

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: ANIMALS

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GENERAL PROVISIONS

§ 90.01 LIMITATION ON OWNERSHIP.

(A) *Single-family residences.* Property owners may have custody of, at any one time, two dogs and two cats. This section does not apply to:

- (1) One litter of pups or kittens under 90 days of age born to a licensed dog or cat; or

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(2) Residents of newly annexed areas; provided that, the owners have the animals licensed within 90 days after annexation occurs and until such time as one or more of the extra pets dies or for some other reason is not owned or possessed by the property owner.

(B) *Multi-family residences.* A multi-family residence may have no more than one dog and one cat. (Ord. passed 4-17-2006) Penalty, see § 90.99

§ 90.02 DOGS AND CATS.

(A) *Running at large prohibited.* It shall be unlawful for the dog or cat of any person who owns, harbors, or keeps a dog or cat, to run at large. A person, who owns, harbors, or keeps a dog or cat which runs at large shall be guilty of a misdemeanor. Dogs or cats on a leash and accompanied by a responsible person or accompanied by and under the control and direction of a responsible person, so as to be effectively restrained by command as by leash, shall be permitted in streets or on public land unless the city has posted an area with signs reading, "Dogs or Cats Prohibited."

(B) *License required.*

(1) All dogs over the age of six months kept, harbored, or maintained by their owners in the city, shall be licensed and registered with the city. Dog licenses shall be issued by the City Clerk-Administrator-Treasurer upon payment of the license fee as established by the Ordinance Establishing Fees and Charges, as that ordinance may be amended from time to time. The owner shall state, at the time application is made for the license and upon forms provided, his or her name and address and the name, breed, color, and sex of each dog owned or kept by him or her. No license shall be granted for a dog that has not been vaccinated against distemper and rabies, as evidenced by a certificate by a veterinarian qualified to practice in the state in which the dog is vaccinated.

(2) It shall be the duty of each owner of a dog subject to this section to pay to the City Clerk-Administration-Treasurer the license fee established in the Ordinance Establishing Fees and Charges, as it may be amended from time to time.

(3) Upon payment of the license fee as established by the Ordinance Establishing Fees and Charges, as that ordinance may be amended from time to time, the City Clerk-Administrator-Treasurer shall issue to the owner a license certificate and metallic tag for each dog licensed. The tag shall have stamped on it the year for which it is issued and the number corresponding with the number on the certificate. Every owner shall be required to provide each dog with a collar to which the license tag must be affixed, and shall see that the collar and tag are constantly worn. In case a dog tag is lost or destroyed, a duplicate shall be issued by the City Clerk-Administrator-Treasurer. A charge shall be made for each duplicate tag in an amount established in the Ordinance Establishing Fees and Charges, as it may be amended from time to time. Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee or tag because of death of a dog or the owner's leaving the city before the expiration of the license period.

(4) The licensing provisions of this division (B) shall not apply to dogs whose owners are nonresidents temporarily within the city, nor to dogs brought into the city for the purpose of participating in any dog show. Service animals do not require a license.

(5) The funds received by the City Clerk-Administrator-Treasurer from all dog licenses and metallic tags fees as established by the Ordinance Establishing Fees and Charges, as that ordinance may be amended from time to time, shall first be used to defray any costs incidental to the enforcement of this chapter; including, but not restricted to, the costs of licenses, metallic tags, and impounding and maintenance of the dogs.

(C) *Cats.* Cats shall be included as controlled by this division insofar as running-at-large, pickup, impounding, boarding, licensing and proof of anti-rabies vaccine is concerned. All other provisions of this section shall also apply to cats unless otherwise provided.

(D) *Vaccination.*

(1) All dogs and cats kept harbored, maintained, or transported within the city shall be vaccinated at least once every three years by a licensed veterinarian for:

(a) Rabies - with a live modified vaccine; and

(b) Distemper.

(2) A certificate of vaccination must be kept on which is stated the date of vaccination, owner's name and address, the animal's name (if applicable), sex, description and weight, the type of vaccine, and the veterinarian's signature. Upon demand made by the City Clerk-Administrator-Treasurer, the Animal Control Officer or a police officer, the owner shall present for examination the required certificate(s) of vaccination for the animal(s). In cases where certificates are not presented, the owner or keeper of the animal(s) shall have seven days in which to present the certificate(s) to the City Clerk-Administrator-Treasurer or officer. Failure to do so shall be deemed a violation of this section. Penalty, see § 90.99

§ 90.03 LICENSING AND VACCINATIONS.

(A) No person shall keep any dog or cat over three months of age in his or her possession within the city limits without securing a license from the City Clerk-Administrator-Treasurer.

(B) Pet owners must present evidence of a current rabies vaccination to the City Clerk-Administrator-Treasurer.

(C) Pet owners that can present evidence that their pets have been spayed or neutered will receive a discounted license.

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(D) The City Clerk-Administrator-Treasurer shall keep a record of all licenses issued and shall issue a metal tag for each license, which shall be securely fastened to the animal's collar for identification.

(E) Licenses shall expire on April 30 following the issuance.

(F) The annual license fee shall be maintained by the City Clerk-Administrator-Treasurer and may be adjusted from time to time.

(Ord. passed 4-17-2006) Penalty, see § 90.99

§ 90.04 IMPOUNDING DOGS AND CATS.

It shall be the duty of the city's police to impound any dog or cat found running at large. They shall give notice of the impounding to the owner of the dog or cat, if known. If the owner is unknown, notice shall be posted at the City Hall that, if the dog or cat is not claimed within five days from the posting of the notice, it will be destroyed. The dog or cat shall be kept in a humane manner for the five-day period. If, upon expiration of the five-day period, the dog or cat is not claimed, it may be sold for an amount not to exceed boarding and other fees or it shall be destroyed in a humane manner. The city shall charge an impoundment fee for any cat or dog so held. The impoundment fee shall be maintained by the City Clerk-Administrator-Treasurer and may be adjusted from time to time. A license fee shall be paid for unlicensed animals before being released from impoundment. The animal owner or claimant shall pay to the impound facility all boarding expenses, inoculation shots, treatment and any other charges incidental to impoundment before the animal is released.

(Ord. passed 4-17-2006)

§ 90.05 NUISANCES.

The owner of any dog or any other animal shall prevent the animal from committing any act that constitutes a nuisance.

(A) *Noise.* It is a nuisance for any dog or cat or any other animal to frequently or habitually cry, bark, molest or annoy any person away from the property of its owner or custodian. No person shall keep any animal that unreasonably disturbs the comfort or repose of person in the vicinity by its frequent or continued noise.

(B) *Damage.* It shall be unlawful for any dog or other animal to damage any lawn, garden or other property, whether or not the owner has knowledge of the damage.

(C) *Litter.* The owner of any animal or person having the custody or control of any animal shall be responsible for cleaning up any feces of the animal and disposing of the feces in a sanitary manner whether on his or her own property, on the property of others or on public property.

(Ord. passed 4-17-2006) Penalty, see § 90.99

§ 90.06 QUARANTINE OF CERTAIN DOGS OR CATS.

Any dog or cat that bites a person shall be quarantined for such time as may be directed by the city's Health Officer. During quarantine, the animal shall be securely confined and kept from contact with any other animal. At the discretion of the Health Officer, the quarantine may be on the premises of the owner; however, if the Health Officer requires other confinement, the owner shall surrender the animal for the quarantine period to an animal shelter or shall, at his or her own expense, place it in a veterinary hospital.

(Ord. passed 4-17-2006)

§ 90.07 OTHER ANIMALS.

Except as provided in §§ 90.20 through 90.25 of this chapter, it shall be unlawful to keep or harbor in the city limits any animal other than domestic cats or dogs or chickens.

(Ord. passed 4-17-2006; Ord. 2017-03, passed 8-21-2017) Penalty, see § 90.99

§ 90.08 ENFORCEMENT.

(A) The Police Department shall enforce the provisions of this subchapter. The Police Department may inspect private premises and shall make all reasonable efforts to prevent violations of this subchapter, including, but not limited to, obtaining administrative search warrants to gain access to private property when consent to access is not granted.

(B) Any of the following are a violation of this subchapter:

(1) Any dog or cat at any time has destroyed property or has trespassed on the property of persons other than the owner or owners;

(2) Any dog or cat at any time has bitten a person other than the owner or custodian;

(3) Any dog of cat is vicious or shows vicious habits or molests pedestrians or interferes with vehicles on any public street, alley or other roadway; and/or

(4) Failure to comply with any part of §§ 90.20 through 90.25 of this chapter.

(Ord. passed 4-17-2006; Ord. 2017-03, passed 8-21-2017) Penalty, see § 90.99

BACKYARD CHICKENS**§ 90.20 CERTAIN CHICKENS ALLOWED BY PERMIT.**

Up to five female chickens are permitted to be kept on parcels that are within city limits; provided that, the owner obtains a backyard chicken permit from the city. Chickens must not be raised or kept for the purpose of fighting. No permit will be granted by the city to keep any chickens within a dwelling or garage, nor on a property which contains two or more dwelling units. No outdoor butchering of chickens is allowed. No roosters are allowed.

(Ord. 2017-03, passed 8-21-2017) Penalty, see § 90.99

§ 90.21 DEFINITIONS.

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

CHICKEN COOP. A temporary structure for housing chickens made of wood or other similar materials that provides shelter from the elements and which meets the other requirements set forth in this subchapter.

CHICKEN RUN. An enclosed yard for keeping chickens and otherwise meets the requirements of this subchapter.

(Ord. 2017-03, passed 8-21-2017)

§ 90.22 PERMIT REQUIRED; FEE AUTHORIZED.

(A) (1) Any person desiring to obtain a backyard chicken permit under this subchapter must make a written application to the City Clerk-Administrator-Treasurer on a form provided by the city and pay an application fee. Fees to be charged for the issuance of a permit to keep chickens shall be set by City Council on the fee schedule.

(2) The application must include a scaled diagram that shows the location of the chicken coop and run. The diagram must show the distance of the coop and run from adjoining structures and property lines, as well as the actual dimensions of the coop and run. The city shall deny any application that does not meet the requirements of this subchapter. A maximum of five permits at any one time shall be issued.

(B) All initial permits will expire on December 31 of the following year after their issuance unless sooner revoked. Renewal permits shall expire on December 31 of each subsequent year, unless revoked sooner.

(C) A permit is subject to all terms and conditions of this subchapter and any additional conditions deemed necessary by the city to protect the public health, safety and welfare. Private restrictions, such

as covenants, take precedence over the permit. A permit issued to a person whose premises are subject to covenants that prohibit the keeping of chickens is subject to be voided. The interpretation and enforcement of the private restrictions is the sole responsibility of the private parties involved.

(D) All chickens will be banded with identification bands, with the cost of the bands to be incurred by the owner.

(Ord. 2017-03, passed 8-21-2017) Penalty, see § 90.99

§ 90.23 INSPECTIONS.

(A) The city may inspect the premises for which a permit has been granted in order to ensure compliance with this subchapter.

(B) If the city is not able to obtain the permit holder's consent to enter the property, it may seek an administrative search warrant.

(Ord. 2017-03, passed 8-21-2017)

Cross-reference:

Enforcement, see § 10.20

§ 90.24 STANDARDS FOR KEEPING.

(A) All chickens must be kept in an enclosed chicken coop with an appropriately-sized chicken run. The chicken's living area must be maintained in a clean and sanitary condition, devoid of all rodents and vermin and free from objectionable odors. Waste must be disposed of on a regular basis. Grains and feed must be stored in rodent- and raccoon-proof containers inside of a structure. The enclosed coop and run must be maintained in good condition and be sufficient in strength and size to allow the chickens to move about, but also able to prevent escape. The enclosed coop must have a minimum square footage of four feet per chicken, but must not exceed a total of ten square feet per chicken. The coop height must be between four and six feet to allow chickens to roost above ground. The chicken run must have a minimum square footage of ten square feet per chicken, but must not exceed a total of 50 square feet or six feet in height. The coop and run must be located in the backyard and set back at least 20 feet from any residential dwelling on any adjacent lot and at least ten feet from the property lines.

(B) No person shall allow any chicken under his or her ownership or control to violate §§ 91.01 through 91.06 of this code of ordinances.

(C) Persons that intend to no longer keep chickens on their premises shall notify the City Clerk-Administrator-Treasurer; if there is a coop, it must be removed upon expiration of the permit.

(D) Dead chickens must be disposed of according to the state's Board of Animal Health rules.

(Ord. 2017-03, passed 8-21-2017) Penalty, see § 90.99

§ 90.25 VIOLATIONS.

(A) If any person is found guilty by a court for violation of this subchapter, his or her permit to own, keep, harbor or have custody of chickens shall be deemed automatically revoked and no new permit may be issued to them for a period of one year.

(B) (1) Any person violating any conditions of this permit shall reimburse the city for all costs borne by the city to enforce the conditions of the permit including, but not limited to, the pickup and impounding of chickens.

(2) Cost of inspection due to complaint regarding policy violation shall be paid by the owner of the animal(s).

(C) In addition to the other penalties described herein, the city may suspend or revoke a permit for failure to comply with provisions of this subchapter or any of the permit's conditions. Prior to revoking a permit, the city shall provide the owner with notice of the revocation and an opportunity to appeal the revocation to the City Council.

(Ord. 2017-03, passed 8-21-2017)

§ 90.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any violation of the provisions of §§ 90.01 through 90.08 of this chapter is a petty misdemeanor and shall be punishable by payment of a fine to the City Clerk-Administrator-Treasurer. The City Clerk-Administrator-Treasurer shall keep a schedule of fines, which may be adjusted from time to time. A person charged with a petty misdemeanor hereunder is not entitled to a jury trial, but may be tried by a judge without a jury. If convicted, the person is not subject to imprisonment, but shall be punished by a fine of an amount in accordance with the current city fee schedule.

(C) Any person violating any section of §§ 90.20 through 90.25 of this chapter shall be deemed guilty of a petty misdemeanor.

(Ord. passed 4-17-2006; Ord. 2017-03, passed 8-21-2017)

CHAPTER 91: HEALTH AND SAFETY; NUISANCES

Section

- 91.01 Public nuisance
- 91.02 Public nuisances affecting health
- 91.03 Public nuisances affecting morals and decency
- 91.04 Public nuisances affecting peace and safety
- 91.05 Nuisance parking and storage
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- 91.08 Duties of city officers
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§ 91.01 PUBLIC NUISANCE.

A person must not act, or fail to act in a manner that is or causes a public nuisance. For purpose of this chapter, a person who does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor:

(A) Maintains or permits a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public;

(B) Interferes with, obstructs or renders dangerous for passage any public highway or right-of-way, or waters used by the public; or

(C) Does any other act or omission declared by law or §§ 91.02, 91.03 or 91.04, or any other part of this code to be a public nuisance and for which no sentence is specifically provided.

Penalty, see § 10.99

§ 91.02 PUBLIC NUISANCES AFFECTING HEALTH.

The following are hereby declared to be nuisances affecting health:

(A) Exposed accumulation of decayed or unwholesome food or vegetable matter;

(B) All diseased animals running at large;

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(C) All ponds or pools of stagnant water;

(D) Carcasses of animals not buried or destroyed within 24 hours after death;

(E) Accumulations of manure, refuse or other debris;

(F) Privy vaults and garbage cans which are not rodent-free or fly-tight or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors;

(G) The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substances;

(H) All noxious weeds and other rank growths of vegetation upon public or private property;

(I) Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities;

(J) All public exposure of people having a contagious disease;

(K) Any offensive trade or business as defined by statute not operating under local license; and

(L) All unnecessary and annoying vibrations.

Penalty, see § 10.99

§ 91.03 PUBLIC NUISANCES AFFECTING MORALS AND DECENCY.

The following are hereby declared to be nuisances affecting public morals and decency:

(A) All gambling devices, slot machines and punch boards, except as otherwise authorized and permitted by federal, state or local law;

(B) Betting, bookmaking and all apparatus used in those occupations;

(C) All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame and bawdy houses;

(D) All places where intoxicating liquor is manufactured or disposed of in violation of law or where, in violation of law, people are permitted to resort for the purpose of drinking intoxicating liquor, or where intoxicating liquor is kept for sale or other disposition in violation of law, and all liquor and other property used for maintaining that place. For the purposes of this section *INTOXICATING LIQUOR* shall mean any ethyl alcohol, distilled, fermented, spirituous, vinous or malt beverage containing more than ½% alcohol by volume;

(E) Any vehicle used for the unlawful transportation of intoxicating liquor, or for promiscuous sexual intercourse, or any other immoral or illegal purpose.

Penalty, see § 10.99

§ 91.04 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

The following are declared to be nuisances affecting public peace and safety:

(A) All snow and ice not removed from public sidewalks 24 hours after the snow or other precipitation causing the condition has ceased to fall;

(B) All trees, hedges, billboards or other obstructions which prevent people from having a clear view of all traffic approaching an intersection;

(C) All wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;

(D) All obnoxious noises in violation of Minn. Rules Ch. 7030, as they may be amended from time to time which are hereby incorporated by reference into this code;

(E) The discharging of the exhaust or permitting the discharging of the exhaust of any stationary internal combustion engine, motor boat, motor vehicle, motorcycle, all terrain vehicle, snowmobile or any recreational device except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations;

(F) The using or operation or permitting the using or operation of any radio receiving set, musical instrument, phonograph, paging system, machine or other device for producing or reproduction of sound in a distinctly and loudly audible manner so as to disturb the peace, quiet and comfort of any person nearby. Operation of any device referred to above between the hours of 10:00 p.m. and 7:00 a.m. in a manner so as to be plainly audible at the property line of the structure or building in which it is located, or at a distance of 50 feet if the source is located outside a structure or building shall be prima facie evidence of violation of this section;

(G) No person shall participate in any party or other gathering of people giving rise to noise, unreasonably disturbing the peace, quiet, or repose of another person. When a police officer determines that a gathering is creating such a noise disturbance, the officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disperse immediately. No person shall refuse to leave after being ordered by a police officer to do so. Every owner or tenant of such premises who has knowledge of the disturbance shall make every reasonable effort to see that the disturbance is stopped;

(H) Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks or public grounds except under conditions as are permitted by this code or other applicable law;

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(I) Radio aerials or television antennae erected or maintained in a dangerous manner;

(J) Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the street or sidewalk;

(K) All hanging signs, awnings and other similar structures over streets and sidewalks, so situated so as to endanger public safety, or not constructed and maintained as provided by ordinance;

(L) The allowing of rain water, ice or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk;

(M) Any barbed wire fence less than six feet above the ground and within three feet of a public sidewalk or way;

(N) All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;

(O) Waste water cast upon or permitted to flow upon streets or other public properties;

(P) Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies or other material in a manner conducive to the harboring of rats, mice, snakes or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health or safety hazards from accumulation;

(Q) Any well, hole or similar excavation which is left uncovered or in another condition as to constitute a hazard to any child or other person coming on the premises where it is located;

(R) Obstruction to the free flow of water in a natural waterway or a public street drain, gutter or ditch with trash or other materials;

(S) The placing or throwing on any street, sidewalk or other public property of any glass, tacks, nails, bottles or other substance which may injure any person or animal or damage any pneumatic tire when passing over the substance;

(T) The depositing of garbage or refuse on a public right-of-way or on adjacent private property;

(U) All other conditions or things which are likely to cause injury to the person or property of anyone.

(V) (1) *Noises prohibited.*

(a) *General prohibition.* No person shall make or cause to be made any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose,

health, peace, safety, or welfare of any person or precludes their enjoyment of property or affects their property's value. This general prohibition is not limited by the specific restrictions of this section.

(b) *Defective vehicles or loads.* No person shall use any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling, or other noise.

(c) *Loading, unloading, unpacking.* No person shall create loud or excessive noise in loading, unloading, or unpacking any vehicle.

(d) *Radios, phonographs, paging systems, and the like.* 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 distinct 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 50 feet if the source is located outside a structure or building, shall be prima facie evidence of a violation of this section.

(e) *Schools, churches, hospitals, and the like.* 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.

(2) *Hourly restriction of certain operations.*

(a) *Domestic power equipment.* No person shall operate a power lawn mower, power hedge clipper, chain saw, mulcher, garden tiller, edger, drill or other similar domestic power maintenance equipment except between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday. Snow removal equipment is exempt from this provision.

(b) *Refuse hauling.* No person shall collect or remove garbage or refuse in any residential district except between the hours of 6:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday.

(c) *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 power equipment except between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday.

(3) *Noise impact statements.* The Council may require any person applying for a change in zoning classification 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 Council. It shall evaluate each such statement and take its evaluation into account in approving or disapproving the license or permit applied for or the zoning change requested.

(W) Reflected glare or light from private exterior lighting exceeding 0.5 footcandles as measured on the property line of the property where the lighting is located when abutting any residential parcel, and one footcandle when abutting any commercial or industrial parcel.

Penalty, see § 10.99

§ 91.05 NUISANCE PARKING AND STORAGE.

(A) *Declaration of nuisance.* The outside parking and storage on residentially-zoned property of large numbers of vehicles and vehicles, materials, supplies or equipment not customarily used for residential purposes in violation of the requirements set forth below is declared to be a public nuisance because it (a) obstructs views on streets and private property, (b) creates cluttered and otherwise unsightly areas, (c) prevents the full use of residential streets for residential parking, (d) introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited, (e) decreases adjoining landowners' and occupants' enjoyment of their property and neighborhood, and (f) otherwise adversely affects property values and neighborhood patterns.

(B) *Unlawful parking and storage.*

(1) A person must not place, store, or allow the placement or storage of ice fish houses, skateboard ramps, playhouses or other similar non-permanent structures outside continuously for longer than 24 hours in the front-yard area of residential property unless more than 100 feet back from the front property line.

(2) A person must not place, store, or allow the placement or storage of pipe, lumber, forms, steel, machinery, or similar materials, including all materials used in connection with a business, outside on residential property, unless shielded from public view by an opaque cover or fence.

(3) A person must not cause, undertake, permit or allow the outside parking and storage of vehicles on residential property unless it complies with the following requirements:

(a) No more than four vehicles per lawful dwelling unit may be parked or stored anywhere outside on residential property, except as otherwise permitted or required by the city because of nonresidential characteristics of the property. This maximum number does not include vehicles of occasional guests who do not reside on the property.

(b) Vehicles that are parked or stored outside in the front-yard area must be on a paved or graveled parking surface or driveway area.

(c) Vehicles, watercraft and other articles stored outside on residential property must be owned by a person who resides on that property. Students who are away at school for periods of time but still claim the property as their legal residence will be considered residents on the property.

Penalty, see § 10.99

§ 91.06 INOPERABLE MOTOR VEHICLES.

(A) *Declaration of a nuisance.* Any motor vehicles described in this section constitute a hazard to the health and welfare of the residents of the community in that such vehicles can harbor noxious diseases, furnish a shelter and breeding place for vermin and present physical danger to the safety and well-being of children and citizens; and vehicles containing fluids which, if released into the environment, can and do cause significant health risks to the community.

(B) It shall be unlawful to keep, park, store or abandon any motor vehicle which is not in operating condition, partially dismantled, used for repair of parts or as a source of repair or replacement parts for other vehicles, kept for scrapping, dismantling or salvage of any kind, or which is not properly licensed for operation with the state, pursuant to M.S. § 168.13, as it may be amended from time to time.

(C) This section does not apply to a motor vehicle enclosed in a building and/or kept out of view from any street, road or alley, and which does not foster complaint from a resident of the city. A privacy fence is permissible.

Penalty, see § 10.99

§ 91.07 BUILDING MAINTENANCE AND APPEARANCE.

(A) *Declaration of nuisance.* Buildings, fences and other structures that have been so poorly maintained that their physical condition and appearance detract from the surrounding neighborhood are declared to be public nuisances because they (a) are unsightly, (b) decrease adjoining landowners and occupants' enjoyment of their property and neighborhood, and (c) adversely affect property values and neighborhood patterns.

(B) *Standards.* A building, fence or other structure is a public nuisance if it does not comply with the following requirements:

(1) No part of any exterior surface may have deterioration, holes, breaks, gaps, loose or rotting boards or timbers.

(2) Every exterior surface that has had a surface finish such as paint applied must be maintained to avoid noticeable deterioration of the finish. No wall or other exterior surface may have peeling, cracked, chipped or otherwise deteriorated surface finish on more than 20% of:

(a) Any one wall or other flat surface; or

(b) All door and window moldings, eaves, gutters, and similar projections on any one side or surface.

(3) No glass, including windows and exterior light fixtures, may be broken or cracked, and no screens may be torn or separated from moldings.

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(4) Exterior doors and shutters must be hung properly and have an operable mechanism to keep them securely shut or in place.

(5) Cornices, moldings, lintels, sills, bay or dormer windows and similar projections must be kept in good repair and free from cracks and defects that make them hazardous or unsightly.

(6) Roof surfaces must be tight and have no defects that admit water. All roof drainage systems must be secured and hung properly.

(7) Chimneys, antennae, air vents, and other similar projections must be structurally sound and in good repair. These projections must be secured properly, where applicable, to an exterior wall or exterior roof.

(8) Foundations must be structurally sound and in good repair.
Penalty, see § 10.99

§ 91.08 DUTIES OF CITY OFFICERS.

For purposes of §§ 91.08 and 91.09, the Police Department, or Sheriff or person designated by the City Council under § 10.20, if the city has at the time no Police Department, may enforce the provisions relating to nuisances. Any peace officer or designated person shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances. Except in emergency situations of imminent danger to human life and safety, no police officer or designated person shall enter private property for the purpose of inspecting or preventing public nuisances without the permission of the owner, resident or other person in control of the property, unless the officer or person designated has obtained a warrant or order from a court of competent jurisdiction authorizing the entry, as provided in § 10.20.

§ 91.09 ABATEMENT.

(A) *Notice.* Written notice of violation; notice of the time, date, place and subject of any hearing before the City Council; notice of City Council order; and notice of motion for summary enforcement hearing shall be given as set forth in this section.

(1) *Notice of violation.* Written notice of violation shall be served by a peace officer or designated person on the owner of record or occupant of the premises either in person or by certified or registered mail. If the premises is not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept notice of violation, notice of violation shall be served by posting it on the premises.

(2) *Notice of City Council hearing.* Written notice of any City Council hearing to determine or abate a nuisance shall be served on the owner of record and occupant of the premises either in person or by certified or registered mail. If the premises is not occupied, the owner of record is unknown, or

the owner of record or occupant refuses to accept notice of the City Council hearing, notice of City Council hearing shall be served by posting it on the premises.

(3) *Notice of City Council order.* Except for those cases determined by the city to require summary enforcement, written notice of any City Council order shall be made as provided in M.S. § 463.17 (Hazardous and Substandard Building Act), as it may be amended from time to time.

(4) *Notice of motion for summary enforcement.* Written notice of any motion for summary enforcement shall be made as provided for in M.S. § 463.17 (Hazardous and Substandard Building Act), as it may be amended from time to time.

(B) *Procedure.* Whenever a peace officer or designated person determines that a public nuisance is being maintained or exists on the premises in the city, the officer or person designated may notify in writing the owner of record or occupant of the premises of such fact and order that the nuisance be terminated or abated. The notice of violation shall specify the steps to be taken to abate the nuisance and the time within which the nuisance is to be abated. If the notice of violation is not complied with within the time specified, the officer or designated person shall report that fact forthwith to the City Council. Thereafter, the City Council may, after notice to the owner or occupant and an opportunity to be heard, determine that the condition identified in the notice of violation is a nuisance and further order that if the nuisance is not abated within the time prescribed by the City Council, the city may seek injunctive relief by serving a copy of the City Council order and notice of motion for summary enforcement or obtain an administrative search and seizure warrant and abate the nuisance.

(C) *Emergency procedure; summary enforcement.* In cases of emergency, where delay in abatement required to complete the notice and procedure requirements set forth in divisions (A) and (B) of this section will permit a continuing nuisance to unreasonably endanger public health safety or welfare, the City Council may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the officer or designated person shall determine that a public nuisance exists or is being maintained on premises in the city and that delay in abatement of the nuisance will unreasonably endanger public health, safety or welfare. The officer or designated person shall notify in writing the occupant or owner of the premises of the nature of the nuisance and of the city's intention to seek summary enforcement and the time and place of the City Council meeting to consider the question of summary enforcement. The City Council shall determine whether or not the condition identified in the notice to the owner or occupant is a nuisance, whether public health, safety or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in division (A) of this section, and may order that the nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the City Council may order summary enforcement and abate the nuisance.

(D) *Immediate abatement.* Nothing in this section shall prevent the city, without notice or other process, from immediately abating any condition which poses an imminent and serious hazard to human life or safety.

Penalty, see § 10.99

§ 91.10 RECOVERY OF COST.

(A) *Personal liability.* The owner of premises on which a nuisance has been abated by the city or a person who has caused a public nuisance on a property not owned by that person shall be personally liable for the cost to the city of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the City Clerk-Administrator-Treasurer or other official shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the City Clerk-Administrator-Treasurer.

(B) *Assessment.* After notice and hearing as provided in M.S. § 429.061, as it may be amended from time to time, if the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect-infected trees, the City Clerk-Administrator-Treasurer shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other charges as well as other charges for current services to be assessed under M.S. § 429.101, as it may be amended from time to time, against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against the property under that statute and other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding ten, as the City Council may determine in each case.

Penalty, see § 10.99

CHAPTER 92: NOISE CONTROL

Section

- 92.01 Noises prohibited
- 92.02 Hourly restrictions on certain operations
- 92.03 Enforcement duties
- 92.04 Civil remedies
- 92.05 Noise impact statements

- 92.99 Penalty

§ 92.01 NOISES PROHIBITED.

(A) *General prohibition.* No person shall make or cause to be made any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, safety or welfare of any person or precludes their enjoyment of property or affects their property's value. This general prohibition is not limited by the specific restrictions of the following divisions.

(B) *Horns, audible signaling devices and the like.* No person shall sound any audible signaling device on any vehicle, except as a warning of danger, as required by M.S. § 169.68, as it may be amended from time to time.

(C) *Exhaust.* No person shall discharge the exhaust or permit the discharge of the exhaust of any steam engine, stationary internal combustion engine, motor boat, motor vehicle, snowmobile, lawnmower or other yard maintenance machine, except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations.

(D) *Defective vehicles or loads.* No person shall use any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling or other noise.

(E) *Loading, unloading, unpacking.* No person shall create loud or excessive noise in loading, unloading or unpacking any vehicle.

(F) *Radios, vehicle stereo/radio, phonographs, paging systems and the like.* No person shall use or operate or permit the use or operation of any radio receiving set, vehicle stereo/radio, musical

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instrument, phonograph, paging system, machine or other device for the production or reproduction of sound in a distinct 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 in 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 50 feet if the source is located outside a structure of building shall be prima facie evidence of a violation of this chapter.

(G) *Participation in noisy parties or gatherings.* No person shall participate in any party or other gathering of people giving rise to noise, unreasonably disturbing the peace, quiet or repose of another person. When a police officer determines that a gathering is creating a noise disturbance, the officer may order all persons present, other than the owner or tenant of the premises where the disturbance is occurring, to disperse immediately. No person shall refuse to leave after being ordered by a police officer to do so. Every owner or tenant of the premises who has knowledge of the disturbance shall make every reasonable effort to see that the disturbance is stopped.

(H) *Loudspeakers, amplifiers for advertising and the like.* 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.

(I) *Schools, churches, nursing homes and the like.* No person shall create any excessive noise on a street, alley or public grounds adjacent to any school, institution of learning, church or nursing home 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 the institution.
(Ord. passed 10-20-1997) Penalty, see § 92.99

§ 92.02 HOURLY RESTRICTIONS ON CERTAIN OPERATIONS.

(A) *Domestic power equipment.* No person shall operate a power lawnmower, power hedge clipper, chainsaw, mulcher, garden tiller, edger, drill or other similar domestic power maintenance equipment except between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday. Snow removal equipment is exempt from this provision.

(B) *Refuse hauling.* No person shall collect or remove garbage or refuse in any residential district, except between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday.

(C) *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 power equipment, except between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday.

(Ord. passed 10-20-1997) Penalty, see § 92.99

§ 92.03 ENFORCEMENT DUTIES.

The Police Department shall enforce the provisions of this chapter. The Police Department may inspect private premises other than private residences and shall make all reasonable efforts to prevent violation of this chapter.

(Ord. passed 10-20-1997)

§ 92.04 CIVIL REMEDIES.

This chapter may be enforced by injunction, action for abatement or other appropriate civil remedy.

(Ord. passed 10-20-1997)

§ 92.05 NOISE IMPACT STATEMENTS.

The Council may require any person applying for a change in zoning classification 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 Council. It shall evaluate each statement and take its evaluation into account in approving or disapproving the license or permit applied for or the zoning change requested.

(Ord. passed 10-20-1997)

§ 92.99 PENALTY.

Any violation of this chapter is a petty misdemeanor and, upon conviction, the violator shall be punished by a fine of an amount in accordance with the current city fee schedule. Subsequent violations of this chapter will be a misdemeanor punishable by a fine of an amount in accordance with the current city fee schedule or imprisonment for a term not to exceed 90 days, or both. In all cases the city shall be entitled to collect the costs of prosecution to the extent outlined by law, Rules of Criminal Procedure and the Rules of Court. Each act of violation and each day a violation occurs or continues constitutes a separate offense.

(Ord. passed 10-20-1997)

CHAPTER 93: TREES

Section

- 93.01 Policy declaration
- 93.02 Shade tree disease program
- 93.03 Tree Inspector
- 93.04 Disease control area
- 93.05 Nuisances declared
- 93.06 Abatement; inspection and investigation
- 93.07 Storage and stockpiling
- 93.08 Interference prohibited
- 93.09 City Forester

§ 93.01 POLICY DECLARATION.

The city has determined that the health of the elm and all other trees are threatened by fatal diseases of epidemic proportion, including Dutch Elm disease. It has further determined that the loss of trees growing upon 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 city to control and prevent the spread of disease and this chapter is intended for the purpose. (Ord. passed 6-2-1980)

§ 93.02 SHADE TREE DISEASE PROGRAM.

(A) It is the intention of the city to conduct a program of plant pest control pursuant to authority granted by M.S. Ch. 18B, as it may be amended from time to time. This program is directed specifically at the control and elimination of disease fungus and elm bark beetles and is undertaken at the recommendation of the Commissioner of Agriculture.

(B) The Tree Inspector, hereinafter provided for, shall act as coordinator between the Commissioner of Agriculture and the city in the conduct of this program, and shall secure compliance with all of the rules prescribed by the Commissioner of Agriculture pursuant to M.S. § 18B.03, as it may be amended from time to time, insofar as they apply to the city. (Ord. passed 6-2-1980)

§ 93.03 TREE INSPECTOR.

The Council shall appoint a Tree Inspector who shall meet all qualifications for the position, as set out in 3 MCAR § 1.0110(A)(3), and who shall perform all duties required by 3 MCAR §§ 1.0109 et seq. (Ord. passed 6-2-1980)

§ 93.04 DISEASE CONTROL AREA.

All real property, whether privately or publicly owned, located within the corporate limits is hereby designated as a “disease control area”. (Ord. passed 6-2-1980)

§ 93.05 NUISANCES DECLARED.

The following things are public nuisances whenever they are found within the city:

(A) Any living or standing elm tree or part thereof infested to any degree with Dutch Elm disease fungus, *Ceratocystis ulmi* (Buisman) Mureau or which harbors any of the elm bark beetles, *Scolytus multistriatus* (Eich.) or *Hylurgopinus rufipes* (March);

(B) Any dead elm tree or part thereof, including logs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle insecticide;

(C) Any living or standing oak tree or part thereof infested to any degree with oak wilt fungus *Ceratocystis Fagacearum*;

(D) Any dead oak tree or part thereof which in the opinion of the Tree Inspector constitutes a hazard, including, but not limited to, logs, branches, stumps, roots, firewood or other oak material, which has not been stripped of its bark and burned or sprayed with an effective fungicide; and

(E) Any other shade trees with an epidemic disease.
(Ord. passed 6-2-1980)

§ 93.06 ABATEMENT; INSPECTION AND INVESTIGATION.

(A) It is unlawful for any person to permit any public nuisance, as herein defined, to remain on any premises owned, leased, occupied or controlled by him or her. The nuisance may be abated in the manner prescribed by this chapter.

(B) (1) The Tree Inspector, or his or her agents or employee, shall inspect all premises and places within the city as often as practicable to determine whether any conditions described herein exists thereon. They shall investigate and report incidents of infestation by Dutch Elm fungus or elm bark beetles to the Council.

(2) The Tree Inspector, or his or her agents or employees, may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned to them hereunder.

(C) In abating the nuisance defined herein, the Tree Inspector, or his or her agents or employees, shall cause the infected tree or wood to be removed and burned or otherwise effectively treated so as to destroy and prevent as fully as possible the spread of epidemic diseases, including Dutch Elm disease fungus and elm bark beetles and Oak Wilt disease. He or she shall also take such steps as are necessary to prevent root graft transmission of the disease. The abatement procedures shall be carried out in accordance with the current technical and expert methods and plans as may be designated by the Commissioner of Agriculture of the state. The city shall establish specifications for tree removal and disposal methods consistent therewith.

(D) (1) Whenever the Tree Inspector, or his or her agents or employees, finds with reasonable certainty that the infestation defined in § 93.05 of this chapter exists in tree or wood located on private property, outside any public way in the city, they shall notify, by registered or certified mail, the owner, lessee, occupant or person in control of the property on which the nuisance is found, of the infestation and direct that the infestation shall be removed and burned, or otherwise effectively treated in an approved manner by the owner, lessee, occupant or person in control within ten days after receipt of the notice. The notice shall also state that, if the nuisance shall not be abated by the owner, lessee, occupant or person in control within the time provided, the owner, lessee, occupant or person in control may be charged with a violation of this chapter for maintaining a nuisance and that the city by and through its Council may abate the nuisances and assess the costs against the property. If the owner, lessee, occupant or person in control of any private property upon which a tree is situated fails to have the tree or wood so removed and burned or otherwise effectively treated, within ten days after receipt of notification by mail, the Tree Inspector, his or her agents or employees, shall proceed to have the tree removed and burned or otherwise effectively treated, and any expense incurred by the city in so doing shall be a charge and lien upon the property and shall be collected as a special assessment in the same manner as other special assessments.

(2) When the Tree Inspector, or his or her agents or employees, find conditions indicating the possibility of Dutch Elm, Oak Wilt or other infestation, and the Tree Inspector determines that confirmation is necessary, he or she immediately shall take and send appropriate specimens or samples to the state's Commissioner of Agriculture (Bureau of Plant Industry) for analysis or take other steps for diagnosis as may be recommended by the Commissioner of Agriculture. Except as provided in this section, no action to remove infested trees, nor wood, shall be taken until positive diagnosis, the owner, lessee, occupant or person in control of the property from which the specimen was obtained shall be notified of the result by registered mail.

(Ord. passed 6-2-1980) Penalty, see § 10.99

§ 93.07 STORAGE AND STOCKPILING.

(A) It is unlawful for any person to stockpile or store elm logs with bark intact within the disease control area during the period from April 1 through September 15.

(B) Permits are required for stockpiling or storing elm logs with bark intact.

(1) Application for permits shall be made with the City Clerk-Administrator-Treasurer, setting forth the address at which the logs are to be stored or stockpiled with the name, address and telephone number of the applicant.

(2) Within ten days of receipt of the application, the Tree Inspector shall inspect the proposed site to evaluate the desirability of the storage of logs thereon. After the inspection, the Tree Inspector shall either deny, approve or approve with restrictions of the application. If the Tree Inspector approves the application, the City Clerk-Administrator-Treasurer shall issue the permit, which shall terminate at 12:00 a.m. on March 31 immediately following the date of issuance of the permit.

(Ord. passed 6-2-1980) Penalty, see § 10.99

§ 93.08 INTERFERENCE PROHIBITED.

It is unlawful for any person to prevent, delay or interfere with the City Forester, or his or her agents or employees, while he, she or they are engaged in the performance of duties imposed by this chapter.

(Ord. passed 6-2-1980) Penalty, see § 10.99

§ 93.09 CITY FORESTER.

The position of City Forester is hereby created. The Park Superintendent of the city or such other city official or person as may be designated from time to time by the Council shall perform the duties of City Forester. The appointment to fill the position shall be made by a resolution of the Council.

(Ord. passed 6-2-1980)

CHAPTER 94: ABANDONED PROPERTY

Section

Abandoned Motor Vehicles

- 94.01 Impoundment and sale
- 94.02 Summary action in certain cases
- 94.03 Disposition of proceeds

Other Abandoned Property

- 94.15 Procedure
- 94.16 Storage
- 94.17 Claim by owner
- 94.18 Sale
- 94.19 Disposition of proceeds

ABANDONED MOTOR VEHICLES

§ 94.01 IMPOUNDMENT AND SALE.

The city's Police Department shall take into custody and impound any abandoned motor vehicle, as defined by M.S. § 168B.011, as it may be amended from time to time. It shall give notice of the taking as provided by law and, if the owner or any lienholder does not reclaim the vehicle within the period provided by law, it shall provide for the sale of the vehicle to the highest bidder at public auction or sale following two weeks' published notice.

(Ord. passed - -)

§ 94.02 SUMMARY ACTION IN CERTAIN CASES.

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 under § 94.01 of this chapter and shall not be subject to the notification, reclamation or title provisions of M.S. §§ 168B.01 to 168B.16, as they may be amended from time to time.

(Ord. passed - -)

§ 94.03 DISPOSITION OF PROCEEDS.

The proceeds of the sale of an abandoned motor vehicle shall be placed in the General Fund of the city. If the former owner or entitled lienholder makes application and furnishes satisfactory proof of ownership of lien interest within 90 days of the sale, he or she shall be paid the proceeds of the sale of the vehicle less the cost of towing, preserving and storing the vehicle and all administrative, notice and publication costs incurred in its handling.

(Ord. passed - -)

OTHER ABANDONED PROPERTY

§ 94.15 PROCEDURE.

All other property lawfully coming into the possession of the city shall be disposed of as provided in this subchapter.

(Ord. passed - -)

§ 94.16 STORAGE.

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

(Ord. passed - -)

§ 94.17 CLAIM BY OWNER.

(A) The owner may claim the property by exhibiting satisfactory proof of ownership and paying the city any storage or maintenance costs incurred by it.

(B) A receipt for the property shall be obtained upon release to the owner.

(Ord. passed - -)

§ 94.18 SALE.

If the property remains unclaimed in the possession of the city for 60 days, the property shall be sold to the highest bidder at a public auction conducted by the Chief of Police of the city after two weeks' published notice setting forth the time and place of the sale and the property to be sold.

(Ord. passed - -)

§ 94.19 DISPOSITION OF PROCEEDS.

The proceeds of the sale shall be placed in the General Fund of the city. If the owner makes application and furnishes satisfactory proof of ownership within six months of the sale, he or she shall be paid the proceeds of the sale of his or her property less the costs of storage and the proportionate part of the cost of published notice and other costs of the sale.

(Ord. passed - -)

