. 2. As to any violation not constituting a misdemeanor under the provisions of Subdivision 1 hereof, he shall be punished as for a petty misdemeanor.

CHAPTER 7

TRAFFIC REGULATIONS

(SEE CHAPTER 7 FOR DEFINITIONS, SCOPE AND APPLICATION RELATING TO THIS CHAPTER)

SECTION 7.01. BICYCLES, ROLLER BLADES, AND SKATEBOARDS.

Subd. 1. Traffic Laws Apply. Every person riding a bicycle upon a roadway or upon any path set aside for the exclusive use of bicycles shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Chapter, except as to special regulations in this Chapter and except as to those provisions of this Chapter which by their nature can have no application.

Subd. 2. Manner and Number Riding.

A. It is unlawful for any person propelling a bicycle to ride other than upon or astride a permanent and regular seat attached thereto.

B. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped, except that on a baby seat attached to the bicycle, provided that such seat is equipped with a harness to hold the child securely in the seat and that protection is provided against the child's feet hitting the spokes of the wheel or in a seat attached to the bicycle operator.

Subd. 3. Hitching Rides. It is unlawful for any person riding upon any bicycle, coaster, roller skates, toboggan, sled, skateboard or toy vehicle to attach the same or himself to any vehicle upon a roadway.

Subd. 4. Where to Ride.

A. Every person operating a bicycle, a skateboard, or roller blades on a roadway shall proceed as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

B. Persons riding bicycles, skateboards, or roller blades upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles, skateboards, and roller blades.

C. Whenever a useable path for bicycles, skateboards, or roller blades has been provided adjacent to a roadway, persons shall use such paths and shall not use the roadway.

Subd. 5. Right of Way - Sidewalks. Whenever a person is riding a bicycle, skateboard, or roller blades upon a sidewalk, such person shall yield the right of way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian. Provided, that it is unlawful for any person to ride a bicycle, skateboard, or roller blades on a sidewalk in a Business District or to park a bicycle upon a sidewalk except where parking stalls have been provided. No person shall ride a bicycle, skateboard, or roller blades upon any tennis court found within the City of Jasper.

Subd. 6. Carrying Articles. It is unlawful for any person operating a bicycle to carry any package, bundle or article which prevent the driver from keeping at least one hand upon the handlebars.

SECTION 7.02. U-TURNS. It is unlawful for any person to operate a motor vehicle by turning so as to proceed in the opposite direction upon any street except at a street intersection, and then only if the street intersection is not sign-posted prohibiting a U-turn or otherwise controlled by a traffic signal; provided, that any person making a permitted U-turn shall yield the right-of-way to all other vehicles.

SECTION 7.03. EXHIBITION DRIVING.

Subd. 1. Prima Facie Evidence. It is prima facie evidence of exhibition driving when a motor vehicle stops, starts, accelerates, decelerates, or turns at an unnecessary rate of speed so as to cause tires to squeal, gears to grind, soil to be thrown, engine backfire, fishtailing or skidding, or, as to two-wheeled or three-wheeled motor vehicles, the front wheel to lose contact with the ground or roadway surface.

Subd. 2. Unlawful Act. It is a misdemeanor for any person to do any exhibition driving on any street, parking lot, or other public or private property, except when an emergency creates necessity for such operation to prevent injury to persons or damage to property; provided, that this Section shall not apply to driving on a racetrack. For purposes of this Section, a "racetrack" means any track or premises whereon motorized vehicles, horses, dogs, or other animals or fowl legally compete in a race or timed contest for an audience, the members of which have directly or indirectly paid a consideration for admission.

SECTION 7.04. EMERGENCY VEHICLES. The provisions of this Chapter shall not apply to vehicles when operated with due regard for safety, under the direction of police officers in the chase or apprehension of violators of the law or of persons charged with or suspected of any such violation, nor to Fire Department or fire patrol vehicles when traveling in response to a fire alarm, nor to public ambulances when traveling in emergencies. This exemption shall not, however, protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others.

SECTION 7.05. RECREATIONAL MOTOR VEHICLES (INCLUDING SNOWMOBILES).

Subd. 1. Definitions. For the purposes of this Section, the terms defined shall have the meanings given them.

1. "Motorcycle" - Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, whether or not designed for use on streets and highways, including motor scooters, bicycles with motor attached other than those herein defined as motorized bicycles, and mini-bikes.

2. "Motorized Bicycle" - A bicycle with fully operable pedals which may be propelled by human power or a motor, or by both, with a motor of a capacity of less than 50 cubic centimeters piston displacement, and a maximum of two break horsepower, which is capable of a maximum speed of not more than 30 miles per hour on a flat surface with not more than one percent grade in any direction when the motor is engaged.

3. "All-Terrain Vehicle" or "ATV" - Trail bikes, amphibious vehicles and similar devices, other than snowmobiles, used at least partially for travel on natural terrain, but not "special mobile equipment" as defined in M.S.A. 168.011, Subdivision 22, which is hereby incorporated herein by reference.

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

see Ordinance No. 87

5. "Recreational Motor Vehicle" - Any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle used for recreational purposes, including but not limited to a motorcycle, motorized bicycle, all-terrain vehicle, snowmobile, hovercraft, or motor vehicle licensed for highway operation which is being used for off-road recreational purposes.

6. "Owner" - A person, other than a lien holder, having a property interest in, or title to, a recreational motor vehicle, who is entitled to the use or possession thereof.

7. "Operate" - To ride in or on and have control of a recreational motor vehicle.

8. "Operator" - The person who operates or is in actual physical control of a recreational motor vehicle.

Subd. 2. Recreational Motor Vehicle Operating Restrictions. It is unlawful for any person to operate a recreational motor vehicle as follows:

A. On a public sidewalk or walkway provided or used for pedestrian travel.

B. On private property of another without lawful authority or permission of the owner or occupant.

C. On any lands owned or occupied by a public body or on frozen waters, school grounds, park property, playgrounds, recreational areas, ~~city streets~~, private roads, platted but unimproved roads, utility easements, public trails and golf courses. Provided, however, that the Council may, by resolution, specifically permit use on City property, in which event the shortest route to and from areas so permitted shall be used.

D. While the operator is under the influence of liquor or narcotics, or habit-forming drugs.

E. At a rate of speed greater than reasonable or proper under all of the surrounding circumstances.

F. In a careless, reckless or negligent manner so as to endanger the person or property of another or cause injury or damage thereto.

G. Towing any person or thing on a public street or highway except through the use of a rigid tow bar attached to the rear of an automobile.

H. At a speed greater than 10 miles per hour when within 100 feet of an lakeshore, except in channels, or of a fisherman, ice house, skating rink, or sliding area, nor where the operation would conflict with the lawful use of property or would endanger other persons or property.

I. In a manner so as to create a loud, unnecessary or unusual noise which disturbs, annoys or interferes with the peace and quiet of other persons.

J. Chasing, running over, or killing any animal, wild or domestic.

K. During the hours between 11:00 o'clock P.M. of one day and 7:00 o'clock A.M. of the day next following, except that during such hours a vehicle licensed for highway use, if otherwise lawfully operated, may be operated on a public street.

Subd. 3. Owner Responsibility.

A. It is unlawful for the owner of any recreational motor vehicle to permit its operation on private property without permission of the owner or occupant, on City property without the permission of the Council, or on other public property without permission of the body in charge thereof. For purposes of this Section, the owner shall be conclusively presumed to have given such permission unless the recreational motor vehicle so operated shall have been stolen or reported stolen in a timely manner to a law enforcement agency.

B. Every person leaving a recreational motor vehicle in a public place shall lock the ignition, remove the key and take the same with him.

NOTICE OF PUBLIC HEARING
TO CONSIDER CITY CODE AMENDMENTS
SET FOR SEPTEMBER 10, 2001

NOTICE IS HEREBY GIVEN by the City Council for the City of Jasper that a public hearing will be held in the Jasper City Council Room, Jasper City Office Building, 105 Wall Street East, Jasper, Minnesota, at 7:30 PM on Tuesday, September 10, 2001. The purpose of the hearing will be to receive public comment to amend the City Code.

The Jasper City Council is proposing to amend and delete the bold and underlined words, city streets:

Chapter 7, TRAFFIC REGULATIONS

Section 7.05. Recreational Motor Vehicles (Including Snowmobiles)

Subd. 2. Recreational Motor Vehicle Operating Restrictions. It is unlawful for any person to operate a recreational motor vehicle as follows:

C. On any lands owned or occupied by a public body or on frozen waters, school grounds, park property, playgrounds recreation areas, city streets, private roads, platted but unimproved roads, utility easements, public trails and golf courses.

Other information that pertains to All-Terrain Vehicles according to the MN Dept. of Natural Resources also applies:

"Youthful Operators

It is unlawful for anyone in control of an ATV to permit it to be operated contrary to the following requirements:

<i>Age</i>	<i>Requirement</i>
Under 12	-May operate only on private property with permission of the owner.
12 to 16	-A valid all-terrain vehicle <u>safety certificate</u> . -May operate an ATV on public lands and waters with safety certificate and under supervision.* -May make a direct crossing of highway with safety certificate and while under supervision.* -Must wear a helmet while operating on public lands, waters, and on road right-of-way.
16 to 18	-May operate an ATV on public lands and waters without a safety certificate. -Must have a driver's license to make direct crossing of highway, or operate on road right-of-way. -Must wear a helmet while operating on public lands, waters, and on road right of way.

* 'Supervision' means the person's parent, legal guardian, or other person 18 years of age or older who holds a valid driver's license."

Remember, any ATVs have to be registered through the County Deputy Registrar (where you get your license plates.)

Any and all persons desiring to be heard on these matters should be present at the hearing or present their comments in writing prior to the hearing at the Jasper City Office. Signed written comments may be left at the City Office.

Kris Rodman
Clerk-Treasurer

ASK a Trooper

by Sgt. Kathy Pederson
of the Minnesota State Patrol

Is it illegal to operate an ATV, snowmobile, or other similar vehicle on public roads and right of ways?

This question is raised every Spring and Fall. Minnesota Statute 84.928 Sb 1 (a) states that an ATV can be operated in the ditch or the outside bank or slope of a trunk, county state-aid, or county highway. Sb (b) states that a person may operate an ATV registered for private use and used for agricultural purposes on a public road right-of-way of a trunk, county state-aid, or county highway if the ATV is operated on the extreme right-hand side of the road, and left turns may be made from any part of the road, if it is safe to do so under the present conditions. Sb 1 (c) states that an ATV may not be operated within the public road right-of-way of a trunk, county state-aid, or county highway from April 1st to August 1st in the agricultural zone unless the vehicle is being used exclusively for agricultural use. Sb 1 (d) states that an ATV shall not be operated within the right-of-way of the above-mentioned roads from one-half hour after sunset to one-half hour before sunrise, except on the right-hand side of the right-of-way, and in the same direction as the highway traffic on the nearest lane of the adjacent roadway. [A note: bottom of ditch or on the outside slope of ditch and in the same direction as cars] Sb 1 (e) states that no one shall operate an ATV within the right-of-way of an interstate highway or freeway within this state.

Statute 84.928 Sb 1a, states that an ATV may make a direct crossing of a public road right-of-way provided: (1) crossing is made at approximately 90 degrees to the road and where no obstructions prevent a quick and safe crossing; (2) ATV is brought to a complete stop before crossing the shoulder or road; (3) ATV yields to oncoming traffic; (4) if crossing a divided road, the crossing is made only at an intersection with another public road; (5) if between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are on. (5b) states that an

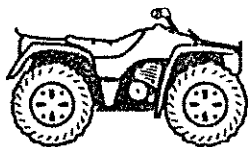
ATV may be operated upon a bridge (other than a bridge that is part of an interstate highway) in order to avoid obstructions to travel when no other method of avoidance is possible; provided the ATV makes entrance to and exits from the roadway within 100 feet of the bridge or obstacle. (5c) states that an ATV must be equipped with at least one headlight and one taillight when operated on public road right-of-ways, and must have brakes. (5d) states that an ATV may be operated on public road right-of-ways in an emergency during the period of time when and at locations where travel by automobile is impractical. (5e) states that traffic and DUI laws apply except for those that by their nature have no applications.

Statute 84.928 Sb 2 states that a person may not drive or operate an ATV: (1) at a rate of speed greater than reasonable for the conditions; (2) in a careless, reckless, or negligent manner; (3) without headlight and taillight lighted at all times (if the vehicle is equipped with such lights) (4) without a functioning brake light if so equipped; (5) in a tree nursery or planting in a manner that damages or destroys growing stock; (6) without a brake operational by either hand or foot; (7) with more persons on the vehicle than it was designed for; (8) when on the frozen surface of public waters at a speed exceeding ten miles per hour when within 100 feet of a fishing shelter or a person not on an ATV.

According to statute 84.929 violations of the above laws is punishable by a maximum fine of \$1,000 and/or 90 days in the county jail.

Remember you must possess a valid Driver's License to drive an ATV or if you are between the ages of 12-15 you must have an ATV safety certificate. There are some other restrictions for drivers under the age of 18. If you are under 12 years old you are not allowed to drive an ATV except on private property.

If you have any questions regarding traffic safety and or traffic law please write to Sgt. Kathy Pederson at MN State Patrol, 1800 East College Drive, Marshall, MN 56258. Sgt. Pederson will not offer advice on specific situations or real events which involve law enforcement.

**Safety Tip:**

† Always wear a helmet and protective clothing.

Youthful Operators

It is unlawful for anyone in control of an ATV to permit it to be operated contrary to the following requirements:

Age	Requirement
Under 12	May operate only on private property with permission of the owner.
12 to 16	<p>All-terrain vehicle safety certificate valid only for engine sizes 90cc or less.</p> <p>May operate an ATV 90cc or less on public lands and waters with safety certificate and under supervision.*</p> <p>May make a direct crossing of highway with safety certificate and while under supervision.*</p> <p>Must wear a helmet while operating on public lands, waters and on road right-of-way.</p>
16 to 18	<p>May operate an ATV on public lands and waters without a safety certificate.</p> <p>Must have a driver's license to make direct crossing of highway, or operate on road right-of-way.</p> <p>Must wear a helmet while operating on public lands, waters and on road right-of-way.</p>

* "Supervision" means the person's parent, legal guardian, or other person 18 years of age or older who holds a valid driver's license.

*Remember and
Do Driver Registration (where you get
your license plate)
through DNR.*

ATV Safety Certification

The DNR Division of Enforcement administers an ATV safety training program. The course includes ATV familiarization, operating procedures, ATV laws, loading and towing procedures, ethics, safety hazards and environmental consequences (see page 32).

For a \$5 fee, students who successfully complete the safety training program and written test are issued a safety certificate. Duplicate certificates are available from the DNR if the original is lost or destroyed.

General Operations

Agricultural Zone Restriction: You may not drive an ATV within the right-of-way (ditch) of a state or county highway from April 1 to August 1 in the Agricultural Zone (see definition on page 5). This does not apply to ATVs licensed and used for agricultural use.

A person with a valid driver's license may operate an ATV registered for private use and being used for agricultural purposes on a public right-of-way of a trunk, county, state aid, or county highway, if the ATV is on the extreme right side of the road. A left turn may be made if it is safe to do so.

The headlight and taillight must be on at all times if your ATV is equipped with them.

You may not exceed 10 mph on the frozen surface of public waters within 100 feet of a person fishing or a fishing shelter. Grant-in-aid snowmobile and ski trails are closed to ATVs unless specifically allowed.

Operation on a Township Road: A person with a valid driver's license may operate an ATV on the extreme right-hand side of a township road, as long as the township does not prohibit it by posting and local ordinance.

JASPER CITY COUNCIL MINUTES

Special Meeting – February 21, 2006

The Jasper City Council of the City of Jasper met in special session in said City on February 21, 2006, in the Jasper City Council Room at 7:00 PM. Mayor Smith called this special meeting for the purpose of discussing local regulation of ATVs and dirt bikes, personnel issues, and any other issues that may come before the council. Council members present were: Mayor David Smith, Maureen Bell, Cathy Bryan, Ilene DeBates, and Helmuth Luehmann. Absent: none. Employees present: Public Works Superintendent Brian Thode, Assistant Clerk-Treasurer Stella Lingen, and Clerk-Treasurer Kris Rodman. Also present were Pipestone County Sheriff Dan Delaney, 7 residents, and Steve Swenson from the *Jasper Journal*.

Mayor Smith called the meeting to order at 7 PM. He explained what the council had in mind, but indicated that it will take time to get an ordinance written, hold a public hearing, publish the ordinance in the paper before any rules and regulations will be enforced. He thanked everyone for coming and asked for comments.

The first item that was brought up was dirt bikes—Are they legal on the streets? The Sheriff indicated that are not legal on the streets or for off-road use unless they have been modified so that they can be licensed as a motorcycle, meaning that they have proper lights, one mirror, and a proper muffler. Pipestone County can inspect such vehicles after they have been modified to make sure they qualify for a license. The only place they can be ridden as a dirt bike is when the dirt bike is hauled on a trailer to private property for trail riding, etc.

The council then started a checklist of what type of vehicles might be included in the ordinance:

- ATVs, all-terrain vehicles,
- ORVs, mules or 5-6 wheelers,
- Golf carts.

During the discussion about the developing the ordinance, items that could be covered might include: who can operate vehicles, helmet use, times of operation, slow-moving emblems, traffic laws, where they can be ridden in town, speed limit, how many people can be on vehicle, permits issued, cost of permits, condition of vehicles, insurance, penalties, etc. City will try to have a draft of ordinance by March 14.


Brief discussion of upcoming Special Meeting on March 8, 7 PM, with Dick Haase, Jennifer Rodriguez, and her husband who are planning to lease the school from Haase and operate a college-prep school, 9th through 12 grade boarding school for 40-plus students. David spoke with Cliff Carmody about running a private school and he said there aren't too many regulations...the boarding part of the plan may have more stipulations.

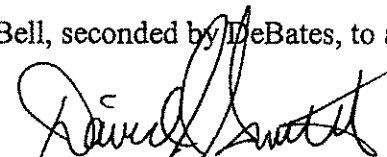
Personnel Committee recommended to the council their original plan for raises since raising the health insurance deduction was not going to work for Brian. Motion by DeBates, seconded by Bell, to approve the raises as presented. All ayes, motion carried.

There was additional discussion on a job description that must be completed by the March 14th meeting; ad should be prepared. Need to check with Jeff if council can require employee to live within an certain distance from city.

City is continuing to have problems with certain residents getting their utility bills paid before turnoff. Two properties may have their water turned off tomorrow. Thode was instructed to have deputy present during the time of "turnoff."

There being no further business, motion by Bell, seconded by DeBates, to adjourn the meeting. All ayes, motion carried.


Kris Rodman, Clerk-Treasurer


David G. Smith, Mayor

Subd. 4. Additional Snowmobile Operating Regulations.

A. It is unlawful for any person to operate a snowmobile upon the roadway, shoulder or inside bank or slope of any street or highway. Operation in the ditch or on the outside bank within the right-of-way of any street or highway except interstate highways or freeways is permitted in conformance with State law and the City Code, unless the roadway directly abuts a public sidewalk or walkway or property used for private purposes. Between the hours of one-half hour after sunset to one-half hour before sunrise, any operation may only be on the right-hand side of such street or highway and in the same direction as the highway traffic on the nearest lane of the roadway adjacent thereto.

B. A snowmobile may make a direct crossing of a street or highway except an interstate highway or freeway, provided:

1. The crossing is made at an angle of approximately 90 degrees to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing.

2. The snowmobile is brought to a complete stop before crossing the shoulder or main traveled way of the highway.

3. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.

4. In crossing a divided street or highway, the crossing is made only at an intersection of such street or highway with another public street or highway.

5. If the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are on.

C. No snowmobile shall enter any uncontrolled intersection without making a complete stop. The operator shall then yield the right-of-way to any vehicles or pedestrians which constitute an immediate hazard.

D. Notwithstanding any prohibition in this Section, a snowmobile may be operated on a public thoroughfare in an emergency during the period of time when, and at locations where, snow upon the roadway renders travel by automobile impractical.

E. No person under fourteen (14) years of age shall operate on streets or highways or make a direct crossing of a street or highway as the operator of a snowmobile. A person fourteen (14) years of age or older, but less than eighteen (18) years of age, may operate a snowmobile on streets or highways as permitted under this Section and make a direct crossing thereof only if he has in his immediate possession a valid snowmobile safety certificate issued by

the Commissioner of Conservation as provided by Minnesota Statutes 1969, Section 84.86. It is unlawful for the owner of a snowmobile to permit the snowmobile to be operated contrary to the provisions of this Subparagraph.

Subd. 5. Snowmobile Equipment. It is unlawful for any person to operate a snowmobile unless it is equipped with the following:

A. Standard mufflers which are properly attached and in constant operation, and which reduce the noise of operation of the motor to the minimum necessary for operation. Mufflers shall comply with Minnesota Law. No person shall use a muffler cut-out, by-pass, straight pipe or similar device on a snowmobile motor, and the exhaust system shall not emit or produce a sharp popping or crackling sound.

B. Brakes adequate to control the movement of and to stop and hold the snowmobile under any conditions of the operation.

C. A safety or so-called "deadman" throttle in operating condition, so that when pressure is removed from the accelerator or throttle, the motor is disengaged from the driving track.

D. At least one clear lamp attached to the front, with sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during the hours of darkness under normal atmospheric conditions. Such head lamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming vehicle operator. It shall also be equipped with at least one red tail lamp having a minimum candle power of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear during the hours of darkness under normal atmospheric conditions. The equipment to be in operating condition when the vehicle is operated between the hours of one-half hour after sunset to one-half hour before sunrise or at times of reduced visibility.

E. Reflective material at least sixteen inches on each side, forward of the handlebars, so as to reflect or beam light at a 90 degree angle.

SECTION 7.06. SPECIAL VEHICLE USE BY HANDICAPPED.

Subd. 1. Operation Authorized. Operation of motorized golf carts or four-wheel all-terrain vehicles are hereby authorized on the roadways of all streets, except such as are prohibited by resolution of the Council, and only in strict compliance with this Section. For the purpose of this Section, a four-wheel all-terrain vehicle is a motorized floatation-tired vehicle with four low-pressure tires that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 600 pounds.

Subd. 2. Permits. Permits shall be issued only to handicapped persons as defined by statute. Application for a permit to operate a motorized golf cart or a four-wheel all-terrain vehicle on the roadways of streets shall include the name and address of the applicant and such other

\$ 60 Base fee
\$ 85 surety/court
fee

ORDINANCE NO. 87

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF JASPER BY ADDING SECTION 7.055 ON RECREATIONAL VEHICLES--ATV, ORVS, & GOLF CARTS.

Subd. 1. Definitions. For the purposes of this Section, the terms defined shall have the meanings given them.

1. All-Terrain Vehicle or ATVs - a four-wheel all-terrain vehicle is a motorized flotation-tired vehicle with four low-pressure tires that is limited in engine displacement to less than 800 cubic centimeters and total dry weight less than 900 pounds.

2. Off-Highway Vehicle or ORVs - mules, 6 wheelers that are more than 1,200-1,500 pounds.

3. Motorized Golf Carts (or similar vehicles).

4. Operate - to control the operation of an ATV, ORV, or Golf Cart.

5. Operator - a person who operates or is in actual physical control of an ATV, ORV, or Golf Cart.

6. Roadway - portion of a road, street, alley, or highway that is improved, designed, or ordinarily used for vehicular traffic.

7. A physically handicapped person means any person who has sustained an amputation or material disability of either or both arms or legs.

Subd. 2. Restrictions.

1. Must have a valid Minnesota driver's license.

2. Children, ages 16-18, must wear an approved safety helmet.

3. Parents or guardians shall be held responsible for all damages or wrongful acts conducted by a minor operating a vehicle within the City of Jasper.

4. Must not operate vehicle with more persons on the vehicle than it was designed for.

5. Operation prohibited on county and state highways within the city limits or under the jurisdiction of the City of Jasper.

6. Vehicles need to have proper headlights and taillights when required for safety. Vehicles shall not be operated in inclement weather or when visibility is impaired by weather, smoke, fog, or other conditions, or at any time when there is insufficient light to clearly see persons and vehicles on the roadway at a distance of 500 feet.

7. Must not operate on private property of another without the express permission to do so by the owner or occupant of said property.

8. Must not operate on public school grounds, park property, playgrounds, cemeteries, or any other public places except where the operator has the express permission by the property public authority.

9. No vehicle shall be operated on public sidewalks.

10. Must not operate vehicle at any place while under the influence of alcohol or drugs as defined in MN Statutes Section 169.121, which is hereby incorporated herein by reference.

11. Must not operate or park a vehicle in a careless, reckless, or negligent manner, or heedlessly in disregard of the rights or safety of others, or in a manner so as to

endanger, or be likely to endanger, or to cause or be likely to cause injury or damages to any persons or property.

12. Must not operate vehicle in a manner or location so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.

13. Must not tow any objects unless through use of a rigid tow-bar attached to the rear of the vehicle.

14. No vehicle shall enter any intersection without yielding the right-of-way to any vehicles or pedestrians at the intersection, or so close to the intersection as to constitute an immediate hazard.

Subd. 3. Permits Required. No person shall operate a motorized ATV, ORV, or Golf Cart on streets or alleys within the city limits or under the jurisdiction of the City of Jasper without first obtaining a written permit from the City, except no permits will be required for parades. Said permits shall prohibit operation of vehicles on county and state highways within the city limits or under the jurisdiction of the City of Jasper.

Subd. 4. Insurance. Any person operating an ATV, ORV, or Golf Cart under this ordinance shall have in their possession evidence of liability insurance complying with the provisions of Minnesota Statute 65B.48, subd5.

Subd. 5. Application Forms. Applications for a permit to operate an ATV, ORV, or Golf Cart shall be made at the City Office on forms furnished by the City.

Subd. 6. Permit Period. Permits shall be issued for periods of one (1) calendar year commencing on January 1st and ending on December 31st of each year, and may be annually renewed.

Subd. 7. Permit Fee. A permit fee of \$10.00 shall be charged and will be required to be paid when an application for a permit is submitted to the City of Jasper. The permit fee will not be prorated if issued after January 1st during any calendar year. The permit stays with the vehicle, not transferable to another vehicle. Permit must be prominently displayed at all times along with their DNR permit on the back of the vehicle.

Subd. 8. Permit Revocation. Any person violating any provision of this ordinance shall be guilty of misdemeanor. In addition to the criminal sanctions, the permit may be revoked at any time if there is evidence that the permittee cannot safely operate the motorized ATV, ORV, or Golf Cart for which the permit has been issued on streets or alleys within the city limits or under the jurisdiction of the City of Jasper. Pipestone County Law Enforcement deputies will issue the following penalties if all rules and regulations are not followed:

- 1st Violation - 60 Day Suspension;
- 2nd Violation - 6 Month Suspension;
- 3rd Violation - No Permit/Permit Revocation;
- No License - Right to Impound.
- The Right to Appeal permit revocation can be made by filing a written request at the City Office for a hearing before the City Council. The

hearing before the City Council will be held in the City Council Chambers at the next special or regular meeting that has been scheduled.

Subd. 9. Permit-Specific Regulations. Every person operating a motorized ATV, ORV, or Golf Cart with a permit shall operate on designated roadways has all the rights and duties applicable to the driver of any other vehicle under the provisions of Minnesota Statute, except when those provisions cannot reasonably be applied to ATVs, ORVs, or Golf Carts and except as otherwise specifically provided in Minnesota Statutes.

Subd. 10. Speed Limit. The speed limit shall be no more than **15 miles per hour** while operating on a municipal street, and the operator must stay in the farthest right hand portion of the traffic lane, operator must yield to motor vehicle traffic at all times.

Subd. 11. Effective Date. This ordinance shall take effect and be in force from and after its passage on May 9, 2006, following publication in the *Jasper Journal* on May 1st and 8th of May, 2006. For the first six months of operation, permits need to be purchased and in place on the vehicle by July 1, 2006. The next permits issued will be for the year 2007.

The foregoing ordinance was duly passed and adopted by the Council of the City of Jasper, Minnesota, at its regular meeting on the 9th day of May, 2006, following a public hearing..

David G. Smith, Mayor

Attest:

Kris Rodman, Clerk-Treasurer

information as may from time-to-time be required by the Council. Applications for initial or renewal permits shall be accompanied by a certificate signed by a physician stating that the applicant is capable of safely operating a motorized golf cart or a four-wheel all-terrain vehicle on the roadway of streets. All permits shall expire on December 31, unless renewed. The fee for a permit shall be fixed by resolution of the Council.

Subd. 3. Unlawful Acts. It is unlawful for any person to operate a motorized golf cart or a four-wheel all-terrain vehicle on the roadway of a street unless:

A. The operator has in possession in valid, current and unrevoked permit from the City.

B. The operation is on a roadway which has not been designated as prohibited for such operation, except crossing at an intersection.

C. The operation is during daylight hours between sunrise and sunset.

D. The operation is not during inclement weather, or when visibility is impaired by weather, smoke, fog, or other conditions, or when there is insufficient light to clearly see persons or vehicles thereon at a distance of 500 feet.

E. The motorized golf cart or four-wheel all-terrain vehicle displays a slow moving vehicle emblem, as described by statute, on the rear thereof.

F. The motorized golf cart or four-wheel all-terrain vehicle is equipped with rear view mirrors as required by statute for other vehicles.

G. The operator has insurance coverage as provided by statute (presently Section 65B.48, Subdivision 5) for motorcycles.

H. The operator observes all traffic laws, except such as cannot reasonably be applied to motorized golf carts or four-wheel all-terrain vehicles.

(Sections 7.07 through 7.98, inclusive, reserved for future expansion.)

SECTION 7.99. VIOLATION A MISDEMEANOR OR PETTY MISDEMEANOR.

Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as follows:

Subd. 1. Where the specific section, subdivision, paragraph or provision specifically makes violation a misdemeanor, he shall be punished as for a misdemeanor; where violation is committed in a manner or under circumstances so as to endanger or be likely to endanger any person

or property, he shall be punished as for a misdemeanor; where he stands convicted of violation of any provision of this Chapter, exclusive of violations relating to the standing or parking of an unattended vehicle, within the immediate preceding 12-month period for the third or subsequent time, he shall be punished as for a misdemeanor.

Subd. 2. As to any violations not constituting a misdemeanor under the provisions of Subdivision 1 hereof, he shall be punished as for a petty misdemeanor.

Subd. 3. As to any violation of a provision adopted by reference, he shall be punished as specified in such provision, so adopted.

CHAPTER 8

PARKING REGULATIONS

(SEE CHAPTER 7 FOR DEFINITIONS, SCOPE AND APPLICATION RELATING TO THIS CHAPTER)

SECTION 8.01. PRESUMPTION. As to any vehicle parking in violation of Chapters 7, 8 and 9 when the driver thereof is not present, it shall be presumed that the owner parked the same, or that the driver was acting as the agent of the owner.

SECTION 8.02. GENERAL PARKING PROHIBITIONS. It is unlawful for any person to stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the specific directions of a police officer or traffic control device in any of the following places: (1) on a sidewalk; (2) in front of a public or private driveway; (3) within an intersection; (4) within ten feet of a fire hydrant; (5) on a crosswalk; (6) within twenty feet of a crosswalk at any intersection; (7) in a sign-posted fire lane; (8) within thirty feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway; (9) within fifty feet of the nearest rail of a railroad crossing; (10) within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance when properly sign-posted; (11) alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic; (12) on the roadway side of any vehicle stopped or parked at the edge or curb of a street; (13) upon any bridge or other elevated structure upon a street; (14) at any place where official signs prohibit or restrict stopping, parking or both; (15) in any alley, except for loading or unloading and then only so long as reasonably necessary for such loading and unloading to or from adjacent premises; or, (16) on any boulevard which has been curbed.

SECTION 8.03. RECREATIONAL CAMPING VEHICLE PARKING.

Subd. 1. Definition. The term "recreational camping vehicle" means any of the following:

A. "Travel Trailer" - A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses, permanently identified "Travel Trailer" by the manufacturer of the trailer.

B. "Pick-up Coach" - A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.

C. "Motor Home" - A portable, temporary building to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.

D. "Camping Trailer" - A folding structure, mounted on wheels and designed for travel, recreation and vacation uses.

Subd. 2. Unlawful Act. It is unlawful for any person to leave or park a recreational camping vehicle on or within the limits of any street or right-of-way for the purpose of occupying it as living quarters.

SECTION 8.04. UNAUTHORIZED REMOVAL. It is unlawful for any person to move a vehicle not owned by such person into any prohibited area or away from a curb such distance as is unlawful.

SECTION 8.05. DIRECTION TO PROCEED. It is unlawful for any person to stop or park a vehicle on a street when directed or ordered to proceed by any police officer invested by law with authority to direct, control or regulate traffic.

SECTION 8.06. PARALLEL PARKING. Except where angle parking is specifically allowed and indicated by curb marking or sign-posting, or both, each vehicle stopped or parked upon a two-way road where there is an adjacent curb shall be stopped or parked with the right-hand wheels of the vehicle parallel with, and within twelve inches of, the right-hand curb, and, where painted markings appear on the curb or the street, such vehicle shall be within such markings, front and rear; provided that upon a one-way roadway all vehicles shall be so parked, except that the left-hand wheels of the vehicle may be parallel with and within twelve inches from the left-hand curb, but the front of the vehicle in any event and with respect to the remainder of the vehicle, shall be in the direction of the flow of traffic upon such one-way street; and it is unlawful to park in violation of this Section.

SECTION 8.07. ANGLE PARKING. Where angle parking has been established by Council resolution, and is allowed, as shown by curb marking or sign-posting, or both, each vehicle stopped or parked shall be at an angle of approximately 45 to 60 degrees with the front wheel or bumper touching the plane of the curb and within any parking lines painted on the curb or street, provided that the front wheel not touching the curb shall be the portion of the vehicle furthest in the direction of one-way traffic; and it is unlawful to park in violation of this Section.

SECTION 8.08. STREETS WITHOUT CURB. Upon streets not having a curb each vehicle shall be stopped or parked parallel and to the right of the paving, improved or main traveled part of the street; and it is unlawful to park in violation of this Section.

SECTION 8.09. PARKING HOURS. Parking on streets shall be limited as follows:

Subd. 1. It is unlawful for any person to stop, park or leave any vehicle upon any street for a continuous period in excess of twenty-four (24) hours.

Subd. 2. The Council may designate certain streets, blocks or portions of streets or

blocks as prohibited parking zones, or five-minute, ten-minute, fifteen-minute, thirty-minute, one-hour, two-hour, four-hour, six-hour, eight-hour limited parking zones and shall mark by appropriate signs any zones so established. Such zones shall be established whenever necessary for the convenience of the public or to minimize traffic hazards and preserve a free flow of traffic. It is unlawful for any person to stop, park or leave standing any vehicle in a prohibited parking zone, for a period of time in excess of the sign-posted limitation, or during sign-posted hours of prohibited parking.

Subd. 3. It is unlawful for any person to remove, erase or otherwise obliterate any mark or sign placed upon a tire or other part of a vehicle by a police officer for the purpose of measuring the length of time such vehicle has been parked.

Subd. 4. For the purpose of enforcement of this Section, any vehicle moved less than one block in a limited time parking zone shall be deemed to have remained stationary.

SECTION 8.10. EMERGENCY.

Subd. 1. Definition. For purposes of this Section, the term "emergency" means a condition created on City streets because of the presence of snow, freezing rain, sleet or ice thereon, or other natural phenomenon which create or are likely to create hazardous road conditions or impede or are likely to impede the free movement of fire, health, police, emergency or other vehicular traffic, when the same has been duly declared.

Subd. 2. Declaration of Emergency. Whenever an emergency is declared, notice shall be given through local news media, or by any other reasonable means.

Subd. 3. Duration of Emergency. An emergency shall remain in effect on any street until it has been plowed to full width, curb-to-curb, or until notice of termination is given.

Subd. 4. Unlawful Act. It is unlawful to park or leave standing a vehicle on any street during an emergency.

SECTION 8.11. PARKING RULES IN CITY PARKING LOTS. In City-owned parking lots, the Council may limit the sizes and types of motor vehicles to be parked thereon, hours of parking, and prescribed method of parking, provided that such limitations and restrictions are marked or sign-posted thereon. It is unlawful to park or leave standing any vehicle backed into a parking place, to drive in a direction opposite the flow of traffic marked by "one-way" signs or arrows, or to park any vehicle in any City-owned parking lot contrary to the restrictions or limitations marked or sign-posted therein.

SECTION 8.12. IMPOUNDING AND REMOVING VEHICLES. When any peace officer finds a vehicle standing upon a street or City-owned parking lot in violation of any parking regulation, such officer is hereby authorized to require the driver or other person in charge of such

vehicle to remove the same to a position in compliance with this Chapter. When any police officer finds a vehicle unattended upon any street or City-owned parking lot in violation of any parking regulation, such officer is hereby authorized to impound such unlawfully parked vehicle and to provide for the removal thereof and to remove the same to a convenient garage or other facility or place of safety; provided, that if any charge shall be placed against such vehicle for cost of removal or storage, or both, by anyone called upon to assist therewith the same shall be paid prior to removal from such place of storage or safekeeping.

SECTION 8.13. LOADING ZONES. The Council may, by resolution, establish loading zones to be used for the specific purpose of loading or unloading merchandise from a commercial vehicle or vehicle temporarily being utilized in the transport of merchandise. Such loading zones shall be installed where, in the judgment of the Council, a commercial loading zone is justified, and duly sign-posted.

SECTION 8.14. UNATTENDED VEHICLE.

Subd. 1. It is unlawful for any person to leave a motor vehicle, occupied by a child or children under the age of fifteen, unattended while the engine is running.

Subd. 2. It is unlawful for any person to leave a motor vehicle unattended with the key in the ignition.

SECTION 8.15. VEHICLE REPAIR ON STREET. It is unlawful for any person to service, repair, assemble or dismantle any vehicle parked upon a street, or attempt to do so, except to service such vehicle with gasoline or oil or to provide emergency repairs thereon, but in no event for more than three (3) hours.

SECTION 8.16. PARKING FOR THE PURPOSE OF ADVERTISING OR SELLING MERCHANDISE. It is unlawful for any person to park a vehicle on any street for the purpose of advertising for sale or selling merchandise thereon or therein, or advertising any merchandise for sale or a forthcoming event.

SECTION 8.17. TRUCK PARKING.

Subd. 1. It is unlawful to park a detached semi-trailer upon any street, City-owned parking lot, or other public property except streets as specifically designated by the Council by resolution and sign-posted.

Subd. 2. It is unlawful to park a truck or commercial vehicle of more than one ton capacity in a zone sign-posted prohibiting truck parking, but parking of such vehicle for a period of not more than thirty (30) minutes shall be permitted in such area for the purpose of necessary access to abutting property while actively loading or unloading when such access cannot reasonably be secured from an alley or from an adjacent street where truck parking is not so restricted.

Subd. 3. It is unlawful to park a semi-tractor and/or semi-trailer upon any City street, or within 300 feet of the occupied dwelling of another, with any engine thereon running, for a period of more than one hour.

(Sections 8.18 through 8.98, inclusive, reserved for future expansion.)

2012
Truck Parking
at ballfields

SECTION 8.99. VIOLATION A MISDEMEANOR OR PETTY MISDEMEANOR.

Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as follows:

Subd. 1. Where the specific section, subdivision, paragraph or provision specifically makes violation a misdemeanor, he shall be punished as for a misdemeanor; where a violation is committed in a manner or under circumstances so as to endanger or be likely to endanger any person or property, he shall be punished as for a misdemeanor; where he stands convicted of violation of any provision of this Chapter, exclusive of violations relating to the standing or parking of an unattended vehicle, within the immediate preceding 12-month period for the third or subsequent time, he shall be punished as for a misdemeanor.

Subd. 2. As to any violation not constituting a misdemeanor under the provisions of Subdivision 1 hereof, he shall be punished as for a petty misdemeanor.

Subd. 3. Violation of any section, subdivision, paragraph or provision of this Chapter, shall be deemed continuing in nature, and may be treated as a new and separate offense on each day (consisting of a 24 hour period commencing at 12 midnight) during which said violation occurs.

CHAPTER 9

PUBLIC PROTECTION, CRIMES AND OFFENSES

SECTION 9.01. CONTAINERS, STORAGE AND DISPOSAL OF GARBAGE.

Subd. 1 General. Every household or occupant of any dwelling house, boarding house, restaurant, or any place of business, having garbage to dispose of, who does not otherwise provide for the disposal of garbage in a sanitary manner, shall keep all such garbage accumulated during the times of collection in designated garbage bags, which shall be made available within the City of Jasper. No person shall fail to dispose of in a sanitary manner, garbage and rubbish accumulated on property the person owns or occupies. All garbage and rubbish accumulating between the times of collection shall be placed and stored in approved containers. Garbage to be received shall be accessible to collectors at all reasonable times.

Subd. 2. Definitions. The following terms, as used in this Section, shall have the meanings stated:

A. "Refuse" - Includes all organic material resulting from the manufacture, preparation or serving of food or food products, and spoiled, decayed or waste foods from any source, bottles, cans, glassware, paper or paper products, crockery, ashes, rags, and discarded clothing, tree or lawn clippings, leaves, weeds and other waste products, except human waste or waste resulting from building construction or demolition.

B. "Residential Dwelling" - Any single building consisting of one through four dwelling units with individual kitchen facilities for each.

C. "Multiple Dwelling" - Any building used for residential purposes consisting of more than four dwelling units with individual kitchen facilities for each.

D. "Commercial Establishment" - Any premises where a commercial or industrial enterprise of any kind is carried on, and shall include restaurants, clubs, churches, and schools where food is prepared or served.

Subd. 3. Storage.

A. It is unlawful for any person to store refuse on residential dwelling premises for more than one week.

B. It is unlawful for any person to store refuse on multiple dwelling premises for more than one week. Such storage shall be in containers as for residential dwelling premises, except that so-called "dumpsters" with close-fitting covers may be substituted.

C. It is unlawful for any person to store and refuse on commercial establishment premises for more than forty-eight hours. Such storage shall be in containers as for residential dwelling premises, except that so-called "dumpsters" with close-fitting covers may be substituted.

D. It is unlawful to store organic refuse unless it is drained and wrapped.

Subd. 4. Deposit. It is unlawful for any person to deposit refuse from any source, rubbish, offal, or the body of a dead animal, in any place other than a sanitary landfill.

Subd. 5. Fire Danger. It is unlawful for any person to store, deposit or dispose of any refuse which is in flames or heated to the point where it could cause danger of fire in other refuse.

(Sections 9.02 through 9.09, inclusive, reserved for future expansion.)

SECTION 9.10. DANGEROUS WEAPONS AND ARTICLES.

Subd. 1. Acts Prohibited. It is unlawful for any person to:

A. Recklessly handle or use a gun or other dangerous weapon or explosive so as to endanger the safety of another; or,

B. Intentionally point a gun of any kind, capable of injuring or killing a human being and whether loaded or unloaded, at or toward another, or,

C. Manufacture or sell for any unlawful purpose any weapon known as a slung-shot or sand club; or,

D. Manufacture, transfer or possess metal knuckles or a switch blade knife opening automatically; or,

E. Possess any other dangerous article or substance for the purpose of being used unlawfully as a weapon against another; or,

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or,

G. Permit, as a parent or guardian, any child under fourteen years of age to handle or use, outside of the parent's or guardian's presence, a firearm or air gun of any kind, or any ammunition or explosive; or,

H. Furnish a minor under eighteen years of age with a firearm, air gun, slung-shot, ammunition, or explosive without the written consent of his parent or guardian or of the Police

Department.

Subd. 2. Exception. Nothing in Subdivision 1 of this Section shall prohibit the possession of the articles therein mentioned if the purpose of such possession is for public exhibition by museums or collectors of art.

Subd. 3. Discharge of Firearms and Explosives. It is unlawful for any person to fire or discharge any cannon, gun, pistol or other firearm, firecracker, sky rocket or other fireworks, air gun, air rifle, or other similar device commonly referred to as a B-B gun.

Subd. 4. Exception. Nothing in Subdivision 3 of this Section shall apply to a display of fireworks by an organization or group of organizations authorized in writing by the Council, or to a peace officer in the discharge of his duty, or to a person in the lawful defense of his person or family. This Section shall not apply to the discharge of firearms in a range authorized in writing by the Council.

Subd. 5. Possession and Sale of Fireworks. It is unlawful for any person to sell, possess or have in possession for the purpose of sale, except as allowed in Subdivision 4 of this Section, any firecrackers, sky rockets or other fireworks.

Subd. 6. Exposure of Unused Container. It is unlawful for any person, being the owner or in possession or control thereof, to permit an unused refrigerator, ice box, or other container, sufficiently large to retain any child and with doors which fasten automatically when closed, to expose the same accessible to children, without removing the doors, lids, hinges or latches.

Subd. 7. Use of Bow and Arrow. It is unlawful for any person to shoot a bow and arrow except in the Physical Education Program in a school supervised by a member of its faculty, a community-wide supervised class or event specifically authorized by the Chief of Police, or a bow and arrow range authorized by the Council.

SECTION 9.11. DISORDERLY CONDUCT. It is unlawful for any person, in a public or private place, knowing, or having reasonable grounds to know, that it will, or will tend to, alarm, anger or disturb others or provoke any assault or breach of the peace, to do the following: (1) engage in brawling or fighting; or, (2) disturb an assembly or meeting, not unlawful in its character; or, (3) engage in offensive, obscene or abusive language or in boisterous and noisy conduct tending reasonably to arouse alarm, anger or resentment in others; or, (4) willfully and lewdly expose his person or the private parts thereof, or procure another to so expose himself; and any open or gross lewdness or lascivious behavior, or any act of public indecency; or, (5) whether or not posted with signs so prohibiting, voluntarily enter the waters of any river or public swimming pool at any time when said waters are not properly supervised by trained life-saving personnel in attendance for that purpose, or enter such waters without being garbed in a bathing suit sufficient to cover his person and equal to the standards generally adopted and accepted by the public; or, (6) urinate or defecate in a place other than (a) if on public property then in a plumbing fixture provided for that purpose,

or (b) if on the private property of another, then in a plumbing fixture provided for that purpose, or (c) if on private property not owned or controlled by another, then within a building; or, (7) cause the making or production of an unnecessary noise by shouting or by any other means or mechanism including the blowing of any automobile or other vehicle horn; or, (8) use a sound amplifier upon streets and public property without prior written permission from the City; or, (9) use a flash or spotlight in a manner so as to annoy or endanger others; or, (10) cause defacement, destruction, or otherwise damage to any premises or any property located thereon; or, (11) strew, scatter, litter, throw, dispose of or deposit any refuse, garbage, or rubbish unto any premises except into receptacles provided for such purpose; or, (12) enter any motor vehicle of another without the consent of the owner or operator; or, (13) fail or refuse to vacate or leave any premises after being requested or ordered, whether orally or in writing, to do so, by the owner, or person in charge thereof, or by any law enforcement agent or official; provided, however, that this provision shall not apply to any person who is owner or tenant of the premises involved nor to any law enforcement or other government official who may be present thereon at that time as part of his official duty, nor shall it include the spouse, children, employee or tenant of such owner or occupier.

SECTION 9.12. UNLAWFUL MECHANICAL DEVICES AND USES THEREOF.

As to any mechanical devices, it is unlawful for any person to: (1) sell or maintain a machine or device which is for gambling or contains an automatic pay-off device; (2) give any prize, award, merchandise, gift, or thing of value to any person on account of operation of such device; (3) sell or maintain, or permit to be operated in his place of business, any amusement device equipped with an automatic pay-off device; (4) equip any amusement device with an automatic pay-off device; or (5) permit the playing of coin amusement machines for public use within 300 feet of any church, public or parochial school or playground. This Section shall not be construed to include the use, possession or sale of any device licensed by or under the control of the Charitable Gambling Control Board.

SECTION 9.13. CURFEW.

Subd. 1. Definition. As used in this Section "minor" means a person under the age of sixteen (16) years.

Subd. 2. Unlawful Acts.

A. It is unlawful for any minor person to be or loiter upon the streets or public places between the hours of 10:00 o'clock P.M. and 5:00 o'clock A.M. of the day following.

B. It is unlawful for any parent, guardian, or other person having the legal care or custody of any minor to allow or permit such minor to be or loiter upon the streets or public places in violation of this Section unless such minor is accompanied by a person of lawful age having such minor in charge.

C. It is unlawful for any person operating, or in charge of, any place of

amusement, entertainment or refreshment, or other place of business, to allow or permit any minor to be or loiter in such place in violation of this Section unless such minor is accompanied by a person of lawful age having such minor in charge. This Subparagraph shall not be construed to permit the presence, at any time, of any person under age in any place where his presence is otherwise prohibited by law.

Subd. 3. Exceptions. Such curfew shall not apply to any minor student who is lawfully attending, going to or returning from school, church or community sponsored athletic, musical or social activities or events.

SECTION 9.14. RULES AND REGULATIONS GOVERNING PUBLIC PARKS.

Subd. 1. Adoption. The Council may by resolution adopt, and from time to time amend, rules and regulations governing public parks. It is unlawful to violate such rules and regulations as are conspicuously sign-posted in such parks.

Subd. 2. Hours. It is unlawful for any person to park, be in or remain in, or leave any vehicle in any park between the hours of 10:00 o'clock P.M. and 7:00 o'clock A.M. of the day following; provided, however, that this Section shall not apply to those vehicles or persons involved in organized activities which are authorized by permit issued by the City to remain in a park.

SEE
Ordinance
10.88
1-14-06

Section 9.15 Noise Regulations
(Sections 9.15 through 9.19, inclusive, reserved for future expansion.)

SECTION 9.20. ANIMAL LICENSING AND REGULATION.

Subd. 1. Definition. For the purpose of this Section:

Sec
Ordinance
No. 91

eff: March 1, 2010

- A. "Owner" means a person who owns an animal hereby regulated.
- B. "Own" means to have a property interest in, or to, harbor, feed, board or keep.
- C. "Dangerous Animal" means an animal which has caused damage to property or injury to a person, or which animal, by its actions, exhibits a propensity for causing imminent danger to persons.
- D. "Dog" means both male and female and includes any animal of the dog kind.
- E. "Cat" means both male and female and includes any animal of the feline kind.
- F. "Animal" means a dog or a cat.
- G. "Animal Pound" means a public or privately-owned facility with which a contract for services has been entered into and approved by the Council.

Ordinance No. 88
An ordinance amending the City Code relative to Noise Limitations

Section 1. The City Code of the City of Jasper is hereby amended by adding Section 9.15 to read as follows

SECTION 9.15 NOISE REGULATIONS

Subd 1. Definitions.

Unless otherwise noted, words or phrases used in this ordinance, and defined in regulations of the Minnesota Pollution Control Agency (MPCA) Noise Pollution Control Rules Chapter 7030, have the meanings given in those regulations.

Subd 2. Noises Specifically Prohibited at All Times.

General Prohibition. No person shall make or cause to be made, at any time of day, any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, health, peace, safety, or welfare of any persons or precludes their enjoyment of property or affects their property's value. The general prohibition is not limited by the specific restrictions of the following:

1. Motor Vehicles. No person shall operate a motor vehicle in the City in violation of the motor vehicle noise limits of the Minnesota Pollution Control Agency.
2. Horns, audible signaling devices, etc. No person shall sound any signaling device on any vehicle except as a warning of danger, as required by Minnesota Statue 169.68 and as amended.
3. Exhaust. No person shall discharge the exhaust, or permit the discharge of the exhaust of any steam engine, motor boat, motor vehicle, or snowmobile except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations.
4. Defective Vehicles or Loads. No person shall use any vehicle so out of repair or so loaded to create loud and unnecessary grating, grinding, rattling, or other noise.
5. Loading, Unloading, Unpacking. No person shall create loud and excessive noise in loading, unloading, or unpacking any vehicle.
6. Radios, Phonographs, Paging System, etc. No person shall use or operate or permit the use or operation of any radio receiving set, musical instrument, phonograph, paging system, machine, or other device for the production or reproduction of sound in a distinctly and loudly audible manner as to unreasonably disturb the peace, quiet, and comfort of any person nearby. Operation of any such set, instrument, phonograph, machine, or other device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at the property line of the structure or building in which it is located, in the hallway or apartment adjacent,

or at a distance of fifty (50) feet if the source is located outside a structure or building shall be prima facie evidence of a violation of this section.

7. Animals. No person shall keep any animal that unreasonably disturbs the comfort or repose of persons in the vicinity by its frequent or continued noise. This specifically includes:

A: Noise occurring between 10:00 p.m. and 7:00 a.m. which can be heard from a location outside the building where the animal is kept, or from beyond the property line of the premises where the animal is located if the animal is not housed in a building and which continues intermittently for a period of 3 minutes with less than one minute of lapse in the noise.

B: Noise occurring between 7:00 a.m. and 10:00 p.m. which can be heard from a location outside the building where the animal is kept, or if the animal is outside a distance of one block from the location the animal is kept, and which continues intermittently for a period of 5 minutes with less than one minute of lapse in the noise.

8. Loudspeakers, Amplifiers for Advertising, etc. No person shall operate or permit the use or operation of any loudspeaker, sound amplifier, or other device for the production or reproduction of sound on a street or other public place for the purpose of commercial advertising or attracting the attention of the public to any commercial establishment or vehicle.
9. Schools, Churches, Hospitals, etc. No person shall create any excessive noise on a street, alley, or public grounds adjacent to any school, institution of learning, church, or hospital when the noise unreasonably interferes with the working of the institution or disturbs or unduly annoys its occupants or residents and when conspicuous signs indicate the presence of such institution.

Subd. 3. Hourly Restrictions on Certain Operations.

Construction Activities. No person shall engage in or permit construction activities involving the use of any kind of electric, diesel or gas-powered machine or other equipment which creates noise that is audible at the property line, except between the hours of 7:00 a.m. and 10:00 p.m.

Subd. 4. Exemptions.

The following acts or noises are permitted between the hours of 10:00 p.m. and 7:00 a.m. daily:

- 1) Equipment used in connection with special events or activities which are authorized, sponsored, permitted or approved in the City of Jasper by the City Council, so long as the activity is conducted pursuant to the conditions of the license, permit or contract authorizing such activity and during prior approved times;

- 2) Church bells, chimes or carillons, school bells, or emergency civil defense warning signals;
- 3) Anti-theft devices;
- 4) Machines or devices for the production of sound on or in authorized emergency vehicles.
- 5) Noise created exclusively in the performance of emergency work to preserve the public health, safety, or welfare, or in the performance of emergency work necessary to restore a public service or eliminate a public hazard shall be exempt from the provisions of this ordinance for a period not to exceed twenty-four (24) hours after the work is commenced. Persons responsible for such work shall inform the Zoning Administrator or other City employee of the need to initiate such work or, if the work is commenced during nonbusiness hours of the City, at the beginning of business hours of the first business day thereafter. Any person responsible for such emergency work shall take all reasonable actions to minimize the amount of noise.

Subd. 5. Noise Impact Statements.

The City may require any person applying to the City for a change in zoning classification, variance, or a permit or license for any structure, operation, process, installation, or alteration, or project that may be considered a potential noise source to submit a noise impact statement on a form prescribed by the City. The City shall evaluate each such statement and make appropriate findings as to the noise impact and place such conditions as it feels necessary on any approval of the application to meet the intent of this ordinance.

Subd. 6. Enforcement.

When the City determines that a noise exceeds the maximum sound level permitted under this ordinance, written notice of the violation shall be given to the owner or occupant of the premises where the noise originates and the notice shall order such person to correct or remove each specified violation within such reasonable time as is prescribed in the notice. The failure to remove or correct any such violation within the time so prescribed constitutes a violation of this ordinance.

Subd. 7. Civil Remedies.

This ordinance may be enforced by injunction, action for abatement, or other appropriate civil remedy.

Subd. 8. Criminal Penalties.

Any violation of this ordinance involving the operation of a motor vehicle is a petty misdemeanor and, shall be punished as such by the courts. Every person who violates any other provision of this ordinance is guilty of a misdemeanor and shall, upon conviction, be subject to the maximum penalties allowed for conviction of a

misdemeanor in this State. Each act of violation and each day a violation occurs or continues constitutes a separate offense.

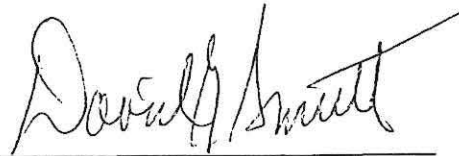
Subd. 9. Severability.

If any provision of this ordinance or the application of any provision to a particular situation is held to be invalid by a court of competent jurisdiction, the remaining portions of the ordinance and the application of the ordinance to any other situation shall not be invalidated.

Section 2. The City Clerk is hereby instructed to prepare the necessary forms and documents to effectuate this ordinance and to publish the same in the official newspaper as required.

Section 3. This ordinance shall be effective upon its adoption and publication in accordance with law.

Adopted this 14th day of November, 2006

A handwritten signature in cursive script, appearing to read "David Smith", written over a horizontal line.

David Smith, Mayor

Attest:


A handwritten signature in cursive script, appearing to read "Kris Rodman", written over a horizontal line.

Kris Rodman, City Clerk

STATE OF MINNESOTA)) ss.
County of Pipestone)

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

which is attached was cut from the columns of said newspaper, and was printed and published once each week, for 2 successive weeks; it was first published on Monday, the 20th day of November, 2006, and was thereafter printed and published on every Monday to and including Monday, the 27th day of November, 2006; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice.


Publisher, Jasper Journal

Notary Public, Pipestone County Minnesota

RATES: Lowest classified rate paid by commercial users for comparable space is \$4.60 per column inch, which is the maximum rate allowed by law for the above matter. The rate actually charged for the above matter is \$4.60 per column inch first insertion, \$2.30 subsequent run when applicable.

ORDINANCE NO. 88
AN ORDINANCE AMENDING THE CITY CODE RELATIVE
TO NOISE LIMITATIONS

Section 1. The City Code of the City of Jasper is hereby amended by adding Section 9.15 to read as follows:

SECTION 9.15 NOISE REGULATIONS

Subd. 1 Definitions.

Unless otherwise noted, words or phrases used in this ordinance, and defined in regulations of the Minnesota Pollution Control Agency (MPCA) Noises Pollution Control Rules Chapter 7030, have the meanings given in those regulations.

Subd. 2 Noises Specifically Prohibited at All Times.

General Prohibition. No person shall make or cause to be made, at any time of day, any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, health, peace, safety, or welfare of any persons or precludes their enjoyment of property or affects their property's value. The general prohibition is not limited by the specific restrictions of the following:

1. **Motor Vehicles.** No person shall operate a motor vehicle in the City in violation of the motor vehicle noise limits of the Minnesota Pollution Control Agency.
2. **Horns, audible signaling devices, etc.** No person shall sound any signaling device on any vehicle except as a warning of danger, as required by Minnesota Statute 169.68 and as amended.
3. **Exhaust.** No person shall discharge the exhaust, or permit the discharge of the exhaust of any steam engine, motor boat, motor vehicle, or snowmobile except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations.
4. **Defective Vehicles or Loads.** No person shall use any vehicle so out of repair or so loaded to create loud and unnecessary grating, grinding, rattling, or other noise.
5. **Loading, Unloading, Unpacking.** No person shall create loud and excessive noise in loading, unloading, or unpacking any vehicle.
6. **Radios, Phonographs, Paging System, etc.** No person shall use or operate or permit the use or operation of any radio receiving set, musical instrument, phonograph, paging system, machine, or other device for the production or reproduction of sound in a distinctly and loudly audible manner as to unreasonably disturb the peace, quiet, and comfort of any person nearby. Operation of any such set, instrument, phonograph, machine, or other device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at the property line of the structure or building in which it is located, in the hallway or apartment adjacent or at a distance of fifty (50) feet if the source is located outside a structure or building shall be prima facie evidence of a violation of this section.
7. **Animals.** No person shall keep any animal that unreasonably disturbs the comfort or repose of persons in the vicinity by its frequent or continued noise. This specifically includes:
 - A. Noise occurring between 10 p.m. and 7 a.m. which can be heard from a location outside the building where the animal is kept, or from beyond the property line of the premises where the animal is located if the animal is not housed in a building and which continues intermittently for a period of three minutes with less than one minute of lapse in the noise.
 - B. Noise occurring between 7 a.m. and 10 p.m. which can be heard from a location outside the building where the animal is kept, or if the animal is outside a distance of one block from the location the animal is kept, and which continues intermittently for a period of five minutes with less than one minute of lapse in the noise.
8. **Loudspeakers, Amplifiers for Advertising, etc.** No person shall operate or permit the use or operation of any loudspeaker, sound amplifier, or other device for the production or reproduction of sound on a street or other public place for the purpose of commercial advertising or attracting the attention of the public to any commercial establishment or vehicle.
9. **Schools, Churches, Hospitals, etc.** No person shall create any excessive noise on a street, alley, or public grounds adjacent to any school, institution of learning, church, or hospital when the noise unreasonably interferes with the working of the institution or disturbs or unduly annoys its occupants or residents and when conspicuous signs indicate the presence of such institution.

Subd. 3 Hourly Restrictions on Certain Operations.

Construction Activities. No person shall engage in or permit construction activities involving the use of any kind of electric, diesel or gas-powered machine or other equipment which creates noise that is audible at the property line, except between the hours of 7 a.m. and 10 p.m.

Subd. 4 Exemptions

The following acts or noises are permitted between the hours of 10 p.m. and 7 a.m. daily:

- 1) Equipment used in connection with special events or activities which are authorized, sponsored, permitted or approved in the City of Jasper by the City Council, so long as the activity is conducted pursuant to the conditions of the license, permit or contract authorizing such activity and during prior approved times;
- 2) Church bells, chimes or carillons, school bells, or emergency civil defense warning signals;
- 3) Anti-theft devices;
- 4) Machines or devices for the production of sound on or in authorized emergency vehicles.
- 5) Noise created exclusively in the performance of emergency work to preserve the public health, safety, or welfare, or in the performance of emergency work necessary to restore a public service or eliminate a public hazard shall be exempt from the provisions of this ordinance for a period not to exceed twenty-four (24) hours after the work is commenced. Persons responsible for such work shall inform the Zoning Administrator or other city employee of the need to initiate such work or, if the work is commenced during non-business hours of the City, as the beginning of business hours of the first business day thereafter. Any person responsible for such emergency work shall take all reasonable actions to minimize the amount of noise.

Subd. 5 Noise Impact Statements.

The City may require any person applying to the City for a change in zoning classification, variance, or a permit or license for any structure, operation, process, installation, or alteration, or project that may be considered a potential noise source to submit a noise impact statement on a form prescribed by the city. The City shall evaluate each such statement and make appropriate findings as to the noise impact and place such conditions as it feels necessary on any approval of the application to meet the intent of this ordinance.

Subd. 6 Enforcement

When the City determines that a noise exceeds the maximum sound level permitted under this ordinance, written notice of the violation shall be given to the owner or occupant of the premises where the noise originates and the notice shall order such person to correct or remove each specified violation within such reasonable time as is prescribed in the notice. The failure to remove or correct any such violation within the time so prescribed constitutes a violation of this ordinance.

Subd. 7 Civil Remedies.

This ordinance may be enforced by injunction, action or abatement, or other appropriate civil remedy.

Subd. 8 Criminal Penalties.

Any violation of this ordinance involving the operation of a motor vehicle is a petty misdemeanor and, shall be punished as such by the courts. Every person who violates any other provision of this ordinance is guilty of a misdemeanor and shall, upon conviction, be subject to the maximum penalties allowed for conviction of a misdemeanor in this State. Each act of violation and each day a violation occurs or continues constitutes a separate offense.

Subd. 9 Severability.

If any provision of this ordinance or the application of any provision to a particular situation is held to be invalid by a court of competent jurisdiction, the remaining portions of the ordinance and the application of the ordinance to any other situation shall not be invalidated.

Section 2. The City Clerk is hereby instructed to prepare the necessary forms and documents to effectuate this ordinance and to publish the same in the official newspaper as required.

Section 3. This ordinance shall be effective upon its adoption and publication in accordance with law.

Adopted this 14th day of November, 2006.

/s/David Smith
David Smith, Mayor

Attest:
/s/Kris Rodman
Kris Rodman, City Clerk

Motion by DeBates, seconded by Bell, to approve RESOLUTION #10-47 outlining the rules and regulations for Ordinance No. 91. All ayes, motion carried.

ORDINANCE NO. 91

AN ORDINANCE TO REGULATE THE KEEPING OF ANIMALS WITHIN THE CITY LIMITS OF JASPER. THIS ORDINANCE SUPERSEDES JASPER CITY CODE, SECTION 9.20, ANIMAL LICENSING AND REGULATION IN ITS ENTIRETY.

1. Allowed Animals. No animals shall be kept or housed by any person or entity within the city limits of Jasper except as those allowed under the terms of this ordinance. Household pets, being those animals commonly bred and used as domesticated household pets, and which are of a size and nature as to be reasonably fit for such purpose, are allowed in all areas of the City, subject to the other restrictions set out in this Ordinance. Household (domestic) pets would include, but are not limited to, dogs, cats, caged rodents such as white mice and gerbils, ferrets, rabbits, small aquarium fish such as goldfish, and non-hunting birds such as pigeons, parakeets and parrots.
2. Farm Animals and Horses. Farm animals, defined as animals usually held for agricultural or commercial production, including, but not limited to, cattle, hogs (including miniature "pot-bellied" pigs), sheep, goats, mink, ermine, chickens, ducks, geese, alpacas, or turkeys, and also horses, shall only be allowed to be kept or housed in portions of the city zoned as R-2 or agricultural zones, subject to any further restrictions contained in other City ordinances.
3. Wild or Predator Animals. No wild animal of any kind taken from its natural habitat shall be kept or harbored in the City limits. These may include, but are not limited to, raccoons, squirrels, beavers, badgers, or muskrats. No predator animal, defined as any animal normally considered a predator in the wild, even if bred in captivity, including, but not limited to bears, wolves, coyotes, lions, tigers, cougars, panthers, lynx, and other members of the large hunting cat family, eagles, hawks, falcons and other large hunting bird species, alligators, crocodiles, iguanas, and any poisonous or constrictor snakes, shall be allowed to be kept or housed within the City of Jasper.
4. Exotic Animals. Certain species of animals that are sometimes kept in captivity for exhibit, controlled hunting purposes, or agricultural production, may fit some or all of the other categories listed above. These exotic animals are of such a size and nature as to not be reasonably considered as appropriate domesticated household pets. Such animals include, but are not limited to, buffalo, elk, deer, llamas, ostriches and emus. No such exotic animals may be kept or housed within the City of Jasper, except by special use permit in agricultural zones.
5. Pet Number Limitation. No person or entity shall keep or house in the City of Jasper more than **three** adult household pet animals total. An adult animal is defined as an animal of breeding age (6 months old). The immature offspring of the allowed adult animals may be kept or housed until they reach 6 months old, at which time they must be immediately removed from the premises. For purposes of this section, neutered or spayed animals that have reached breeding age shall be considered adult animals, even though they have been altered and cannot actually breed. This section shall not apply to small animals subject to close confinement at all times in a cage or aquarium, such as small birds or fish.

As an exception to the limitation of three adult household pet animals of any species in the preceding paragraph, a person or entity may request a *special annual animal* permit from the

city council for \$20 each year to keep or house each animal beyond three. To qualify for the special animal permit, it must be demonstrated to the satisfaction of the city that said fourth and more animals have been owned by the petitioner for no less than 30 days prior to the petitioner moving to the city. In the alternative, the petitioner may qualify for such special annual animal permit if the petitioner proves to the satisfaction of the city that the petitioner resided in Jasper with said fourth or more animals prior to the adoption of Ordinance 91, which imposed these numbers restrictions. Any such animal permit shall be granted in the sole discretion of the city, which shall have the right to apply conditions to the permit appropriate to the situation, to carry out the goals of the city to protect persons, property and pets, avoid nuisances, and maintain property values. Any violation of the animal permit conditions may result in revocation of the permit. If the fourth or more animals authorized under such permit is sold, gifted, dies, or for any other reason ceases to reside at the address designated on the permit, that pet cannot be replaced and thereafter the person or entity to whom the special annual animal permit was granted shall revert back to the standard restriction of three adult household pet animals.

As an exception to the limitations under this Section 5, the limitation on the number of household pet animals shall not apply to a veterinary clinic, pet hospital, or a pet shop duly licensed and permitted to operate in a business zone within the City of Jasper.

6. Licensing. All dogs and cats kept or held within city limits must obtain a license from the city and pay the required license fee, \$10 for each spayed or neutered animal, \$15 for each unsprayed or not neutered animal. Proof that the dog or cat has been vaccinated for rabies must be presented at the time the license application is made; proof that the animal has been neutered also needs to be presented at the time the license is paid. Licenses are to be obtained no later than 30 days after the animal is first acquired to be kept or housed within city limits. Licenses will be available for purchase from March 1 to March 31, will expire on March 31 each year, and owners are given a month grace period in which to renew said licenses--no later than April 30 of each year. After April 30th, a late charge of \$5 per license will be charged until May 31st. After May 31st, owner will be in violation of the ordinance for each animal. The full year license fee is payable for any part year the animal is kept or held in city limits, and there shall be no refund of the yearly license fee for any animal that dies or is removed from city limits prior to the expiration of the 12 month license issued.
7. Animal Care and Control. All animals kept or held within city limits must be physically controlled by the person or entity keeping or holding said animal, and in a manner to provide proper care for said animal. This control can be exercised as follows:
 - A) by keeping the animal caged, housed within a building that does not allow the animal free exit through a pet door or other uncontrolled opening, or
 - B) by a fenced enclosure of sufficient construction and dimensions to prevent the animal from escape by jumping or climbing over or digging through under said enclosure. Escape by digging shall be prevented by providing a floor to the cage or enclosure consisting of concrete, plastic, wood of sufficient thickness, or other material that the animal cannot dig or chew through to escape from the enclosure. (Electronic control measures such as "invisible fencing" and electronic collars are not acceptable physical controls under this ordinance) or
 - C) by controlling the animal by a leash (leash law should be in effect no matter when a dog is out of the house) of sufficient composition to prevent the animal from breaking free of said leash, and with said leash held at all times by a person of sufficient size and strength to control the animal, or by anchoring the leash to a stake, ring, bolt or other

device of sufficient strength and composition to prevent the leash from detaching from said connection.

- D) in addition, any cage, building, enclosure or leash arrangement must be of sufficient composition, dimensions and location so as to reasonably prevent the animal from injuring any person or property.
- E) Any animal restraint or enclosure shall be set up in such a way as to properly care for the health of the animal. This shall include providing the animal with sufficient source of food and water available to the animal, shade in the summer and shelter from the elements in the winter.
- F) Animals will be restrained or leashed as required under this ordinance in the City of Jasper only 10' from the city sidewalk; if no sidewalk—15' from the curb. No animals shall be leashed or housed at a location that would allow the animal to trespass onto the property of any other owner or onto public street, sidewalk or alley rights of way.
- G) Animals may be given exercise walks along the public streets, sidewalks and alleyways, as long as the animal is held by a leash controlled by a person of sufficient size and strength to restrain the animal. No animal shall be allowed to trespass onto private property without the express permission of the property owner. If the animal conducts a bowel elimination during any such exercise walk, the person controlling the dog must immediately pick up and remove said bowel movement and dispose of it in a covered garbage container located where the animal resides.

8. Noise Control. Any person or entity who keeps or harbors a pet or other animal, or allows another to keep or harbor a pet or other animal on his property, in the case where the pet or animal is of such a nature or disposition or is kept in such confinement or condition that the animal disrupts the peace of the neighboring property owners by emitting barking or other noises during normal sleep hours, shall be considered as maintaining a public nuisance in violation of this ordinance. Normal sleep hours for purpose of this section shall be defined as any time after 10:00 P.M. and before 7 A.M. It shall also be a violation of this ordinance if any person keeps or harbors a pet or other animal that emits barking or other noises at any time of the day or night in a continuous or persistent manner. The phrase "continuous or persistent manner" for purpose of this section shall be defined as any barking or loud noises created by the pet continuously for a period of 10 minutes or more, or on an average of more than once each hour.
9. Manure Control. No person or entity shall keep or house any animal within the city limits in such a manner or in such a condition as to allow a build up of manure on the property where the animal is housed, which could reasonably be considered offensive to any neighbor. It shall automatically be considered a violation of this section if the person or entity keeping or holding the animal allows more a week of bowel eliminations to remain on the premises for a period of more than 24 hours. Such manure must properly be disposed of in a garbage container, sealed sufficiently to avoid odors from escaping from the container, and to avoid the accumulation of flies and other insects. Such garbage containers must be picked up for disposal outside City limits at least once each week. During disposal or sanitation of a confined area for an animal, manure sludge and urine cannot leave your property and run onto others. This section does not apply to animals kept in an agricultural zone.
10. Vicious Animals. No person will keep or harbor an animal within the city limits if said animal is known to have vicious tendencies. Any animal that attacks and causes serious injury to a person is automatically considered to be a vicious animal. Any animal that is found to have attacked or attempted to attack a person or another household pet animal at least two occasions shall

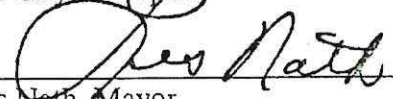
automatically be considered a vicious animal. If such animal is not immediately removed from city limits by the person keeping or holding said animal after the second such attack, the police are authorized and directed to seize said animal and have it destroyed in a humane manner by a veterinarian. This section shall not apply to trained police dogs directed to attack in a law enforcement situation by their handler, or to an animal attacking a person or other animal in legitimate defense of itself, its owner or the owner's property.

11. Pipestone County Law Enforcement. For purposes of this ordinance, the Pipestone County Law Enforcement is designated as an agent of the city; Pipestone County Law Enforcement determines the official impoundment site for stray and unlicensed animals. Law Enforcement is authorized to collect fees and fines, as they deem necessary regarding pickup, boarding, and fines.
12. Penalty. Any person or entity keeping or housing an animal in violation of any provision of this ordinance shall be charged annually \$25 for the 1st violation, \$50 for the 2nd violation, \$100 for the 3rd violation.
13. Exceptions. This ordinance shall not prohibit the keeping of farm animals in appropriate places and appropriately controlled. In addition, the City Council, may, in its discretion, issue a special permit from time to time to allow the presence of animals within city limits that would normally be restricted by this ordinance, in conjunction with parades or other community celebrations, but in such case the city shall have the right to place conditions on the presence of such animals, to include provisions that will ensure that the animals are properly controlled and that the public health and safety are protected. Seeing Eye dogs or other trained guide dogs that wear a harness are allowed but their owners must follow all other provisions for care, manure, and noise control.

All ordinances or portions of ordinances inconsistent with this ordinance are hereby amended.

This ordinance shall become effective March 1, 2010, if approved at the Public Hearing.

For City of Jasper:



Les Nath, Mayor



Kristine Rodman, Clerk-Treasurer

1st Public Hearing: December 8, 2009

Final Public Hearing: February 16, 2010, 7:30 PM

Effective March 1, 2010.

see Ordinance
No 91
eff. March 1, 2010

Subd. 2. Running at Large Prohibited. It is unlawful for the owner of any animal to permit such animal to run at large. Any dog shall be deemed to be running at large with the permission of the owner unless it is on a durable leash secured to an object which it cannot move and on the premises of the owner, or on a leash and under the control of an accompanying person of suitable age and discretion, or effectively confined within a motor vehicle, building, or enclosure. Any cat shall be deemed to be running at large with the permission of the owner unless it is on the premises of the owner, or effectively confined within a motor vehicle, building, or enclosure.

Subd. 3. License Required. It is unlawful for the owner of any dog, three months of age or more, to fail to obtain a license therefor from the City.

Subd. 4. License Issuance, Term and Renewal. All dog licenses shall be issued only upon presentation of a certificate issued by a veterinarian, licensed to practice veterinary medicine in the State of Minnesota, showing rabies immunization of the dog for at least the term of the license. All dog licenses shall expire on December 31. Application for license renewal, accompanied by a veterinarian's certificate, shall be made at least thirty (30) days prior to expiration of the license.

Subd. 5. Adoption of Fees. All fees for the licensing, impounding and maintenance of animals, including penalties for late application, may be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such fees may from time to time be amended by the Council by resolution. A copy of the resolution setting forth currently effective fees shall be kept on file in the office of the City Clerk-Treasurer and open to inspection during regular business hours.

Subd. 6. Tag Required. All licensed dogs shall wear a collar and have a tag firmly affixed thereto evidencing a current license. A duplicate for a lost tag may be issued by the City upon presentation of the receipt showing the payment of the duplicate license fee. Tags shall not be transferrable, and no refund shall be made on any license fee because of leaving the City or death of the dog before the expiration of the license.

Subd. 7. Animal Pound. Any animal found in the City without a license tag, running at large, or otherwise in violation of this Section, shall be placed in an Animal Pound, and an accurate record of the time of such placement shall be kept on each animal. Every animal so placed in the Animal Pound shall be held for redemption by the owner for a period of not less than ten regular business days. A "regular business day" is one during which the Pound is open for business to the public for at least four hours between 8:00 o'clock A.M. and 7:00 o'clock P.M. Impoundment records shall be preserved for a minimum of six months and shall show (1) the description of the animal by specie, breed, sex, approximate age, and other distinguishing traits; (2) the location at which the animal was seized; (3) the date of the seizure; (4) the name and address of the person from whom any dog three months of age or over was received; and, (5) the name and address of the person to whom any dog three months of age or over was transferred. If unclaimed, such animal shall be humanely destroyed and the carcass disposed of, unless it is requested by a licensed educational or scientific institution under authority of Minnesota Statutes, Section 35.71.

Provided, however, that if a tag affixed to the animal, or a statement by the animal's owner after seizure specifies that the animal should not be used for research, such animal shall not be made available to any such institution but may be destroyed after the expiration of the ten-day period.

Subd. 8. Notice of Impounding. Upon the impounding of any animal, the owner shall be notified, or if the owner is unknown, written notice shall be posted for ten days at the City Hall describing the animal and the place and time of taking.

Subd. 9. Release from Animal Pound. Animals shall be released to their owners, as follows:

A. If such animal is a dog and owned by a resident of the City, after purchase of a license, if unlicensed, and, if either a dog or a cat, after payment of the impounding fee and maintenance.

B. If such animal is a dog and owned by a person not a resident of the City, after immunization of such dog for rabies, and, if either a dog or a cat, after payment of the impounding fee and maintenance.

Subd. 10. Seizure by a Citizen. It is lawful for any person to seize and impound an animal so found running at large and shall within six hours thereafter notify County Law Enforcement of said seizure. It shall be the duty of County Law Enforcement to place said animal in the County Pound. If the name or the owner of such animal so seized is known to the person who first takes such animal into custody, he or she shall inform County Law Enforcement of the name of the owner, and the address if known.

Subd. 11. Immobilization of Animals. For the purpose of enforcement of this Section any peace officer, or person whose duty is animal control, may use a so-called tranquilizer gun or other instrument for the purpose of immobilizing and catching an animal.

Subd. 12. Other Unlawful Acts. It is unlawful for the owner of any animal to (1) fail to have the license tag issued by the City firmly attached to a collar worn at all times by the licensed dog, or (2) own a dangerous animal, or (3) interfere with any police officer, or other City employee, in the performance of his duty to enforce this Section, or (4) fail to keep his dog from barking, howling or whining, or (5) fail to keep his cat from emitting loud or unusual noise.

Subd. 13. Summary Destruction. If an animal is diseased, vicious, dangerous, rabid or exposed to rabies and such animal cannot be impounded after a reasonable effort or cannot be impounded without serious risk to the person attempting to impound, such animal may be destroyed in a humane manner.

Subd. 14. Rabies Control - Generally.

A. Every animal which bites a person shall be promptly reported to County Law Enforcement and shall thereupon be securely quarantined at the direction of County Law Enforcement for a period of fourteen (14) days, and shall not be released from such quarantine except by written permission of the County. In the discretion of County Law Enforcement, such quarantine may be on the premises of the owner or at the veterinary hospital of his choice. If the animal is quarantined on the premises of the owner, the County shall have access to the animal at any reasonable time for study and observation of rabies symptoms. In the case of a stray animal or in the case of an animal whose ownership is not known, such quarantine shall be at the animal pound, or at the discretion of the council the animal may be confined in a veterinary hospital designated by the council.

B. The owners, upon demand made by County Law Enforcement or by any other City employee empowered by the Council to enforce this Section, shall forthwith surrender any animal which has bitten a human, or which is suspected as having been exposed to rabies, for the purpose of supervised quarantine. The expenses of the quarantine shall be borne by the owner and the animal may be reclaimed by the owner if adjudged free of rabies upon payment of fees set forth in this Section and upon compliance with licensing provisions set forth in this Section.

C. When an animal under quarantine and diagnosed as being rabid or suspected by a licensed veterinarian as being rabid dies or is killed, the County shall immediately send the head of such animal and rabies data report to the State Health Department for pathological examination and shall notify all persons concerned of the results of such examination.

D. The County shall issue such proclamation and take such action when rabies is suspected or exists as is required by Minnesota Statutes.

Subd. 15. Reports of Bite Cases. It is the duty of every physician, or other practitioner, to report to the council the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.

Subd. 16. Responsibility of Veterinarians. It is the duty of every licensed veterinarian to report to the council his diagnosis of an animal observed by him as a rabies suspect.

Subd. 17. Police Dogs, Seeing-Eye Dogs. The provisions of this Section shall not apply to the ownership or use of seeing-eye dogs by blind persons, or dogs used in police activities of the County, such as canine corps or tracking dogs used by or with the permission of the council or any law enforcement agency.

Subd. 18. Animals in Heat. Except for controlled breeding purposes, every female animal in heat shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such manner that such female animal cannot come in contact with other animals.

SECTION 9.21. ANIMALS AND FOWL - KEEPING, TRANSPORTING, TREATMENT, HOUSING.

Subd. 1. Definitions. As used in this Section, the following definitions shall apply.

A. "Farm Animals" - Cattle, horses, mules, sheep, goats, swine, ponies, ducks, geese, turkeys, chickens, guinea hens and honey bees.

B. "Animals" - Include farm animals and all other animals, reptiles and feathered birds or fowl except dogs, cats, gerbils, hamsters, rabbits and caged household birds.

Subd. 2. Keeping. It is unlawful for any person to keep or harbor any animal, not in transit, except (1) farm animals kept in that portion of the City zoned for agricultural purposes, or, (2) animals kept as part of a show licensed under the City Code, or, (3) animals used in a parade for which a permit has been issued, or, (4) animals kept in a laboratory for scientific or experimental purposes, or, (5) animals kept in an animal hospital or clinic for treatment by a licensed veterinarian.

Subd. 3. Animals in Transit. It is unlawful for any person to transport animals unless they are (1) confined within a vehicle, cage or other means of conveyance, or, (2) farm animals being transported in a portion of the City zoned for agricultural purposes, or, (3) restrained by means of bridles, halters, ropes or other means of individual restraint.

Subd. 4. Treatment. It is unlawful for any person to treat any animal as herein defined, or any other animal, in a cruel or inhumane manner.

Subd. 5. Housing. It is unlawful for any person to keep any animal as herein defined, or any other animal, in any structure infested by rodents, vermin, flies or insects, or inadequate for protection against the elements.

Subd. 6. Trespasses. It is unlawful for any person to herd, drive or ride any animal over and upon any grass, turf, boulevard, City park, cemetery, garden or lot without specific permission therefor from the owner.

(Sections 9.22 through 9.29, inclusive, reserved for future expansion.)

SECTION 9.30. SHADE TREE DISEASE CONTROL AND PREVENTION.

Subd. 1. Policy and Purpose. The City has determined that the health of oak and elm trees is threatened by fatal diseases known as oak wilt and Dutch elm disease. It has further determined that the loss of oak and elm trees located on public and private property would substantially depreciate the value of property and impair the safety, good order, general welfare and convenience of the public. It is declared to be the intention of the Council to control and prevent the spread of these diseases, and provide for the removal of dead or diseased trees, as nuisances.

Subd. 2. Definitions. The following terms, as used in this Section, shall have the

meanings stated:

A. "Shade Tree Disease" - Dutch elm disease or oak wilt disease.

B. "Tree Inspector" - The Street Superintendent, or such other employee of the City as the Council may designate and who shall thereafter qualify, together with his duly designated assistants.

C. "Nuisance" - (1) any living or standing tree infected to any degree with a shade tree disease; or (2) any logs, branches, stumps or other parts of any dead or dying tree, so infected, unless such parts have been fully burned or treated under the direction of the Tree Inspector.

Subd. 3. Scope and Adoption by Reference. Minnesota Statutes, Section 18.023, is hereby adopted by reference, together with the Rules and Regulations of the Minnesota Commissioner of Agriculture relating to shade tree diseases; provided, that this Section shall supersede such Statutes, Rules and Regulations, only to the extent of inconsistencies.

Subd. 4. Unlawful Act. It is unlawful for any person to keep, maintain or permit upon premises owned by him or upon public property where he has the duty of tree maintenance, any nuisance as herein defined.

Subd. 5. Inspection and Diagnosis. It is the power and duty of the Tree Inspector to enter upon public or private property, at any reasonable time, for the purpose of inspecting for, and diagnosing, shade tree disease. In cases of suspected shade tree disease, and in performance of his duties, the Tree Inspector may remove such specimens, samples and biopsies as may be necessary or desirable for diagnosis.

Subd. 6. Abatement of Nuisance. Abatement of a nuisance, defined herein, shall be by spraying, removing, burning, or otherwise effectively treating the infected tree or wood to prevent spread of shade tree disease. Such abatement procedures shall be carried out in accordance with current technical and expert methods and plans as may be designed by the Commissioner of Agriculture of the State of Minnesota. The City shall establish specifications for tree removal and disposal methods consistent therewith.

Subd. 7. Procedure for Removal of Infected Trees and Wood.

A. Whenever the Tree Inspector finds with reasonable certainty that the infection, or danger of infection, exists in any tree or wood on any public or private property, he shall proceed as follows:

1. If the Tree Inspector finds that the danger of infection of other trees is not imminent because of dormancy of shade tree disease, he shall make a written report of his finding to the Council which shall proceed by (a) abating the nuisance as a public improvement under Minnesota Statutes, Chapter 429, or (b) abating the nuisance as provided in Subparagraph B

of this Subdivision.

2. If the Tree Inspector finds that danger of infection of other trees is imminent, he shall notify the owner of the property, or the abutting property, as the case may be, by certified mail that the nuisance will be abated within a specified time, not less than twenty (20) days from the date of mailing of such notice. The Tree Inspector shall immediately report such action to the Council, and after the expiration of the time limited by the notice he may abate the nuisance.

3. If the Tree Inspector finds with reasonable certainty that immediate action is required to prevent the spread of shade tree disease, he may proceed to abate the nuisance forthwith. He shall report such action immediately to the Council and to the abutting property owner, or to the owner of the property where the nuisance is located.

B. Upon receipt of the Tree Inspector's report required by Subparagraph A, item 1, the Council shall by resolution order the nuisance abated. Before action is taken on such resolution, the Council shall publish notice of its intention to meet to consider taking action to abate the nuisance. This notice shall be mailed to affected property owners and published once no less than one week prior to such meeting. The notice shall state the time and place of the meeting, the streets affected, action proposed, the estimated cost of the abatement, and the proposed basis of assessment, if any, of costs. At such hearing or adjournment thereof, the Council shall hear property owners with reference to the scope and desirability of the proposed project. The Council shall thereafter adopt a resolution confirming the original resolution with such modifications as it considers desirable and provide for the doing of the work by day labor or by contract.

C. The Tree Inspector shall keep a record of the costs of abatements done under this Subdivision and shall report monthly to the Council all work done for which assessments are to be made stating and certifying the description of the land, lots, parcels involved and the amount chargeable to each.

D. On or before December 1 of each year the City Clerk-Treasurer shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this Section. The Council may then spread the charges or any portion thereof against the property involved as a special assessment under Minnesota Statutes, Section 429.101 and other pertinent statutes for certification to the County Auditor and collection the following year along with current taxes.

E. No damage shall be awarded the owner for destruction of any tree, wood or part thereof pursuant to this Section.

Subd. 8. Spraying Trees.

A. Whenever the Tree Inspector determines that any tree or wood is infected or threatened with infection, he may spray or treat all nearby high value trees with an effective

from Jasper City Code
PROHIBITED. It is unlawful to transport within the City any wood, lumber, logs, poles, sawdust or other materials which are infested with termites. It is also unlawful to transport lumber or to raze a building without first having it inspected for termites and certified to the City's satisfaction.

(Sections 9.33 through 9.39, inclusive, reserved for future expansion.)

SECTION 9.40. MAINTENANCE OF PRIVATE PROPERTY.

Subd. 1. It is the primary responsibility of any owner or occupant of any lot or parcel of land to maintain any weeds or grass growing thereon at a height of not more than six (6) inches; to remove all public health or safety hazards therefrom; to install or repair water service lines thereon; and to treat or remove insect-infested or diseased trees thereon. Every owner of property abutting on any street shall, subject to the provisions herein requiring a permit therefore, trim, cut and otherwise maintain all trees and shrubs from the line of such property nearest to such street to the center of such street.

Subd. 2. If any such owner or occupant fails to assume the primary responsibility described in Subdivision 1 of this Section, and after notice given by the City Clerk-Treasurer has not within seven days of such notice complied, the City may cause such work to be done and the expenses thus incurred shall be a lien upon such real estate. The City Clerk-Treasurer shall certify to the county Auditor of Pipestone or Rock County a statement of the amount of the cost incurred by the City. Such amount together with interest shall be entered as a special assessment against such lot or parcel of land and be collected in the same manner as real estate taxes.

* **SECTION 9.41. JUNK CARS, FURNITURE, HOUSEHOLD FURNISHINGS AND APPLIANCES STORED ON PUBLIC OR PRIVATE PROPERTY.** It is unlawful to park or store any unlicensed, unregistered or inoperable motor vehicle, furniture, household furnishings or appliances, or parts or components thereof, on any property, public or private, unless housed within a building, and any violation is hereby declared to be a nuisance. This Section shall not apply to premises on which a duly licensed junk dealer properly carries on such licensed business, nor shall it apply to a disposal area operated by a governmental unit.

SECTION 9.42. OBSTRUCTIONS ON PUBLIC PROPERTY.

Subd. 1. **Obstructions.** It is unlawful for any person to place, deposit, display or offer for sale, any fence, goods or other obstructions upon, over, across or under any public property without first having obtained a written permit from the Council, and then only in compliance in all respects with the terms and conditions of such permit, and taking precautionary measures for the protection of the public. An electrical cord or device of any kind is hereby included, but not by way of limitation, within the definition of an obstruction.

Subd. 2. **Fires.** It is unlawful for any person to build or maintain a fire upon public property except in prescribed areas.

concentrate or fungicide or both. Activities authorized by this Subdivision shall be conducted in accordance with technical and expert opinions and plans of the Commissioner of Agriculture and under the supervision of the Commissioner and his agents whenever possible.

B. The notice and assessment provisions of Subdivision 7 apply to spraying and treatment operations conducted under this Subdivision.

Subd. 9. Transporting Wood Prohibited. It is unlawful for any person to transport elm wood into or through the City unless the same is debarked, or, in the months of April, May or June, to transport any oak wood, without having obtained a permit from the Tree Inspector, or into or through any designated "disease control area" as defined by Minnesota Statutes, Section 18.023. The Tree Inspector shall grant such permits only when the purposes of this Section will be served thereby. This prohibition shall not apply to movement of such wood pursuant to an approved wood disposal or utilization program authorized by Minnesota Statutes, Section 18.023, or to transportation of elm wood intended for industrial use not to include firewood, provided such transportation of elm logs for industrial use continues without interruption through the City or "disease control area" to their intended destination lying outside the City and "disease control area".

Subd. 10. Interference Prohibited. It is unlawful for any person to prevent, delay or interfere with the Tree Inspector while he is engaged in the performance of duties imposed by this Section.

Subd. 11. Additional Duties of Tree Inspector. It is the additional duty of the Tree Inspector to coordinate, under the direction and control of the Council, all activities of the City relating to the control and prevention of shade tree disease. He shall recommend to the Council the details of a program for the control of the diseases, and perform the duties incident to such a program adopted by the Council.

Subd. 12. Diseased Trees in Streets. The rights, duties and responsibilities of property owners set forth in this Section shall be equally applicable to, and binding upon, abutting property owners with tree maintenance responsibilities under the Section of the City Code entitled "Regulation of Grass, Weeds and Trees".

Subd. 13. Subsidies. The duty of any property owner to bear the cost of removing or maintaining trees, whether by private contract or assessment, shall be subject to a subsidy policy, if any, established by the City for the treatment or removal of trees infected with shade tree disease.

SECTION 9.31. STORAGE OF WOOD. It is unlawful to store wood outside a building or other structure unless such wood is stored on a platform or in some other manner so that the bottom of the storage pile is at least six (6) inches above ground, and the support for the platform has no more contact with the ground than is necessary for support.

SECTION 9.32. TRANSPORTATION OF TERMITE-INFESTED WOOD

property except in prescribed areas.

Subd. 3. Dumping on Public Property. It is unlawful for any person to throw or deposit on public property any nails, dirt, glass or glassware, cans, discarded cloth or clothing, metal scraps, garbage, leaves, grass or tree limbs, paper or paper products, shreds or rubbish, oil, grease or other petroleum products, or to empty any water containing salt or other injurious chemicals thereon. It is a violation of this Section to place or store any building materials or waste resulting from building construction or demolition on public property without first having obtained a written permit from the Council.

Subd. 4. Signs and Other Structures. It is unlawful for any person to place or maintain a sign, advertisement, or other structure on public property without first having obtained a written permit from the Council.

Subd. 5. Snow or Ice on Public Property. It is unlawful for any person not acting under a contract with the City to dump snow or ice on public property.

Subd. 6. Continuing Violation. Each day that any person continues in violation of this Section shall be a separate offense and punishable as such.

Subd. 7. Condition. Before granting any permit under any of the provisions of this Section, the Council may impose such insurance or bonding conditions thereon as it, considering the projected danger to public or private property or to persons, deems proper for safeguarding such persons and property. Such insurance or bond shall also protect the City from any suit, action or cause of action arising by reason of such obstruction.

SECTION 9.43. ABANDONING A MOTOR VEHICLE. It is unlawful for any person to abandon a motor vehicle on any public or private property without the consent of the person in control of such property. For the purpose of this Section, a "motor vehicle" is as defined in Minnesota Statutes, Chapter 169.

SECTION 9.44. DISPOSAL OF ABANDONED MOTOR VEHICLES, UNCLAIMED PROPERTY AND EXCESS PROPERTY.

Subd. 1. Disposal of Abandoned Motor Vehicles.

A. Definitions.

1. The term "abandoned motor vehicle" means a motor vehicle as defined in Minnesota Statutes, Chapter 169, that has remained for a period of more than forty-eight hours on public property illegally or lacking vital component parts, or has remained for a period of more than forty-eight hours on private property without the consent of the person in control of such property, or in an inoperable condition such that it has no substantial potential further use consistent

with its usual function unless it is kept in an enclosed garage or storage building. It shall also mean a motor vehicle voluntarily surrendered by its owner to, and accepted by, the City. A classic car or pioneer car, as defined in Minn.Stat. § 168, shall not be considered an abandoned motor vehicle within the meaning of this Section. Vehicles on the premises of junk yards or automobile graveyards, which are licensed and maintained in accordance with the City Code, shall not be considered abandoned motor vehicles within the meaning of this Section.

2. The term "vital component parts" means those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle, including, but not limited to, to motor, drive train and wheels.

B. Custody. The City may take into custody and impound any abandoned motor vehicle.

C. Immediate Sale. When an abandoned motor vehicle is more than seven model years of age, is lacking vital component parts, and does not display a license plate currently valid in Minnesota or any other state or foreign country, it shall immediately be eligible for sale at public auction, and shall not be subject to the notification, reclamation, or title provisions of this Subdivision.

D. Notice.

1. When an abandoned motor vehicle does not fall within the provisions of Subparagraph C of this Subdivision, the City shall give notice of the taking within ten days. The notice shall set forth the date and place of the taking, the year, make, model and serial number of the abandoned motor vehicle, if such information can be reasonably obtained, and the place where the vehicle is being held, shall inform the owner and any lien holders of their right to reclaim the vehicle under Subparagraph E of this Subdivision, and shall state that failure of the owner or lien holder to exercise their right to reclaim the vehicle and contents shall be deemed a waiver by them of all rights, title and interest in the vehicle and a consent to the sale of the vehicle and contents at a public auction pursuant to Subparagraph F of this Subdivision.

2. The notice shall be sent by mail to the registered owner, if any, of the abandoned motor vehicle and to all lien holders of record. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lien holders, the notice shall be published once in the official newspaper. Published notices may be grouped together for convenience and economy.

E. Right to Reclaim.

1. The owner or any lien holder of an abandoned motor vehicle shall have a right to reclaim such vehicle from the City upon payment of all towing and storage charges resulting from taking the vehicle into custody within fifteen days after the date of the notice required

by this Subdivision.

2. Nothing in this Subdivision shall be construed to impair any lien of a garage keeper under the laws of this State, or the right of the lien holder to foreclose. For the purposes of this Subparagraph E "garage keeper" is an operator of a parking place or establishment, an operator of a motor vehicle storage facility, or an operator of an establishment for the servicing, repair or maintenance of motor vehicles.

F. Public Sale.

1. An abandoned motor vehicle and contents taken into custody and not reclaimed under Subparagraph E of this Subdivision shall be sold to the highest bidder at public auction or sale, following one notice published at least seven days prior to such auction or sale. The purchaser shall be given a receipt in a form prescribed by the Registrar of Motor Vehicles which shall be sufficient title to dispose of the vehicle. The receipt shall also entitle the purchaser to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership. Before such a vehicle is issued a new certificate of title, it must receive a motor vehicle safety check.

2. From the proceeds of the sale of an abandoned motor vehicle, the City shall reimburse itself for the cost of towing, preserving and storing the vehicle, and all administrative, notice and publication costs incurred pursuant to this Subdivision. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lien holder for ninety days and then shall be deposited in the General Fund of the City.

G. Disposal of Vehicles Not Sold. Where no bid has been received for an abandoned motor vehicle, the City may dispose of it in accordance with this Subdivision.

H. Contracts and Disposal.

1. The City may contract with any qualified person for collection, storage, incineration, volume reduction, transportation or other services necessary to prepare abandoned motor vehicles and other scrap metal for recycling or other methods of disposal.

2. Where the City enters into a contract with a person duly licensed by the Minnesota Pollution Control Agency, the Agency shall review the contract to determine whether it conforms to the Agency's plan for solid waste disposal. A contract that does so conform may be approved by the Agency. Where a contract has been approved, the Agency may reimburse the City for the costs incurred under the contract which have not been reimbursed.

3. If the City utilizes its own equipment and personnel for disposal of the abandoned vehicle, it shall be entitled to reimbursement for the cost thereof along with its other costs as herein provided.

Subd. 2. Disposal of Unclaimed Property.

A. Definition. The term "abandoned property" means tangible or intangible property that has lawfully come into the possession of the City in the course of municipal operations, remains unclaimed by the owner, and has been in the possession of the City for at least sixty days and has been declared such by a resolution of the City Council.

B. Preliminary Notice. If the City Clerk-Treasurer knows the identity and whereabouts of the owner, he shall serve written notice upon him at least thirty days prior to a declaration of abandonment by the City Council. If the City acquired possession from a prior holder, the identity and whereabouts of whom are known by the City Clerk-Treasurer notice shall also be served upon him. Such notice shall described the property and state that unless it is claimed and proof of ownership, or entitlement to possession established, the matter of declaring it abandoned property will be brought to the attention of the City Council after the expiration of thirty days from the date of such notice.

C. Notice and Sale. Upon adoption of a resolution declaring certain property to be abandoned property, the City Clerk-Treasurer shall publish a notice thereof describing the same, together with the names (if known) and addresses (if known) of prior owners and holders thereof, and including a brief description of such property. The text of such notice shall also state the time, place and manner of sale of all such property, except cash and negotiables. Such notice shall be published once at least three weeks prior to sale. Sale shall be made to the highest bidder at public auction or sale conducted in the manner directed by the City Council in its resolution declaring property abandoned and stated in the notice.

D. Fund and Claims Thereon. All proceeds from such sale shall be paid into the general Fund of the City and expenses thereof paid therefrom. The former owner, if he makes claim within eight months from the date of publication of the notice herein provided, and upon application and satisfactory proof of ownership, may be paid the amount of cash or negotiables or, in the case of property sold, the amount received therefor, less a pro rata share of the expenses of storage, publication of notice, and sale expenses, but without interest. Such payment shall be also made from the General Fund.

Subd. 3. Disposal of Excess Property.

A. Declaration of Surplus and Authorizing Sale of Property. The City Clerk-Treasurer may, from time to time, recommend to the City Council that certain personal property (chattels) owned by the City is no longer needed for a municipal purpose and should be sold. By action of the City Council, said property shall be declared surplus, the value estimated and the City Clerk-Treasurer authorized to dispose of said property in the manner stated herein.

B. Surplus Property With a Total Estimated Value of Less than \$100.00. The City Clerk-Treasurer may sell surplus property with a total value of less than \$100.00 through

negotiated sale.

C. Surplus Property With a Total Estimated Value Between \$100.00 and \$500.00. The City Clerk-Treasurer shall offer for public sale, to the highest bidder, surplus property with a total estimated value of from \$100.00 to \$500.00. Notice of such public sale shall be given stating time and place of sale and generally describing the property to be sold at least ten days prior to the date of sale either by publication once in the official newspaper, or by posting in a conspicuous place in the City at the City Clerk-Treasurer's option. Such sale shall be by auction.

D. Surplus Property With a Total Estimated Value Over \$500.00. The City Clerk-Treasurer shall offer for public sale, to the highest bidder, surplus property with a total estimated value over \$500.00. Notice of such public sale shall be given stating time and place of sale and generally describing property to be sold at least ten days prior to the date of sale by publication once in the official newspaper. Such sale shall be to the person submitting the highest bid.

E. Receipts From Sales of Surplus Property. All receipts from sales of surplus property under this Section shall be placed in the General Fund.

Subd. 4. Persons Who May Not Purchase - Exception.

A. No employee of the City who is a member of the administrative staff, department head, a member of the City Council, or an advisor serving the City in a professional capacity, may be a purchaser of property under this Section. Other City employees may be purchasers if they are not directly involved in the sale, if they are the highest responsible bidder, and if at least one week's published or posted notice of sale is given.

B. It is unlawful for any person to be a purchaser of property under this Section if such purchase is prohibited by the term of this Section.

(Sections 9.45 through 9.49, inclusive, reserved for future expansion.)

SECTION 9.50. AIR POLLUTION CONTROL.

Subd. 1. It is unlawful for any person to burn or permit burning of any grass, weeds, leaves, rubbish or other substance upon premises owned or occupied by him, except as otherwise provided by this Code.

Subd. 2. The Air Pollution Control Rules, 1976, APC 1 through 32, 6 MCAR 4.0033, 6 MCAR 4.0039 and 6 MCAR 4.0041, updated through 1983, promulgated by the Minnesota Pollution Control Agency, are hereby adopted by reference as though set forth verbatim herein. One copy of said Rules shall be marked CITY OF JASPER - OFFICIAL COPY and kept on file in the office of the City Clerk-Treasurer and open to inspection and use by the public. It is unlawful to

violate a provision of this Section or of the Air Pollution Control Rules hereby adopted by reference.

SECTION 9.51. MINNESOTA UNIFORM CODE.

Subd. 1. Adoption. The 1982 Edition of the Minnesota Uniform Fire Code is hereby adopted as though set forth verbatim herein. One copy of said Code shall be marked CITY OF JASPER - OFFICIAL COPY and kept on file in the office of the City Clerk-Treasurer and open to inspection and use by the public.

Subd. 2. Storage of Flammable and Explosives Material. No bulk plants for storage of flammable or combustible liquids, or bulk storage of liquefied petroleum gas, not established on the effective date of this Section, shall be permitted. No storage of explosives or blasting agents shall be permitted.

ection 9.52 Building Demolition

SEE Ordinance (Sections 9.52 through 9.98, inclusive, reserved for future expansion.)

JO. 03-147

SECTION 9.99. VIOLATION A MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, or performs an act prohibited or declared unlawful or fails to act when such failure is prohibited or declared unlawful by a Code adopted by reference by this Chapter, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Subd. 1. Violation of any section, subdivision, paragraph or provision of this Chapter, shall be deemed continuing in nature, and may be treated as a new and separate offense on each day (consisting of a 24 hour period commencing at 12 midnight) during which said violation occurs.

Ordinance No. 03-147

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF JASPER BY
ADDING A SECTION ON BUILDING DEMOLITION REQUIREMENTS

Section 1. The City Code of the City of Jasper is hereby amended by adding Section 9.52 to read as follows:

SEC. 9.52. BUILDING DEMOLITION.

Subd. 1. Permit Required. It shall be the duty of the owner of any building to be demolished, regardless of reason for the demolition, to secure a permit prior to commencement of any demolition activities. Applications shall be submitted to City Hall for review by the Council at the next regular or special meeting. Following a review and acceptance of the proposed demolition, the City Clerk shall issue a permit and inform the applicant of any special provisions associated with the demolition activities. If the application is incomplete or denied, the City Clerk will inform the applicant as to the reason for denial and information required to complete the application. A notification of intent to Perform a Demolition shall be filed with the Minnesota Pollution Control Agency and approval of all plans and required inspections completed (if required) prior to commencement of any demolition activities for all structures regulated by the MPCA.

Subd. 2. Exempt Buildings. One story detached accessory buildings used as tool/storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet.

Subd. 3. General Provisions. Application for a demolition permit shall include, but not be limited to:

- (1) Site address & legal description of subject property.
- (2) Proof of ownership.
- (3) Schedule of commencement and completion of work.
- (4) Copies or original authorization documents as received from any and all regulatory agencies as required.
- (5) Verification of notification to all utility providers serving the property.
- (6) Any additional information as required by the Building Official.

Protection of pedestrians during demolition shall be maintained at all times. No building, building site, or excavation shall be allowed to be unprotected from the public at any time. Fences or other approved barriers are required to be erected and secured for unauthorized access during any time the owner or his authorized representative is not on the demolition site actively involved in the demolition. The Owner of the property being demolished is responsible to protect adjoining private property and public improvements, including but not necessarily limited to, streets, sidewalks, curb, gutter, water lines and sewer lines. The Owner of the property being demolished is liable for

any damages caused to private or public property as a result of any permitted demolition activities.

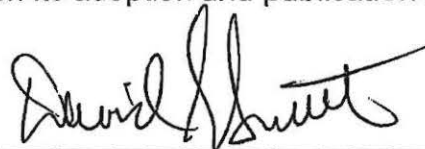
Subd. 4. Clean Up and Disposal of Demolition Debris. All debris and waste materials generated from the demolition of any structure shall be disposed of in accordance with guidelines established by the Pipestone County Land Management Office and Minnesota Pollution Control Agency. All plans for disposal of demolition waste shall be submitted with the application for permit. No materials will be allowed to be left or buried on the site. This will include, but not be limited to, any waste materials from the structure as well as any foundation materials.

Subd. 5. Commencement and Completion. All activities authorized by issuance of a demolition permit shall be commenced within thirty (30) days of permit issuance. Unless approved during the permitting process, all demolition activities and site work restoration shall be completed in no more than thirty (30) days from date of commencement. Failure to complete all work authorized by permit shall constitute a violation of the Jasper City Code and said violation shall be punished as for a misdemeanor. Violations shall be deemed continuing in nature and may be treated as a new and separate offense each day (consisting of a 24-hour period commencing at 12:00 midnight) during which said violation occurs. If, after a period of not less than thirty (30) days from the date of final notice and order to complete demolition activities has been issued by the City, the City may cause the property to be sold and building demolished and the materials, rubble, and debris there from removed and the lot cleaned. Any such demolition work shall be accomplished and the cost thereof paid and recovered as a personal obligation of the property owner or the City may assess said charges against the property involved.

Section 2. The City Clerk is hereby instructed to prepare the necessary forms and documents to effectuate this ordinance and to publish the same in the official newspaper as required.

Section 3. This ordinance shall be effective upon its adoption and publication in accordance with law.

Adopted this 27th day of May, 2003



David Smith, Mayor

Attest:



Kris Rodman, City Clerk

CHAPTER 10

LISTING OF UNCODED ORDINANCES IN EFFECT

All Ordinances described in this Chapter remain in effect after adopting of the City Code. They are of a permanent and continuing nature as authority for a specific act which has been performed. These ordinances may be in the nature of a contract and of only occasional reference value. For this reason it appears justified to list and describe said ordinances here only to facilitate finding them in the event that it becomes necessary.

No. 65

AN ORDINANCE AWARDDING A FRANCHISE WITH THE VILLAGE OF JASPER AND THE MINNESOTA GAS COMPANY (LATER MINNEGASCO THEN TO NORAM ENERGY CORP). Dated 7/79 to run for 25 years, until 2004.

No. 65 B

AN ORDINANCE AWARDDING A FRANCHISE FOR HOME LIGHT & POWER FOR ELECTRICAL ENERGY & DELIVERANCE WITHIN VILLAGE OF JASPER (LATER SOLD TO NSP). Dated 1/82 to run for 25 years, until 2007.

No. 79

AN ORDINANCE CREATING & AWARDDING A CABLE COMMUNICATIONS FRANCHISE FOR JASPER, MN, AND RULES GOVERNING OPERATION OF SAME. Dated 2/10/98 to run 15 years, until 2013.

No. 80 & 80 A

AN ORDINANCE CREATING FLOOD PLAIN MANAGEMENT "SPECIAL CONVERSION" IN ORDER TO MAINTAIN THE COMMUNITY'S ELIGIBILITY IN THE NATIONAL FLOOD INSURANCE PROGRAM AND FEDERAL EMERGENCY MANAGEMENT AGENCY. Dated 7/86 and amended 8/90.

No. 85 & 85 A

AN ORDINANCE REGULATING THE USE OF LAND IN JASPER BY DISTRICTS, INCLUDING THE REGULATIONS OF THE LOCATION, SIZE, USE AND HEIGHT OF BUILDINGS, THE ARRANGEMENT OF BUILDINGS ON LOTS AND THE DENSITY OF POPULATION FOR THE PURPOSE OF PROMOTING THE PUBLIC HEALTH, SAFETY, ORDER, CONVENIENCE, AND GENERAL WELFARE OF JASPER. Dated 1/92 w/amendments 7/92, 5/94, & 4/98. FENCING AMENDMENT, dated 12/94.

RESOLUTION NO. 94-88

ENABLING RESOLUTION ESTABLISHING THE JASPER ECONOMIC
DEVELOPMENT AUTHORITY UNDER MINNESOTA STATUTES,
SECTIONS 469.090 THROUGH 469.108

BE IT RESOLVED by the City Council (the "Council") of the City of Jasper, Minnesota (the "City"), as follows:

1. Recitals. The City is authorized pursuant to Minnesota Statutes, Sections 469.090 through 469.108 (the "Economic Development Authority Act"), to establish an economic development authority for the City, and the Council desires to do so in order to promote certain economic, commercial, housing, and/or industrial development and notice of a public hearing on the establishment by the City of an economic development authority to be published in a newspaper of general circulation in the City once each week for two consecutive weeks, and pursuant to such notice, a public hearing on said question has been held by the Council on the date hereof, at which hearing all persons desiring to present their oral or written comments on this proposal were given an opportunity to do so.

2. Establishment of Economic Development Authority. Pursuant to the Economic Development Authority Act, the Council hereby establishes an economic development authority for the City, to be known as the Jasper Economic Development Authority (the "EDA"). The EDA shall be governed by a board of commissioners thereof consisting of the members of the Council, and the term of each such commissioner of the EDA shall coincide with that commissioner's membership on the City Council.

3. Powers. The EDA shall have all powers given to an economic development authority pursuant to the Economic Development Authority Act, as the same may be amended or supplemented.

Adopted by the Jasper City Council on March 29, 1994.