

# CHAPTER 1 GENERAL PROVISIONS

## CITATION AND PURPOSE

**1.101. Citation.** This code, which represents a revision and codification of the ordinances of the City of Echo, Minnesota, shall be known as the “Echo City Code of 1997” and may be referred to by that name in all proceedings and actions. Reference to a portion thereof may be by chapter, section or subsection by using the following symbols:

For chapter: “Ch.” Plus the chapter number;  
For section: “Sec.” Plus the section number;  
For subsection: Indicating section as above, immediately followed by subsection number in parentheses.

**1.102. Purpose.** It is the intention of the Council that this code will serve as a modernized and streamlined version of the ordinances of the City, presented in an orderly manner, with obsolete and unneeded ordinances and portions thereof deleted.

## EFFECT OF ORGANIZATION AND IDENTIFYING DESIGNATIONS

**1.201. Organization and Designation a Part of Code.** The organization of this code is an integral part thereof, and chapter, article and sub-article titles, section numbers and section headnotes are hereby made a part of this code, and may be amended and revised in the same manner as are the provisions of this code.

**1.202. Effect of Organization and Designation.** The organization of this code and chapter, article and sub-article titles, section numbers and section headnotes may be considered in ascertaining the intent of the City Council in enacting provisions of this code, but in case of conflict, the provisions of any section control over organization and designations, and specific designations control over general designations.

**1.203. Cross References, Table of Contents, Appendix and Index.** Cross references, the Table of Contents, all Appendixes, the Index and other supplemental materials not expressly made a part of this code are included merely to assist the user of the code and do not form any part of it.

## CONSTRUCTION OF PROVISIONS

**1.301. Construction of Words and Phrases.** In construing this code, the following canons of interpretation are to govern, unless their observance would involve a construction inconsistent with the manifest intent of the City Council, or be repugnant to the context of the relevant provisions of this Code:

(1) Words and phrases are construed according to rules of grammar and according to their common and approved usage; but technical words and phrases and such others as have acquired a special meaning or are defined in this code are construed according to such special meaning or definition.

(2) The singular includes the plural, and the plural includes the singular.

(3) Words in the masculine, feminine, or neuter gender shall include all other genders.

(4) Words used in the past or present tense include the future.

(5) General words are restricted in meaning by particular words.

**1.302. Construction of May and Shall.** As used in this code, "shall" is always mandatory and "may" is permissive.

**1.311. Grammar and Punctuation.** Grammatical errors shall not vitiate any provision of this code. A transposition of words and clauses may be resorted to when a sentence is without meaning as it stands. Punctuation shall not control over the intention of the City Council in the enactment of a provision. Words and phrases which do not conflict with the obvious purpose and intent of a provision nor in any way affect its scope and operation may be added when necessary to the proper interpretation of the provision.

**1.312. Irreconcilable Provisions.** Provisions are to be construed so that effect may be given to each. In case of conflict, they shall be construed as follows, in the priority listed:

(1) If a special provision is in irreconcilable conflict with a general provision, the special provision will prevail and be construed as an exception to the general provision unless the general provision has been enacted later and shows a manifest intention of the Council that the general provision shall prevail.

(2) If enacted at different times, the latest in date of enactment will prevail.

**1.321. Amendments.** This code may be amended by amended by Subsequent ordinances. Amendments shall be given the same force and effect from the date which they become effective as is given to the original provisions of this code. Amendments shall be construed in accordance with their manifest intent of the Council in their enactment when lawfully enacted even though the amendments are irregular or deficient for some reason in the manner in which they amend this code.

## DEFINITIONS OF WORDS AND PHRASES

1.401. Definitions. When used in this code, the following words, terms and phrases shall have the meanings given to them in this section, except as further defined in relation to specific provisions of this code, or unless another intention clearly appears:

- (1) "City" means the City of Echo, Yellow Medicine County, Minnesota.
- (2) "Code" means the Echo City Code of 1995 as amended.
- (3) "Mayor" means the mayor of the City of Echo, Yellow Medicine County, Minnesota, and in his absence, this shall mean the acting mayor who is appointed annually at the first Council meeting of each year.
- (4) "Clerk-Treasurer" means the clerk-treasurer of the City of Echo, Yellow Medicine County, Minnesota.
- (5) "Council" means the City Council of the City of Echo, Yellow Medicine County, Minnesota, composed of the mayor and four members of the council, all elected as required by law.
- (6) "Person" means any natural person of either sex, a co-partnership, a corporation, an association of persons, and an agent or manager of any of the aforesaid.

## SEVERABILITY: EFFECT OF REPEALS

**1.501. Severability of Provisions.** Every chapter, section, subsection or part thereof, of this code shall be severable. If any part of this code, or a chapter, section, subsection or other part, shall be declared invalid or is otherwise severed, the remaining provisions thereof shall remain valid, unless the Court finds the remaining valid parts thereof to be so essentially and inseparately connected with, and so dependent upon, the void parts that the Court cannot presume the Council would have enacted the remaining valid parts, or, standing alone, said remaining parts thereof are incomplete and are incapable of being executed in accordance with the intent of the council.

## FORM OF GOVERNMENT

**1.601. Optional Plan A In Effect.** In accordance with Minnesota Statutes 1971, Sections 412.541 to 412.572, and other applicable provisions of law, and an election had as required thereunder, the city shall be governed under the plan of government known in such statutes as the Optional Plan A. As provided by Statues, the city shall be governed by the City Council composed of the mayor and four members of the Council, all elected as required by law. Three members of the Council present shall constitute a quorum for the transaction of business. The office of clerk-treasurer shall be appointed by the Council, all as provided in the Statutes.

# CHAPTER 2 CITY COUNCIL AND LEGISLATION

## COUNCIL

### Meetings

**2.101. Regular Meetings.** Regular meetings of the City Council shall be held at 7:00 p.m. on the second Tuesday of each month. If the next meeting date falls on a holiday or New Year's Eve, it shall be held on such future date as the Council may determine. All meetings of the Council shall be held at the City Office in Echo, Minnesota.

**2.102. Special Meetings.** Special meetings may be called by the Mayor or by any two members of the Council by writing and filing with the City Clerk who shall then serve notice either personally by telephone or in writing or by mail upon all members of the Council, including the time, place, and purpose of the meeting, at least 24 hours prior thereto and by a posting of the notice at City Hall. Notice of a special meeting may be dispensed with in a situation which requires immediate emergency action. In determining what constitutes such an emergency, the Council shall be guided by considerations of whether the situation calls for immediate action involving the protection of public peace, health or safety, and in all such cases, the members of the Council in attendance shall sign a waiver of notice which shall be made a part of the minutes of the meeting.

### Salaries

**2.201. Salary of Mayor and Members of the Council.** The salary of the mayor and the salary of each member of the City Council shall be set by resolution of the Council.

**2.202. Salary of Clerk-Treasurer.** The salary of the Clerk-Treasurer shall be set by the City Council each year.

### Budget

**2.301. Council Approves Annual Budget.** The council each year at its September meeting will approve an annual operating budget for the City. The budget will include the salaries of all employees and such other items as the Council deems necessary.

## CHAPTER 3

### OFFICERS AND EMPLOYEES

#### CLERK-TREASURER

**3.101. Office of the Clerk-Treasurer.** The clerk-treasurer shall be appointed by the City Council and shall serve at the pleasure of the Council.

**3.102. Duties of Clerk-Treasurer.** The clerk-treasurer shall act as the clerk-treasurer of the City; be the custodian of its seal and records; sign its official papers; post, publish and keep records of notices, ordinances, resolutions and Council proceedings as may be required by law; receive, safely keep and deposit all monies belonging to the City, maintain a record of all monies received and disbursed and act as bookkeeper for the City; and perform all such other duties as may be prescribed by law as the Council may require. The clerk-treasurer shall furnish a fidelity bond conditioned upon the faithful exercise of his or her duties. In lieu of such individual bond, the Council may provide for a blanket bond, furnished by a surety company authorized to transact business in the State of Minnesota. Premiums on either of such bonds shall be paid from City funds.

#### PUBLIC SAFETY

##### Police Department

**3.201. Police Department.** In January of each year, the Council may appoint a Chief of Police on either a part time or full time basis who shall receive such compensation as the Council may fix and who shall serve at the pleasure of the Council. The Chief of Police shall perform such duties and keep such records as may be prescribed by law, or as the council may require. Irrespective of the foregoing, the Council shall not be required to appoint either a part time or a full time Chief of Police and the Council may rely on the Yellow Medicine County Sheriff's Department for police protection.

##### Volunteer Fire Department

**3.301. Fire Department Established.** There is hereby established in the City of Echo a volunteer fire department consisting of a Fire Chief, an assistant fire chief, and not less than fifteen (15) firemen, 18 years of age or older and 65 years of age or younger.

**3.302. Chief of the Fire Department.** The chief of the fire department for the following year shall be elected by members of the fire department at the first regular meeting of the department in the month of December of each year,

subject to the approval off the Council, and his term shall extend until December 31<sup>st</sup> of each year or until his successor is elected and qualified. During any year, the chief may be removed only for cause after a public hearing. No council member shall hold the office of fire chief.

**3.303. Selection of Firefighters and Probationary Firefighters.**

Firefighters and probationary firefighters shall be appointed by the members of the Fire Department, subject to confirmation by the Council. All appointments herein shall not become effective until the appointment is approved by the City 'Council and a record of such approval entered upon the Minutes of the City Council. Firefighters shall continue as members of the Fire Department during good behavior and may be removed by the Council only for cause after a public hearing. Probationary firefighters may be removed for any reason by a majority vote of the members of the Fire Department. The probationary period shall be the first six (6) months after approval by the City Council and may be extended upon recommendation of the City Council.

**3.304. Duties of the Chief of the Fire Department**

(1) The chief shall have control over all of the fire fighting apparatus and shall have sole responsibility for its care and condition.

(2) The chief shall be responsible for the proper training and discipline of the members of the fire department and may suspend any member for refusal or neglect to obey orders, when physically unfit for fire fighting service, or when suspension is necessary for the welfare of the fire department. He shall report any suspension of any member to the City Council at the first meeting of the council following such suspension, and the City Council, after notice of hearing is given to any suspended member and a hearing held on such suspension, shall take final action on the member's discharge or retention.

(3) The chief shall make a report to the City Council at its first regular meeting in the month of January of each year as to the condition of the equipment and needs of the fire department.

**3.305. Records.** The chief shall keep in convenient form a complete record of all fires. Such records shall include the time of the alarm, location of fire, cause of fire, if known, type of building, name of owner and tenant, purpose for which occupied, value of building and contents, members of the department responding to the alarm, and such other information as he may deem advisable or as may be required from time to time by the City Council or the State Insurance Department. The chief may appoint from among the firemen a secretary to keep such records and other records of the volunteer fire department.

**3.306. Practice Drills.** It shall be the duty of the chief to hold monthly practice drills of at least one hour duration for the fire department when the weather permits, and to give the firemen instructions in approved methods of fire fighting and fire preventing.

### **Civil Defense**

**3.401. Civil Defense Director.** The Council shall appoint a Civil Defense Director from time to time who shall receive such compensation as the Council may fix and shall serve for such term as the Council may determine. The Civil Defense Director shall perform the duties outlined in Chapter 12.

### **WATER, SEWER, STREETS, COMMUNITY CENTER, PARKS & RECREATION**

**3.501. Water and Sewer Inspector.** Annually in January of each year, a water and sewer inspector may be appointed by the City Council. He may, but shall not be required to be a member of the Council and he or she shall serve at the pleasure of the council. The water and sewer inspector shall have charge of and supervise the construction and maintenance of all water and sewer lines and connections thereto and of the water plant and all facilities relating thereto. The inspector shall perform such other duties and maintain such records as the Council may require. If the City Council does not appoint a water and sewer inspector, the City's maintenance man shall act as water and sewer inspector and perform all required duties.

**3.601. Street and Sidewalk Inspector.** Annually in January of each year, a street and sidewalk inspector may be appointed by the City Council. He may, but shall not be required to be a member of the Council, and shall serve at the pleasure of the Council. The street and sidewalk inspector shall have the responsibility of supervising the repair and maintenance of all streets and sidewalks within the City. If the City Council does not appoint a street and sidewalk inspector, the City's maintenance man shall act as street and sidewalk inspector and perform all required duties.

**3.701. Parks and Recreation Inspector.** Annually in January of each year, a parks and recreation inspector may be appointed by the City Council. He may, but shall not be required to be a member of the Council, and shall serve at the pleasure of the Council. The parks and recreation inspector shall see that all of the parks and recreational facilities belonging to the City and located within the City are properly maintained. If the City Council does not appoint a parks and recreation inspector, the City's maintenance man shall act as parks and recreation inspector and perform all required duties.

## **INDEMNIFICATION OF OFFICERS AND EMPLOYEES**

**3.801.** The governing body of the City of Echo shall defend, save harmless and indemnify any of its officers and employees, whether elective or appointive, and including its police officers, against any tort claim or demand, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of duty.

**3.802.** **Exceptions.** The provisions of this section shall not apply in the case of malfeasance in office or willful or wanton neglect of duty.

**3.803.** **Severability.** If any section, clause, provision or portion of this ordinance is judge unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected thereby.

## **PERSONNEL POLICY FOR CITY EMPLOYEES**

**3.901.** The City shall, by resolution, establish a personnel policy governing the employees of the City and a copy of said policy as amended from time to time shall be attached hereto and marked Exhibit "A".



# **CHAPTER 4 ELECTIONS**

## **REGULAR CITY ELECTIONS**

**4.101.**        **Date of Regular Election.**    The regular city election shall be held biannually on the second Tuesday in November in every even numbered year.

**4.102.**        **Terms.**    Two councilmen shall be elected at every biannual city election, each for a four-year term. The mayor shall be elected for a two-year term at each such election.

## **SPECIAL CITY ELECTIONS**

**4.201.**        **Dates of Special City Elections.**    Special City elections may be held on any question which the voters are authorized by law to pass judgment on. The City Council shall follow the procedures set forth in Minnesota Statutes regulating special City elections.

## **CHAPTER 5**

### **URBAN AND RURAL SERVICE DISTRICTS**

**5.101.**            **Urban and Rural Service Districts.** Ordinance #79A, dated march 8, 1988, establishing urban and rural taxing districts in the City of Echo shall remain in full force and effect. Said ordinance is hereto attached and marked Exhibit “B” and is adopted by reference as fully as if set forth herein.

## CHAPTER 6 UTILITIES

### CONNECTIONS TO WATER SYSTEM AND SANITARY SEWER SYSTEM AND ADOPTION OF FRANCHISE ORDINANCES

**6.101. Connection Required.** For the protection of the public health, the owner of each lot, piece or parcel of land in the City, on which shall be situated any residential dwelling or business, is required to connect such resident or business to the water system of the City, if city water is available to the property.

**6.102. Application for Service.** Any person, firm or corporation desiring a connection with the municipal water system shall apply to the clerk for a permit to make such a connection. The City may require that the application be submitted in writing on a form to be supplied by the City, and if written application is requested, it shall contain an exact description of the property to be served, the estimated maximum amount of water to be used per month and the uses to which the water is to be put, both general and special.

**6.103. Connection Charge.** Any person, firm or corporation shall pay a connection charge in an amount as the City Council by resolution may from time to time determine to cover the cost of hook-up into the municipal water system.

**6.104. All Water to be Metered.** All water furnished by the City water system shall be metered by meters furnished by the City. At the time the water meter is furnished to any user, a deposit shall be required in such an amount as the Council may from time to time determine.

**6.105. Exemptions.** Residential homes and businesses shall be exempt from metering if the City deems it impossible or improbable for said meter to be installed. Those establishments not being metered shall then pay the appropriate fee for water service.

**6.106. Service Charge.** For water, water service, and the availability thereof, each premise shall pay an amount per month or quarter as the City Council by resolution may from time to time determine and the Council by resolution shall further provide a minimum charge for each premise.

**6.107. Unmetered Charge.** For cases in which meters are improbable or impossible, there shall be a flat charge per month as set by the Council by resolution.

**6.108. Collection of Fees.** If any person, business or corporation shall refuse payment of said water usage charge, they shall be given a 10 day written notice. If after said period of time, payment has not been made, the City has the power to discontinue water service, and/or the Council may direct the clerk to levy the charges against the property as a special assessment to be paid in a single installment with the

following year's property taxes and the clerk shall certify said levy with the County Auditor on or before October 1 of each year.

### **CONNECTIONS TO SANITARY SEWER SYSTEM**

**6.201.** Ordinance #57 and #57.1, dated December 10, 1991 and June 9, 1992, respectively establishing the rules and regulations relating to sewage usage and provisions regulating the use of public and private sewers and drains, private wastewater disposal, the installation and connection of building sewers, and the discharge of waters and waste into public sewer system, and providing penalties for violations thereof in the City of Echo shall remain in full force and effect. Said Ordinance is hereto attached and marked Exhibit "C" and is adopted by reference as if fully set forth therein.

### **FRANCHISE ORDINANCES**

**6.301.** Ordinance #87 previously adopted by the City Council granting to M-Tek Systems a franchise for the purpose of supplying cable communication services to the City of Echo shall remain in full force and effect. Said ordinance is hereto attached and marked Exhibit "D" and is adopted by reference as fully as if set forth herein.

**6.302.** Ordinance #77 previously adopted by the City Council granting to Northern States Power Company, its successors and assigns, permission to construct, operate, repair and maintain an electrical distribution system and transmission lines, including necessary poles, pole lines, fixtures and appurtenances, for the furnishing a second franchise for the purpose of supplying cable communication services to the City of Echo shall remain in full force and effect. Said ordinance is hereto attached and marked Exhibit "E" and is adopted by reference as fully as if set forth herein.

**6.303.** Ordinance #62 previously adopted by the City Council granting to Great Plains Natural Gas Company a franchise for the purpose of providing natural gas to the City of Echo shall remain in full force and effect. Said Ordinance is hereto attached and marked Exhibit "F" and is adopted by reference as though fully set forth herein.

## **CHAPTER 7 STREETS AND PUBLIC PLACES**

### **MAKING OF EXCAVATION**

**7.101**            **Permit Required.** Unless acting under a contract with the City, no person, other than a duly authorized city official or employee in the course of his employment, shall make, cause or permit to be made, any excavation or opening in or under the surface or pavement of any street, alley, sidewalk, or other public place within the limits of the City of Echo without first obtaining permission from the City Council. In case of any emergency arising after normal office hours, at night, or on Sundays or legal holidays, when an immediate excavation maybe necessary for the protection of public or private property, the person desiring to make the excavation shall contact either the street inspector, city maintenance man or the city clerk who many grant permission to make the necessary excavations upon the expressed conditions that if requested, the applicant appear at the next regular or special Council meeting to review the application and discuss any follow up that may be required

**7.102.**            **Application for Permit.** Any person desiring to procure a permit as herein provided shall file with the city clerk, at least 24 hours before the time proposed to begin such work, a written application stating the following: name and business or residence address of the applicant; the name of the street, alley, sidewalk, or public place in or under which it is desired to make the excavation or opening; the kind of pavement or sidewalk thereon; the purpose size and location of the proposed excavation or opening; the name and business or residence address of the person for whose benefit the work is to be done; and the time during which it is desired such opening is to be permitted.

**7.103.**            **Granting of Permit.** The City Council may grant any request for an excavation and may impose such reasonable conditions as the Council may from time to time determine. The clerk, upon the filing of the application shall, with the consent of the Council (or in emergency situations, with the consent of the street inspector, the city maintenance man or the city clerk in his or her own discretion,) issue a permit which shall state the following: name and address of the applicant; the location, nature, purpose and extent of the excavation or opening, the kind or kinds of pavement to be disturbed; the amount of the fee paid by the applicant; and the dates of granting and expiration of the permit. All permits shall be consecutively numbered and shall be made in duplicated, one copy to be given to the applicant, and one to remain on file in the office of the clerk. Such permit shall at all times be in possession of a competent person actually on the work site and shall be shown upon demand to a police officer or properly authorized officer or employee of the City. The Clerk may, in his discretion, require any permittee, except a public utility corporation or a bonded plumber, to file with the application a surety bond in an amount determined by the City Council and conditioned the permittee will:

- (1) Perform work in condition with the excavation in accordance with applicable ordinances and regulations;
- (2) Indemnify the City and hold it harmless from all damage caused in the execution of such work; and
- (3) Pay all costs and damages suffered by the City by reason of the failure of the permittee to observe the terms of applicable ordinances and regulations because of negligence in the execution of the work.
- (4) Provide proof of insurance as required by the City.

Any bond so required shall be approved as to form and legality by the City Attorney.

**7.104. Guarding Excavations and Obstructions.** Any person making or causing to be made an excavation or opening in any street alley, sidewalk, or other public place, or within ten feet of the line of any street, shall, between sunset and sunrise on every night that the same remains open or danger exists there from keep such excavation or opening fence and barricaded with adequate warning lights so as to properly warn all persons of such excavation or opening and all obstructions. No unauthorized person shall remove or interfere in any way with any such light or other danger signal or any such barriers.

## **SNOW REMOVAL**

**7.201. Removal of Snow or Ice Required.** The owner or occupant of any buildings, grounds or premises which abut any public sidewalk in the City shall keep said sidewalk free from snow or ice. No such owner or occupant shall allow snow or ice to remain on the sidewalk longer than twelve (12) hours after its deposit thereon.

**7.202. Removal by City.** A designated official or employee of the City shall remove from all public sidewalks all snow or ice as soon as possible beginning twelve (12) hours after any such matter has been deposited thereon or after the snow has ceased to fall. He shall keep a record showing the cost of such removal adjacent to each separate lot and parcel and shall deliver such information to the City Clerk. If the owner or occupant of the property fails to pay the expense of removal of the ice or snow, then the charge for such work will be made a special assessment against the property concerned.

## OBSTRUCTION OF STREETS

**7.301. Permanent Obstructions.** No person, firm or corporation, other than a duly authorized City official, shall place any permanent obstruction in the public streets.

**7.302. Vehicles.** No person shall, on any public street, abandon or park any vehicle for a period exceeding one week.

**7.303. Loading, Unloading, and Delivering of Goods.** No person shall allow any implement or goods of any kind to stand or be placed in or on any street for a period exceeding the time necessary for loading, unloading, or delivering the same.

**7.304. Building Materials.** No person, firm or corporation shall store or place building materials of any type on the streets, alleys or sidewalks within the City limits that obstruct normal daily traffic.

**7.305. Penalty.** Any person, firm or corporation violating any provision of Section 7.301 to 7.304 shall be guilty of a petty misdemeanor and the City may remove said obstruction at the owner's expense.

## OBSTRUCTION OF SIDEWALKS

**7.401 Obstruction of Sidewalks.** No person, firm or corporation shall obstruct or cause to be obstructed any portion of any public sidewalk except as provided for in this code.

**7.402. Displays.** No person shall display any merchandise, goods or wares on the public sidewalks of the City except that merchandise, goods or wares may be displayed by a person on the sidewalk in front of a place of business, store or building owned or occupied by that person. Such displays shall not extend more than three feet from the outer edge of the sidewalk, or be displayed for more than ten days. No displays shall remain standing overnight.

**7.403. Receiving and Delivering.** No person shall receive or deliver any goods, wares or merchandise upon a public sidewalk, except that any person may place or keep any goods, wares or merchandise baggage, or any article of personal property which he may be receiving or delivering, and he may unpack and remove the contents of any box, barrel or other receptacle, only on that part of any sidewalk next to the curb line not exceeding three feet in width and in front only of the store or building he owns, controls or occupies, but such goods, wares or merchandise shall not remain on such part of the sidewalk for a period longer than two hours. No goods, wares, or merchandise shall remain on any sidewalk overnight, on any Sunday or any legal holiday.

**7.404**            **Vehicles.** No person shall obstruct public sidewalks in any way by parking a vehicle of any type on or near the sidewalks within the City limits.

## **VENDING MACHINES**

**7.501.**            No person shall place any type of vending machine on any public right of way, street, sidewalk or alley within the City of Echo, without obtaining a permit from the City Council.

## **SOLICITORS, PEDDLERS AND TRANSIENT MERCHANTS**

**7.601.**            **License required.** No solicitor, peddler, hauler, or transient vendor of merchandise without having been requested or invited to do so by the owner or owners, occupant or occupants, shall enter a private residence of the city for the purpose of soliciting orders for the sale of goods, wares, and merchandise, or for the purpose of disposing of or peddling or hauling the same, without first obtaining a license therefore.

**7.602.**            **Application.** Before any license shall be issued to any person to vend, sell, hawk, or peddle goods, the person desiring such license shall file a written application with the clerk. Said application shall show:

- (1)     The name of the applicant and the persons associated with the applicant in the business;
- (2)     Type of business for which the license is desired;
- (3)     The length of time for which said license is to be desired;
- (4)     A general description of the thing or things to be sold;
- (5)     The present place of business of the applicant.

**7.603.**            **Issuance fee.** Every application for a license under this ordinance shall bear the written approval of the city chief of police or mayor after an investigation of the moral character of the applicant. When the applicant presents to the clerk an application in proper form for any business not prohibited by law, the applicant shall pay a fee of \$45.00 to cover the cost of said application.

**7.604.**            **Exclusion by placard.** Any resident of the city who wishes to exclude peddlers or solicitors from premises the resident occupies may place upon or near the usual entrance to such premises a printed placard or sign bearing the following notice: "Peddlers and Solicitors Prohibited." Such placard shall be at least three and



three-quarters inches long and three and three-quarters inches wide and the printing thereon shall not be smaller than 48-point type. No peddler or solicitor shall enter in or upon any premises or attempt to enter in or upon any premises, where such placard or sign is placed and maintained.

**7.605.            Defacing placard.** No person other than the person occupying such premises shall remove, injure, or deface such placard or sign.

# CHAPTER 8 VEHICLES AND TRAFFIC

## GENERAL TRAFFIC AND PARKING REGULATIONS Highway Traffic Regulation Act

**8.101. Highway Traffic Regulation Act Incorporated by Reference.** The regulatory provisions of Minnesota Statutes, Chapter 169, as amended through the laws of 1996, one copy of which is on file in the office of the city clerk, are hereby adopted as a traffic ordinance regulating the use of highways, streets, and alleys within the City insofar as such provisions are applicable thereto, and, except as otherwise provided by this code, are hereby adopted and made a part of this code as completely as if set out herein in full, including the penalty provisions thereof.

**8.102.** Except as otherwise provided in this Chapter and Chapter 7 of this Code, Minnesota Statute §65B.67(2) and (3); 171.01, 171.02, 171.03, 171.08, 171.22, 171.23, 171.24, and 1996 are hereby incorporated herein and adopted by reference, including the penalty provisions thereof.

### Exhibition Driving

**8.111. Exhibition Driving.** No person shall operate any vehicle in such a manner as to create or cause unnecessary engine noise, tire squealing, skidding or sliding upon acceleration or stopping or in such a manner as to simulate a race or temporary race or to cause such vehicles to unnecessarily sway or turn abruptly or to impede traffic.

### Parking

**8.201. Angle Parking, Double Parking, No Parking and Limited Parking Zones.** The City Council, may, from time to time, by motion or resolution, designate portions of the highways and streets within the City of Echo as angle parking zones, as no parking zones and/or as limited parking zones, and shall cause such zones to be marked by appropriate signs. The location of such signs shall be prima facie evidence that the City Council has by proper resolution or motion authorized the establishment of such angle parking, no parking and/or limited parking zones on the basis of convenience to the public and traffic hazards. No person shall park any vehicle in any angle parking, no parking and/or limited parking zone for a longer period than is specified on the signs marking such zones. No vehicles shall be double parked on any street or highway in the City of Echo.

**8.202. Authority of Council to Restrict Parking.** The City Council shall have power to make reasonable rules and regulations relative to the parking, stopping, or locating of any motor vehicle, trailer, semi-trailer, or other personal property, in and upon any highway, street, alley, public parking lot, or other public place in the City of Echo during periods of snow removal, street cleaning or sweeping, street

construction, improvement or repair, and the construction, improvement or repair of utilities located in and upon such highway, street, alley, public parking lot, or other public place. Such regulations shall be posted in the City Hall and copies thereof may otherwise be given in such manner as the City Council may direct. Any motor vehicles, trailer, semi-trailer, or other personal property parking, stopped or located in and upon any highway, street, alley, public parking lot, or other public place in the City of Echo in violation of such regulations may forthwith be removed therefrom by any officer, agent or employee of the City and the cost of such removal shall be paid for by the owner of the vehicle.

**8.203. Miscellaneous Parking Provisions.** No vehicle shall be parked on any street or alley or the right of way thereof for the purpose of displaying it for sale or for storage, or for the purpose of assembling or repairing the same. No vehicle shall be parked upon any street or highway in the City of Echo for more than one week.

## **ROAD RESTRICTIONS**

**8.211. Truck Traffic.** The Council, to preserve the city streets, may by resolution restrict and limit truck traffic by posting signs and impose weight limits; such restrictions and limitations shall not apply to service vehicles.

## **SNOWMOBILE OPERATION REGULATION**

**8.301.** The rules and regulations promulgated by the Commissioner of Natural Resources of the State of Minnesota in the manner provided by Minnesota Statutes, Chapter 84, for the following purposes are herewith incorporated by reference and made a part hereof.

- (1) Registration of snowmobiles and display of registration numbers
- (2) Use of snowmobiles insofar as game and fish resources are affected.

**8.302** The rules and regulations promulgated by the Commissioner of Highways not inconsistent herewith in the manner provided by Minnesota Statutes, Chapter 84, regulating the use of snowmobiles on streets and highways are herewith incorporated by reference and made a part hereof.

**8.303.** It shall be unlawful for any person to drive or operate any snowmobile:

- (1) At a rate of speed greater than reasonable or proper for all surrounding circumstances.

- (2) In a careless, reckless or negligent manner so as to endanger the person or property of another, or to cause injury or damage thereto.
- (3) While under the influence of alcohol, controlled substances, as defined by M.S. 152.01, Subd. 4, or a combination thereof.
- (4) Without a lighted head lamp and tail lamp when required for safety.
- (5) In such a manner as to unreasonably annoy or disturb the rest or repose of any resident of the City of Echo
- (6) Upon property of another without the express consent of the owner or occupant thereof.
- (7) At a speed in excess of fifteen miles per hour upon any street, alley, highway, or other public ground or place in the City of Echo
- (8) Upon a public sidewalk within the City of Echo.

**8.304. Certain Operators.** No person under the age of 12 years may operate a snowmobile upon any street, highway, alley, or other public ground or place in the City of Echo. No person 12 years of age or older, but less than 16 years of age may operate a snowmobile upon any street, highway, alley or other public ground or place in the City of Echo unless he has in his possession a valid snowmobile safety certificate issued by the Commissioner of Natural Resources of the State of Minnesota.

**8.305 Operation on Streets.** No person shall operate a snowmobile upon any street, highway, or alley except for the purpose of traveling to the city limits and returning therefrom to the place where the snowmobile is stored or kept.

**8.306.** It shall be unlawful for two or more snowmobile operators to operate their vehicles abreast upon any street, alley, highway or other public ground or place in the Echo of Echo.

**8.307** It shall be unlawful for any snowmobile operator to pass another snowmobile while such snowmobile is in operation and under way on any street, alley, highway or other public ground or place in the City of Echo.

**8.308** It shall be unlawful for any snowmobile owner to permit the operation of any snowmobile owned by him contrary to the provisions of this ordinance.

**8.309 Towing.** No person shall operate a snowmobile within the City of Echo while towing a sled, toboggan, or other object, nor any person riding on the same unless such sled, toboggan, or other object is attached to the snowmobile by a solid hitch.

**8.310. Mufflers.** No person shall operate a snowmobile within the City with a muffler or mufflers that fails to comply with the specifications set forth in the rules and regulations adopted by the commissioner of Natural Resources of the State of Minnesota.

**8.311. Liability.** Any person operating a snowmobile within the City with the consent of the owner, express or implied, shall be deemed to be the agent of such owner for purposes of liability to third parties.

## **RECREATIONAL MOTOR VEHICLES**

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

(1) “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 percent grade in any direction when the motor is engaged.

(2) “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, Subd. 22, which is hereby incorporated herein by reference.

(3) “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 motorized bicycle, all-terrain vehicle, snowmobile, hovercraft, or self-propelled lawn mower or garden tractor, or motre vehicle licensed for highway operation which is being used for off-road recreational purposes.

(4) “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.

(5) “Operate”. To ride in or on and have control of a recreational motor vehicle.

(6) “Operator”. The person who operates or is in actual physical control of a recreational motor vehicle.

**8.402. Recreational Motor Vehicle Operation Restrictions.** It is unlawful for any person to operate a recreational motor vehicle as follows:

- (1) On a public sidewalk or walkway provided or used for pedestrian travel.
- (2) On private property of another without lawful authority or permission of the owner or occupant.
- (3) On any lands owned or occupied by a public body or on frozen waters, including, but not limited to, school grounds, park property, playgrounds, recreational areas, 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 to permitted shall be used.
- (4) While the operator is under the influence of liquor or narcotics, or habit forming drugs.
- (5) At a rate of speed greater than reasonable or proper under all of the surrounding circumstances.
- (6) In a careless, reckless or negligent manner so as to endanger the person or property of another or cause injury or damage thereto.
- (7) 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.
- (8) At a speed greater than 10 miles per hour within 100 feet of any lake shore, 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.
- (9) 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.
- (10) Chasing, running over, or killing any animal, wild or domestic.
- (11) During the hours between 11:00 p.m. of one day and 7:00 a.m. of the day next following, except that during such hours a recreational vehicle, if otherwise lawfully operated, may be operated on a public street.

**8.403. Owner Responsibility.**

- (1) 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 with the permission of the Council, or on other public property without permission of the body in charge thereof. For purpose of this Section, the owner shall be conclusively presumed to have

given such permission unless the recreational motor vehicle so operated shall have been reported stolen to a law enforcement agency.

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

## **MOTORIZED GOLF CARTS**

### **8.501            Operation.**

- (1) A motorized golf cart may be operated by any individual at least 15 years of age, so long as that person can safely operate it.
- (2) Motorized golf carts may only be operated on designated roadways from sunrise to sunset. They 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.
- (3) The following roadways are designated for use by motorized golf carts and may be amended from time to time by resolution of the Council.
  - (a) All City streets, but not on Trunk Highway 67, provided, however that the operator of a motorized golf cart may cross the highway intersecting with a City street.
- (4) Motorized golf carts shall display the slow moving vehicle emblem provided for in Minnesota Statutes §169.522, when operated on designated roadways.
- (5) Every person operating a motorized golf cart on designated roadways has all of the rights and duties applicable to the driver of any other vehicle under the provisions of Minnesota Statutes, Chapter 169, except when those provisions cannot reasonably be applied to motorized golf carts.

### **8.502            Permits for the Operation of Motorized Golf Carts by Physically Challenged Persons.**

(1)    **PURPOSE.**    The use of motorized golf cart-type vehicles by physically challenged persons would provide them with a useful, independent means of transportation within the City. Accordingly, it would be in the public interest to enact an Ordinance authorizing and regulating such a means of transportation.

#### (2)    **DEFINITIONS**

- (a)    “Motorized Golf Cart” includes motorized golf carts and all terrain vehicles as defined in Minnesota Statutes §169.045, Subd. 1.

- (b) “Designated Streets” are all city streets, but not on Trunk Highway 67, provided however, that the operator of a motorized golf cart may cross the highway intersecting with a city street.
- (c) “Physically Challenged Person” shall mean a physically disabled person as defined in Minnesota Statutes §169.345, Subd. 2.
- (d) Motorized golf carts shall be operated only after obtaining a permit in accordance with the provision of this ordinance. Operation shall be on designated streets only. Direct route travel from the permittee’s residence to a designated street is also authorized.

(3) OPERATIONAL RESTRICTIONS

- (a) Motorized golf carts shall not exceed a speed of 15 miles per hour.
- (b) Parked motorized golf carts shall occupy a full parking stall.
- (c) Operation of motorized golf carts shall otherwise be in accordance with Minnesota Statutes §169.045
- (d) A permittee shall carry the permit issued to him or her while operating a motorized golf cart, and display the same to any peace officer upon request.
- (e) Except when making left turns, a motorized golf cart shall be operated as close to the curb or right side of the roadway as practicable.

(4) EQUIPMENT REQUIREMENTS. All motorized golf carts shall be equipped with a slow moving vehicle emblem and rear view mirror. All other operating equipment shall be in good working order.

(5) APPLICATION REQUIREMENTS.

- (a) The applicant on a form provided by the City shall providing the following:
  - (i) Complete name, address, date of birth, driver license number (if licensed) and telephone number
  - (ii) Physicians Statement that the applicant is capable of safely operating a golf cart and is a physically challenged person.
  - (iii) Places, if any, where the applicant has had prior golf cart permits



- (iv) Authorization for release of all driving history records of the applicant.
  - (b) Persons under age eighteen (18) years shall be ineligible for a permit.
  - (c) All applications shall be accompanied by proof of insurance complying with the provisions of Minnesota Statutes §65B.58, Subd. 5.
- (5) The application shall be accompanied by a \$50.00 non-refundable investigation fee. A permit, if approved, shall be issued upon payment of a fee of \$10.00 per year or apportion thereof. All permits shall expire December 31<sup>st</sup> of each year.
- (6) The application shall be submitted to the City Clerk/Administrator and investigated by the Chief of Police, both of whom, within 10 days, shall give their recommendation for granting or denying the permit. A recommendation denying the permit shall be made if evidence indicates the applicant cannot safely operate a motorized golf cart. The applicants past driving history shall, among other things , be considered in this regard. All applications shall be approved or denied by the City Council at the next regular meeting of the Council following the conclusion of the investigation process.
- (7) VIOLATIONS. Any violation of this Ordinance shall be a misdemeanor. A permit may be revoke by the City council for any violation of this Ordinance, or at any time if there is evidence that the permittee cannot safely operate a motorized golf cart. The permittee shall be given notice and an opportunity to be heard by the City council prior to revocation of the permit.

**8.503. Non-Applications of Certain Laws.** The provisions of Minnesota Statutes, Chapter 171, relating to driver's licenses are not application to persons operating motorized golf carts on designated roadways pursuant to this Section. Except for the requirement of Minnesota Statute §169.70 relating to rear view mirrors, the provisions of Chapter 169 relating to equipment on vehicles shall not be applicable to motorized golf carts operating on designated roadways.

**8.504. Penalty.** It is unlawful for any person under the age of 15 years to operate a motorized golf cart upon any City street. It is also unlawful for any person 15 years of age or older to operate a motorized golf cart when they cannot physically do so in a safe manner or when such golf cart does not have a slow moving vehicle emblem displayed on the cart. A violation of this section shall constitute a misdemeanor.

## **ALL-TERRAIN VEHICLE TRAFFIC CONTROL AND REGULATION**

**8.601. Scope of Application.** Notwithstanding provisions of this Chapter to the contrary, this Section shall apply to control of traffic and regulation of that certain class of vehicles falling within the definition of all-terrain vehicles as to matters set forth herein. All provisions of this Chapter, not relating to matters herein stated, apply as equally to snowmobiles as other vehicles.

**8.602. Certain Statutes Adopted.** Minnesota Statutes §84.92 through §84.929, as amended through 1996, together with rules and regulations promulgated thereunder, are hereby adopted by reference, incorporated herein, and made a part hereof.

## **CHAPTER 9**

### **HOUSES, BUILDINGS AND STRUCTURES**

**9.101.           Fees.** The fee for a zoning permit and other inspections shall be determined from time to time by resolution of the City Council.

**9.102.           Permission for Construction Required.** No building shall be erected within the City without a zoning permit obtained in writing from the Council. The written permission shall be granted by the clerk at the direction of the Council. The permit shall specify the location of said building, the time in which it is to be erected, a description of the size and a description of the materials to be used in constructing said building. Said permit shall not be construed to authorize the erection of any building in such a manner as to conflict with this ordinance.

**9.103.           Repair or Rebuilding at the Cost of the Builders.** Any house, building, structure, chimney replaced, removed, built or repaired contrary to the provisions of this ordinance shall be torn down and moved by and under the direction of the Council and the costs of such tearing down and removal shall be charged against the owner and/or builder thereof. Said costs may be recovered in civil action against both or either of them.

**9.104.           Commercial Buildings.** No commercial buildings (except apartment houses) shall be constructed in any residential area.

**9.105.           Residential Area Defined.** A residential area is any area of the City completely surrounded by residential homes.

**9.106.           Mobile Homes.**

- (1) A mobile home is a manufactured home that is less than 20 feet wide over at least 30 feet of its length in an erected mode, suitable for a year-round occupancy, and containing the same water supply, waste disposal and electrical conveniences as immobile housing and subject to tax or registration under State law, and having no foundation other than wheels, jacks, or skirting, which measurements shall not take into account overhangs or other projections beyond the principal exterior walls.
- (2) No mobile homes shall be located in any residential area of the City as defined in Section 9.105 unless permission is first obtained from the City council. Prior to issuance of permission, the City council may in its discretion first hold a public hearing on the matter and if a hearing is to be held it shall be preceded by two weeks published notice. The notice shall give the name of the application, location of the property, brief description of its intended use and the date, time and place of the hearing.

**9.107.           Moving, Razing or Relocation of Buildings in the City.**

1. **Application.** In addition to the other required information to be furnished in the application for a zoning permit required under this Ordinance, the applicant shall provide the approximate size and weight of the structure or building proposed to be moved, razed or demolished, together with the places from and to which it is proposed to move the same, and the route to be followed.

2. **Bond Required.** Before any permit is granted, a bond, approved by the corporate counsel and in such amount as the City Council may require based on its estimated valuation, shall be deposited with the City Clerk conditioned to indemnify the City for damage to any street or other public property, and in the case of razing or demolition, completion of the work within the time specified on the permit, which work will include filling any pit, basement or other excavation and the complete sodding thereof. In lieu of the bond, the applicant may submit a certified check for the amount of the bond payable to the City of Echo, which amount shall be returned upon the successful completion of the work in accordance with the terms of the application and permission granted.

3. **Subdivision application.** This Subdivision applies whether the building or other structure proposed to be moved starts from a point of origin within or without the City and is to a point of destination within or without the City, or whether the movement is merely through the City with both a point of origin and destination without the City.

4. **Open Pits, Basements and Other Excavations.** It is unlawful for any person owning or in control of real estate to have any pit, basement, well, septic tank, cesspool, swimming pools, or other excavation on said premises open and without protection for the public, except drainage ditches or park ponds.

(a) If such excavation is open for seventy-two (72) hours or less, it shall be protected by use of flares or lights at night and a railing or other temporary protection during the day.

(b) If it shall be permanently installed, it shall be protected with a chain link fence of at least 48 inches high, night and day.

**9.108. Regulation of Manufactured Homes.** The City of Echo authorizes the placement of manufactured houses in residential zones within the City if the manufactured houses comply with the following conditions:

(1) Such houses shall comply with all zoning regulations for the zone in which they are located.

- (2) A building permit and any other required permit shall be obtained for such manufactured home.
- (3) No such house shall have ground floor space of less than 800 square feet.
- (4) No such house shall have a width of less than 20 feet at its narrowest point.
- (5) Such houses shall be placed on permanent foundations which are solide for the complete circumference of the house.
- (6) Any such manufactured home shall have exterior siding extending from within 6 inches of dirt or 2 inches of concrete, which siding shall be of a conventional exterior dwelling-type material.
- (7) Any such manufactured house shall have a pitched roof covered with shingles or tile and shall have eaves of not less than 6 inches.
- (8) All manufactured houses shall be built in compliance with Minnesota Statutes §327.31-327.35

Manufactured houses which vary from the requirements may be permitted in residential zones when authorized by a Special Use permit granted by the Echo City council. Before any such Special use Permit is granted, the Council may find as a fact that the value of the adjacent property will not be diminished by the placement of the manufactured house. The Special Use Permit shall state any conditions which may be set by the Board by granting the Special Use Permit.

This Ordinance shall have no application to:

- (a) Manufactured houses built in compliance with the Uniform Building Code as adopted by the State of Minnesota.
- (b) Existing structures, as long as those structures remain habitable and in a state of reasonable repair.

Nothing in this Ordinance shall prevent the regulation of uses of property by means of restrictive covenants which are valid except for this Ordinance.

In the event that a manufactured home park is established within the City of Echo, the City may consider the establishment of a timetable for the relocation of manufactured homes out of the residential district into the manufactured home park.

**9.109. Violations and Penalties.** Any person violating any provision of this Ordinance shall be guilty of a petty misdemeanor and upon conviction thereof may be subject to a fine not to exceed the maximum fine permitted by law. Each day that a violation continues shall be considered a separate offense.

## **CHAPTER 10 SANITATION**

### **GARBAGE, TRASH, AND REFUSE**

**10.101. Accumulation of Garbage or Trash Prohibited.** No person shall allow to accumulate on any premises in his possession or under his control any quantity of trash, rubbish, or any garbage, manure, offal, or other like substance subject to rot, decay or putrefaction nor shall any person place the same without valid permission in any waters or upon any public places with the City. Any person may, in a rodent-proof structure and in an otherwise sanitary manner and with the approval of the Chief of Police, accumulate leaves, grass clippings and easily biodegradable, non-poisonous garbage for the purpose of composting.

**10.102. Abatement of Accumulated Garbage and Trash.** When the health officer finds any accumulation of trash, rubbish, garbage, manure, offal, or other like substance within the City, the Chief of Police shall give written notice to the person having authority over such accumulations to cleanse, remove, or abate the same within such time as the Chief of Police determines necessary to protect health and safety.

**10.103. Penalty.** Any person violating the provisions of Section 10.101 or who refuses or neglects to comply with any notice issued by the Chief of Police under Section 10.102 shall be guilty of a petty misdemeanor.

### **GARBAGE, TRASH AND REFUSE REMOVAL**

**10.201. Contract with Person, Firm or Corporation to Remove Garbage, Trash, or Refuse.** The Council may by resolution at any time contract with any person, firm or corporation to have garbage, trash or refuse removed in a sanitary manner from the City.

**10.202. Disposal Required.** Any person shall, in a sanitary manner, dispose of garbage, trash, or refuse of any type that may accumulate upon property owned or occupied by him.

**10.203. Penalty.** Any person who violates any of the provisions of Section 10.201 and 10.202 shall be guilty of a petty misdemeanor.

# **CHAPTER 11**

## **ENVIRONMENTAL CONTROL**

### **WEEDS AND GRASS**

**11.101.** The word “weeds” as used in this ordinance shall be construed to mean and include not only such noxious weeds as are enumerated in the rules of the Minnesota Department of Agriculture, but also such useless and troublesome plants as are commonly known as weeds to the general public. The word “weeds” shall also be construed to include noxious odors, and also high and rank vegetable growth that may conceal filthy deposits.

**11.102.** Any weeds or grass growing upon any lot or parcel of land in the City of Echo greater in height than one foot or which have gone or are about to go to seed, are hereby declared to be a nuisance and dangerous to the health, safety and good order of the City.

**11.103.** When any conditions exist on any lot or parcel of land in the City of Echo violative of the provisions hereof, it shall be the duty of the Weed Inspector or City Clerk to serve a notice on the owner, occupant or agent to have such weeds or grass cut and removed within ten (10) days after the service thereof, and also stating that in case of non-compliance, the same will be done by the Weed Inspector or City Clerk at the owner’s expense. Upon failure to comply with the provisions of said notice, and after the expiration of ten (10) days, the said Weed Inspector or City Clerk shall direct cutting and removal of such weeds or grass, and determine the cost thereof and charge the owner of the premises therewith, shad shall, not later than the first day of October of each year, certify to the County Auditor, the amount so charged against said premises, lots or parcels of land, together with a description on the premises and the name of the supposed owner, and such charge shall be collected and collection enforced in the same manner as taxes against said premises. Such charge shall be a perpetual lien on said occupant or agent if such can be found, or when unknown, then said Weed Inspector or City Clerk may proceed without the service of said notice.

### **VISUAL POLLUTION**

**11.201. Unsafe and Unsightly Fencing.** No unsightly wire fencing, wooden slat fencing, commonly referred to as “snow fencing”, or other unsightly fencing of any kind shall be allowed to exist within the City of Echo for any purpose, without the written consent of all adjoining property owners or the majority approval of the Council of the City of Echo, except that snow fencing shall be allowed between October 1 and April 1 for the purpose of blocking snow. This section shall apply to existing fencing falling within the defined category as well as fencing to be constructed in the future.

**11.202.        Abandoned Motor Vehicles**

(1)    **Impoundment and Sale.**    The city shall take into custody and impound any abandoned motor vehicle as defined by Minnesota Statutes §168B.02, Subd. 2. It shall give notice of the taking as provided by law and if the owner or any lien holder 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.

(2)    **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 Subd. 1 and shall not be subject to the notification, reclamation, or title provisions of Minn. Stat. §168.13.

(3)    **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 lien holder makes application and furnishes satisfactory proof of ownership or lien interest within 90 days of the sale, he 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.

(4)    **Definition.**    Classic, pioneer, street rod, or collector military vehicles, as defined in Minn. Stat. §168.10, are not subject to this ordinance, but must be stored behind a privacy fence, which is not unsightly, or in a building meeting the standards of the Minnesota Building Code.

**PUBLIC NUISANCES**

**11.301.**        The following are declared to be public nuisances:

- (1)    All dangerous, unguarded machinery in any public place, or so situation or operated on private property as to attract the public; or
- (2)    Accumulations in the open of discarded or no longer used machinery, household appliances, household furnishings, automobile bodies, parts or components thereof, scrap metal, scrap wood, scrap concrete blocks, or other material, in a manner conducive to the harboring of rats, mice, snakes, or vermin, or to fire, health or safety hazards from such accumulation or from the rank growth of vegetating among the items so accumulated; or
- (3)    The depositing of garbage or refuse, household appliances, household furnishings, automobile bodies, parts or components



thereof, scrap metal, scrap wood, scrap concrete blocks, or other material on a public right-of-way or on adjacent private property.

**11.302.        Housing.** Said household appliances, household furnishings, automobile bodies, parts or components thereof, scrap metal, scrap wood, scrap concrete blocks may be housed in building meeting the standards of the Minnesota Building Code.

**11.303.        Notice.** Upon seven (7) days written notice to the owner of private premises on which such above described material is found, the City of Echo may remove the same and certify the costs of such removal as any other special assessment. Any of the above described material found on public property may be removed by the City of Echo immediately without notice and the costs of such removal may be certified as any other special assessment.

**11.304.        Other Abandoned Property.** All property lawfully coming into the possession of the city shall be disposed of as hereinafter provided.

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

**11.306.        Claim by Owner.** The owner may claim the property by exhibiting satisfactory proof of ownership and paying the city any storage or maintenance costs incurred by it. A receipt for the property shall be obtained upon release to the owner.

**11.307.        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.

**11.308.        Disposition of Proceeds.** The proceeds of the sale shall be placed in the general fund of the city. If the former owner makes application and furnishes satisfactory proof of ownership within six (6) months of the sale, he shall be paid the proceeds of the sale of his property less the costs of storage and the proportionate part of the cost of published notice and other costs of the sale.

**11.309.** This ordinance shall not apply to premises zoned for any of the above-mentioned uses.

#### **GRASS CLIPPINGS AND OTHER DEBRIS**

**11.401.** No person shall deposit any grass clippings or other debris on the street or curb and gutter within the City of Echo.

**11.402. Penalty.** Any person guilty violating the provisions of Section 11.401 shall be guilty of a petty misdemeanor and responsible for the costs of clean-up.

### **POSTING**

**11.502. Posting on Outside of Buildings.** No person shall paste or in any other way post any written or printed material on any part of the outer walls of any building within the City without first having obtained the consent of the owner thereof.

### **CONTROL OF DUTCH ELM DISEASE**

**11.601. Declaration of Policy.** Elm trees in the City of Echo are threatened by a disease known as Dutch Elm disease and the loss of elm trees growing on public and private property would substantially depreciate the value of property within the City and impair the public safety and general welfare. It is declared to be the intention of the City Council to attempt to control and prevent the spread of this disease.

**11.602. Street Inspector.** The city Clerk shall have the powers and duties hereinafter set forth and shall have the duty of administering and enforcing this ordinance. The Street Inspector shall coordinate, under the direction and control of the City Council, all activities of the municipality relating to the control and prevention of Dutch Elm disease. He shall recommend to the Council the details of a program for the control of Dutch Elm disease and shall perform the duties incident to such a program adopted by the Council.

**11.603. Dutch Elm Disease Program.** It is the intention of the City Council of the City of Echo to conduct a program of pest control pursuant to the authority granted by Minnesota Statutes, Section 18.022. This program is directed primarily at the control and elimination of Dutch Elm fungus and elm bark beetles and is undertaken at the direction of the Commissioner of Agriculture of the State of Minnesota.

**11.604. Nuisances Declared.** The following are declared to be public nuisances whenever they may be found within the City of Echo: (a) Any living or standing elm tree or part thereof infected to any degree with Dutch Elm disease fungus or which harbors any elm bark beetles. (b) Any dead elm tree or part thereof from which the bark has not been removed and burned or sprayed with an effective elm bark beetle insecticide. It shall be unlawful for any person to permit any public nuisance defined in this section to remain on any premises

**11.605. Inspection and Investigation.** The Street Inspector shall inspect all premises and places within the City as often as practicable to determine whether any condition described in Section 11.604 of this ordinance exists shall investigate all reported incidents of infestation by Dutch Elm fungus or elm bark beetles. The Street Inspector or his duly authorized agents may enter upon private property at any and all reasonable times for the purpose of carrying out any of his duties under this ordinance. The Street Inspector shall, upon finding conditions indicating Dutch Elm infestation, immediately send appropriate specimens or samples to the Commissioner of Agriculture

for analysis, or take such other steps for diagnosis as may be recommended by the Commissioner. Except as provided in Section 11.607, no action to remove infectious trees or wood shall be taken until positive diagnosis of the disease has been made.

**11.606. Abatement of Dutch Elm Tree Nuisances.** In abating the nuisances defined in Section 11.604, the Street Inspector shall cause the infected tree or wood to be sprayed, removed, burned or otherwise effectively treated so as to destroy and prevent as fully as possible the spread of Dutch Elm disease fungus and elm bark beetles. Such abatement procedure shall be carried out in accordance with current technical and expert opinions and plans as may be designated by the Commissioner of Agriculture.

**11.607. Procedure for Removal of Infected Trees and Wood.** Whenever the Street Inspector finds with reasonable certainty that the infestation as defined in Section 11.604 exists in any tree or wood in any public or private place in the City, he shall proceed as follows:

(a) If he finds that the danger of infestation of other elm trees is not imminent because of elm dormancy, he shall make a written report of his finding to the Council which shall proceed by

(1) abating the nuisance as a public improvement under Minnesota Statutes, Chapter 429, or under the Home Rule Charter of the City, or

(2) abating the nuisance as provided in Section 602 of this section.

(b) If he finds that the danger of infestation of other elm trees is imminent, he shall notify the property owner by certified mail that the nuisance will be abated within a specified time, not less than five days from the date of mailing of such notice. He shall immediately report such action to the City Council, and after the expiration of the time limited by the notice, he may abate the nuisance. For purposes of this ordinance, land lying in a public street or alley abutting the property whereon the nuisance is located shall be deemed to be the property of the abutting property owner. Upon receipt of the Street Inspector's report required by this section, the City Council shall, by resolution, order the nuisance abated. Before action is taken pursuant to such resolution, the City Council shall publish notice of its intention to meet and to consider taking action to abate the nuisance. Such notice shall be mailed to affected property owners and published once in the official newspaper not less than one week prior to such meeting. Such notice shall state property affected, the action proposed, the estimated cost of the abatement against the owners of property affected thereby. At said hearing or any adjournment thereof, the Council shall hear all parties in interest with reference to the scope and desirability of the proposed abatement project. The City Council shall thereafter, if it determines to proceed with the abatement, adopt a resolution confirming the original resolution proposing to abate the nuisance with such modifications as it may regard desirable, and it shall provide for the doing of such work by day labor or by contract. The Street Inspector shall keep a record of the costs of abatements done pursuant to this ordinance and shall report the same to the City Council. Such report shall contain the total cost of abatements, the

amount which is to be assessed against affected property, a description of the lots or parcels of land, and the amount of the proposed assessment against each. On or before the third Monday of September of each year, the Street Inspector shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this ordinance. The City Council may then spread the charges or any portion thereof against the property affected as a special assessment under Minnesota Statutes, Chapter 420, and any other pertinent statutes or under the Home Rule Charter of the City for certification to the County Auditor and collection thereof the following year along with current taxes.

**11.608. Spraying Elm Trees.** Whenever the Street inspector determines that any elm tree or elm wood within the City is infected with Dutch Elm fungus or elm bark beetles, he may at his discretion, spray all nearby elm trees with a recommended elm bark beetle destroying concentrate. Such spraying activities shall be conducted in accordance with technical and expert opinions and plans of the Commissioner of Agriculture and under the supervision of the hearing and assessment procedures set forth in Section 11.607 of this ordinance shall be applicable to spraying operations conducted pursuant to this section.

**11.609. Transporting Elm Wood Prohibited.** It shall be unlawful for any person to transport into the City any bark-bearing elm wood without having obtained a permit from the City Clerk. The City Clerk shall grant such permits only when the purposes of this ordinance will be served thereby. It shall be unlawful for any person to prevent, delay or interfere with the Street Inspector or his agents in the performance of his duties imposed by this ordinance. It shall be unlawful for any person to store any bark bearing elm wood within the City from April 15<sup>th</sup> to September 15<sup>th</sup> of any year.

**11.610. Penalty.** Any person, firm or corporation violating this ordinance is guilty of a petty misdemeanor.

## PARKS

**11.701. Adoption.** The council may by resolution adopt, and from time to time amend, rules and regulations governing public parks. It is a petty misdemeanor to violate such rules and regulations as are conspicuously sign-posted in such parks.

**11.702. Hours.** It is a petty misdemeanor for any person to park, be in or remain in, or leave any vehicle in any park between the hours of 10:00 P.M. and 6:00 A.M. of the day following; provided, however that this Section shall not apply to registered campground patrons or to those vehicles or persons involved in organized activities which are authorized by permit issued by the City to remain in the park.

11.703. Unlawful Acts. It is a petty misdemeanor for any person, in any parks or other public lands to:

- (1) Destroy, alter, injure, remove or otherwise molest, interfere, or tamper with any real or personal property, ruins, relics, vegetation, or geological formations or molest, destroy, or injure any wild bird or animal in the park. Provided, however, that items for educational or scientific purposes may be taken or procured upon written permit from the City or its duly authorized representative, said permit to specify the name of the person to whom permit is granted, a description of the item or items and the purpose of purposes for which the same may be taken or procured and the time when the same shall be so taken or procured.
- (2) Scatter, dispose of, or leave any garbage, rubbish, refuse or litter in any park which was generated as result of activities occurring outside the park; or fail to deposit in the garbage receptacles provided in the park any garbage, rubbish, refuse or litter generated as a result of activities in that park.
- (3) Start any fire except in a fireplace, a fire ring, a grill or an authorized site.
- (4) Enter any area of a park which has been designated as a restricted area by the City except by authorization of the City or its duly authorized representative.
- (5) Use or attempt to use any shelter or picnic grounds, tables or other facilities of any park to the exclusion of others.
- (6) Camp in any portion of the parks except in area designated specifically for such purpose by the City and further provided that no campers camping in designated camp areas shall remain there for a period longer than five (5) days unless approved by the park staff.
- (7) Travel by motor vehicle in any park except upon approved roads.
- (8) Permit any dog or cat owned by him or her or under his or her supervision and control to roam at large in any park or to be or remain therein unless the same is on a leash or otherwise confined.
- (9) Use, carry or have in his possession in any park any firearms, explosives, air guns, B-B guns, sling shots, bows and arrows, or other weapons.
- (10) Post, distributed, or display any bill, notice, advertisement, or like matter in any park unless the same has been approved by the City and has printed thereon a statement that such approval has been given and exists.

- (11) Engaged in or solicit any business in any park except that the City may by written permit authorize any educational, cultural, religious, civic, agricultural or other non-profit organizations to use designated areas of parks for the staging of exhibitions and entertainments such as athletic contests or concerts, for which such organization may charge admissions within such designated area; the City may also, in writing, permit the sale of food, refreshments and confections.
- (12) Drink or consume intoxicating or non-intoxicating malt liquors in any City park whether or not in a motor vehicle except when and where such permission has been specifically granted by the Council.
- (13) Washing of cars or other vehicles in any park.

### **USE AND PARKING OF MOTOR VEHICLES AND RECREATIONAL CAMPING VEHICLES**

**11.801. Use and Parking of Motor Vehicles and Recreational Camping Vehicles.** Definitions. The terms “mobile home” and “recreational camping vehicle” shall mean and include the following definitions:

- (1) “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.
- (2) “Pick-up Coach”. A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.
- (3) “Motor Home”. A portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
- (4) “Camping Trailers”. A folding structure, mounted on wheels and designed for travel, recreation and vacation uses.

**11.802. Unlawful Acts**

- (1) It is unlawful for any person to park a mobile home or recreational camping vehicle upon public or private property for human habitation except in a licensed mobile home park.
- (2) It is unlawful for any person to park or store a mobile home or recreation vehicle within 30 feet of the street of any property within the “residence district” for more than seventy-two hours.

# CHAPTER 12

## PUBLIC SAFETY

### CIVIL DEFENSE

#### **12.101. Minnesota Civil Defense Act of 1951 Adopted by Reference.**

The Minnesota Civil Defense Act of 1951, Minnesota Statutes 1971, Chapter 12, as amended by laws 1973 and 1974, insofar as it relates to municipalities, is adopted by reference as a part of this code as fully as if set forth explicitly herein.

#### **12.102. Civil Defense Agency.**

(1) **Agency and Director.** There is hereby created within the City of Echo a civil defense and disaster agency which shall be under the supervision and control of the Civil Defense Director, hereinafter called the director. The director shall be appointed by the City Council as set forth in Section 3.401 and may be a Council member, fire chief, police chief, or member of the first responders. The director shall have direct responsibility for the organization, administration and operation of the civil defense agency, subject to the direction and control of the City Council.

(2) **Organization and Functions.** The Civil Defense Agency shall be organized into such divisions and bureaus, consistent with state and local defense plans, as the director deems necessary to provide for the efficient performance of local civil defense functions during a civil defense emergency. The agency shall perform civil defense functions within the city and in addition shall conduct such functions outside the city as may be required pursuant to Minnesota Statutes, Chapter 12, or this ordinance.

#### **12.103. Powers and Duties of Director.**

(1) **Intergovernmental Arrangements.** With the consent of the City Council, the director shall represent the city at any regional or state organization for civil defense. He shall develop proposed mutual aid agreements with other political subdivisions within or outside the state for reciprocal civil defense aid and assistance in a civil defense emergency too great to be dealt with unassisted, and he shall present any such agreements to the City Council for its action. Such agreements shall be consistent with the civil defense plan and during a civil defense emergency, the Civil Defense Agency and civil defense forces shall render assistance in accordance with the provisions of such agreements.

(2) **Civil Defense Plan.** The director shall prepare a comprehensive general plan for the civil defense of the City and shall present such plan to the City Council for its approval. When the council has approved the plan by resolution,

all civil defense forces of the City shall perform the duties and functions assigned by the plan.

(3) **Reports.** The director shall prepare and present to the Council a report of activities and recommendations at such times and covering such periods as may be requested by the Council. Reports shall not be required more than once a year.

(4) In accordance with the State and City Civil Defense Plans, the director shall institute such training programs and public information programs and shall take all other preparatory steps, including the partial or full mobilization of civil defense forces in advance of actual disaster, as may be necessary to the prompt and effective operation of the City Civil Defense Plan in time of a civil defense emergency. He may, from time to time, conduct such practice air raid alerts or other civil defense exercises as he may deem necessary.

(5) The direction shall utilize the personnel, services, equipment, supplies and facilities of existing departments and agencies of the City to the maximum extent practicable. The officers and personnel of all such departments and agencies shall, to the maximum extent practicable, cooperate with and extend such services and facilities to the local civil defense agency and to the Governor upon request. The head of each department and agency, in cooperation with and under the direction of the director, shall be responsible for the planning and the programming of such civil defense activities as will involve the utilization of the facilities of this department or agency.

(6) The director shall, in cooperation with any existing City departments and agencies affected, organize, recruit and train fallout shelter managers, radiological monitors, police reserves, rescue personnel, auxiliary firemen, emergency medical personnel, and any other personnel that may be required on a volunteer basis to carry out the civil defense plan of the City and the State. To the extent that such emergency personnel are recruited to augment a regular City department or agency for civil defense emergencies, they shall be assigned to such department or agency for purposes of administration and command. The director may dismiss any civil defense volunteer at any time and require him to surrender any equipment and identification furnished by the City.

(7) Consistent with the Civil Defense Plan, the direction shall provide and equip emergency hospitals, casualty stations, ambulances, evacuation centers, and other facilities or conveyances for the care of the injured or well being of homeless persons.

(8) The director shall carry out all orders, rules and regulations issued by the Governor pertaining to civil defense.

(9) The director shall direct and control the general operations of all local civil defense forces during a civil defense emergency in conformity with controlling



regulations and instructions of State civil defense authorities. The heads of departments and agencies shall be governed by his orders in respect thereto.

(10) Consistent with the Civil Defense Plan, the director shall provide and equip at some suitable place in the City, an emergency operating center and, if required by the local civil defense plan, auxiliary centers to be used during a civil defense emergency as headquarters for direction and control of civil defense forces. He shall arrange for representation at the center by municipal departments and agencies, public utilities and other agencies authorized by Federal or State authority to carry on civil defense activities during a civil defense emergency. He shall arrange for the installation at the emergency operating center of necessary facilities for communication with and between heads of civil defense divisions, the stations and operating units of municipal services and other agencies concerned with civil defense, for communication with other communities and emergency operating centers within the surrounding area and with the Federal and State agencies concerned.

(11) During the first 30 days of a civil defense emergency, if the Legislature is in session or the Governor has couple his declaration of the emergency with a call for a special session of the Legislature, the director may, when necessary to save life or property, require any person, except members of the Federal or State military forces and officers of the State or any other political subdivision, to perform services for civil defense purposes as he directs; and he may commandeer any motor vehicle, tools, appliances, or any other property, subject to the owner's right to just compensations as provided by law.

**12.104. General Provisions on Civil Defense Workers.** Civil defense volunteers shall be called into service only in case of a civil defense emergency or a natural disaster for which the regular municipal forces are inadequate or for necessary training and preparation for such emergencies. All volunteers shall serve without compensation.

- (1) Each civil defense volunteer shall be provided with such suitable insignia or other identification as may be required by the director. Such identification shall be in a form and style approved by the Federal government. No volunteer shall exercise any authority over the persons or property of others without his identification. No person, except an authorized volunteer, shall use the identification of a volunteer or otherwise represent himself to be an authorized volunteer.
- (2) No civil defense volunteer shall carry any firearm while on duty, except on written order of the chief of the police department.
- (3) Personnel procedures of the City applicable to regular employees shall not apply to volunteer civil defense workers, but shall apply to paid employees of the civil defense agency.

**12.105. Emergency Regulations.** When used in this section, the term, “Civil defense emergency” includes disaster caused by fire, flood, windstorm, or other natural causes.

(1) Whenever necessary to meet a civil defense emergency or to prepare for such an emergency for which adequate regulations have not been adopted by the Governor or the City Council, the mayor may by proclamation promulgate regulations, consistent with applicable Federal or State law or regulation, respecting: protection against nuclear missiles; the sounding of attack warning; the conduct of persons and the use of property during emergencies; the repair, maintenance, and safeguarding of essential public services; emergency health, fire and safety regulations, trial drills, or practice periods required for preliminary training; and all other matters which are required to protect public safety, health and welfare in civil defense emergencies.

(2) Every proclamation of emergency regulations shall be in writing and signed by the mayor; shall be dated; shall refer to the particular civil defense emergency to which it pertains, if so limited; and shall be filed in the office of the City Clerk, where a copy shall be kept posted and available for public inspection during business hours. Notice of the existence of such regulation and its availability for inspection at the clerk’s office shall be conspicuously posted at the front of City Hall or other headquarters of the City and at such other places in the affected area as the mayor shall designate in the proclamation. Thereupon, the regulation shall take effect immediately or at such later time as may be specified in the proclamation. By like proclamation, the mayor may modify or rescind any such regulation.

(3) The City Council may rescind any such regulation by resolution at any time. If not sooner rescinded, every such regulation shall expire at the end of 30 days after its effective date or at the end of the civil defense emergency to which it relates, whichever occurs first. Any ordinance, rule or regulation inconsistent with an emergency regulation promulgated by the mayor shall be suspended during the period of time and to the extent that such conflict exists.

(4) During a civil defense emergency, the City is, notwithstanding any statutory or charter provisions to the contrary, empowered, through its governing body acting within or without the corporate limits of the City, to enter into contracts and incur obligations necessary to combat such disaster by protecting the health and safety of persons and property, and providing emergency assistance to the victims of such disaster. The City may exercise such powers in the light of the exigencies of the disaster without compliance with time-consuming procedures and formalities prescribed by law pertaining to the performance of the public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, limitations upon tax levies, and the appropriation and expenditures of public funds

including, but not limited to, publication of ordinances and resolutions, publications of calls for bids provisions of civil service laws and rules, provisions relating to low bids, and requirements for budgets.

(5) During a civil defense emergency, the mayor is authorized to contract on behalf of the City for services or for the purchase of merchandise of materials where the amount of the contract or purchase does not exceed \$1,000. The mayor may take such action without prior approval of the council, and without compliance with regular purchasing and bidding procedures, but all claims resulting there from shall be audited and approved by the Council as in the case of other purchases and contracts.

**12.106. Conformity and Cooperation with Federal and State Authority.** Every officer and agency of the city shall cooperate with Federal and State authorities and with authorized agencies engaged in civil defense and emergency measures to the fullest possible extent consistent with the performance of their other duties. The provisions of this ordinance and of all regulations made thereunder shall be subject to all applicable and controlling provisions of Federal and State laws and of regulations and orders issued thereunder and shall be deemed to be suspended and inoperative so far as there is any conflict therewith.

**12.107. Penalty.** Any person who violates any provision of Sections 12.101 to 12.106 or of any regulation adopted therefrom relating to acts, omissions to conduct, other than official acts of City officers or employees, is guilty of a petty misdemeanor.

## CHAPTER 13

### FIRE PREVENTION AND CONTROL

**13.101. Definitions.** For the purposes of this Section, the terms in this Section have the meaning given them.

(1) “Open Fire” or “Open Burning” means a fire burning in matter, whether concentrated or dispersed, which is not contained within a fully enclosed fire box, structure or vehicle, and from which the products of combustion are emitted directly to the open atmosphere without passing through a stack, duct, or chimney.

(2) “Camp Fire” means a fire set for cooking, warming, or ceremonial purposes, which is not more than three (3) feet in diameter by three (3) feet high, and has had the ground give five (5) feet from the base of the fire cleared of all combustible material.

(3) “Starter Fuels” mean dry, untreated, unpainted wood or charcoal fire starter. Paraffin candles and alcohols are permitted as starter fuels and as aids to ignition only. Propane gas torches or other clean gas burning devices causing minimal pollution must be used to start an open fire.

(4) “Woods” means dry, clean fuel only such as twigs, branches, limbs, “presto logs”, charcoal, cordwood or untreated dimensional lumber. “Wood” does not include wood that is green, with leaves or needles, rotten, wet, oil soaked, or treated with paint, glue or preservatives. Clean pallets may be used for recreation fires when cut into three (3) foot lengths.

(5) “Recreation Fire” (Same definition as a “Camp Fire”).

- (a) Recreation Fire Site – Requirements. An area of no more than a three (3) foot diameter circle (measured from the inside of the fire ring or border); completely surrounded by non-combustible and non-smoke or odor producing material, either of natural rock, cement, brick, tile or block of ferrous metal only and which area is depressed below ground, on the ground, or on a raised bed. Included are permanent outdoor wood burning fire places. Recreation fire sites shall not be located closer than fifty (5) feet to any structure. Burners are not a recreation fire site as defined herein.
- (b) Recreation Fire Burn – Requirements. When a camp fire is used for recreation purposes, it must be ignited with an approved starter fluid using dry clean wood; producing little detectable smoke, odor or soot beyond the property line; conducted with an adult tending the fire at all times; extinguished completely before quitting the

occasion; and respecting weather conditions, neighbors, burning bands, and air quality so that nuisance health or safety hazards will not be created. Mobile cooking devices such as manufactured hibachis, charcoal grills, wood smokers, and propane or natural gas devices, are not defined as camp recreation fires.

**13.102. Prohibited Materials.** No person shall conduct, cause or permit open burning of hazardous waste or salvage operations, or open burning of solid waste generated from an industrial or manufacturing process or from a service or commercial establishment or building material generated from demolition of commercial or institutional structures. No person shall conduct, cause or permit open burning of discarded material.

**13.103. Permit Required for Open Burning.** No person shall start or allow any open burning in the City of Echo without first having obtained an Open Burn Permit, except that a permit is not required for any fire which is a Camp or Recreation Fire as defined herein. Fire Training and Permanent burn Site permits can only be issued by the Minnesota Department of Natural Resources (DNR) Forest Officers.

**13.104. Revocation of Open Burning Permit.** The Open Burning Permit is subject to revocation at the discretion of a DNR Forest/Conservation Officer, or the City Fire Chief. Reasons for revocation include, but are not limited to: a fire hazard existing or developing during the course of the burn, any of the conditions of the permit being violated during the course of the burn, pollution or nuisance conditions developing during the course of the burn, or a fire smoldering with no flame present.

**13.105. Burning Ban or Air Quality Alert.** No Camp or Recreational Fire or Open Burn will be permitted when the City or DNR has officially declared a burning ban due to potential hazardous fire conditions or then the MPCA has declared an Air Quality Alert.

**13.106. Rules Adopted by Reference.** Minnesota Statutes §88.01 to 88.22, 88.75, and 88.76 and Minnesota Uniform Fire Code (where adopted), are hereby adopted by reference and made a part of this Ordinance as if fully set forth at this point.

**13.107.** No person shall cause or permit outside burning of trash or debris within the City of Echo.

**13.108. Negligent Fires.** No person shall negligently or carelessly set on fire, or cause to be set on fire, any combustible materials, whether on his own land or not, where the property of another shall be endangered or shall negligently suffer from said.

**13.109. Penalty.** Any person violating any provision of Sections 13.101 to 13.108 shall be guilty of a petty misdemeanor.

## **FIREARMS AND FIRECRACKERS**

**13.301. Firearms and Firecrackers.** No person shall discharge any firearm of any description, included but not limited to BB and pellet guns, or fire, explode, or set off any other explosive instrument, including but not limited to firecrackers, substance or materials, within the limits of the City unless it be in the discharge of official duty prescribed by the City Code, or by the laws of the State of Minnesota, or upon the written permission of the Mayor.

**13.302. Use of Bow and Arrow or Slingshot.** It is unlawful for any person to shoot a bow and arrow, slingshot, or other similar device within the City limits except in a physical education program in a school supervised by a member of its faculty, community-wide supervised class or event specifically authorized by the Chief of Police, or a bow and arrow range authorized by the Council.

**13.303. Penalty.** Any person violating any provision of Section 13.301 or 13.302 shall be guilty of a petty misdemeanor.

## CHAPTER 14

### DOGS, CATS AND OTHER ANIMALS

**14.101.        Definitions.** As used in this part, the terms shall mean the following:

(1)    **Owner.** Any person, group of persons, or legal entity owning, keeping, or harboring a dog or dogs, cat or cats.

(2)    **Harborer.** The harborer of a dog or cat shall be any person who has custody of any dog or cat or permits a dog or cat to be kept or to stay on or about the harborer's premises.

(3)    **At large.** An animal shall be termed at large when it is not under restraint, as defined herein.

(4)    **Restraint.** An animal is under restraint if it is controlled by a leash not exceeding eight feet in length; or if it is under the voice of signal command of a competent person, providing that the animal will immediately respond to and obey the voice or signal commands of such a person; or if it is within the boundaries of the owner's or harborer's premises.

(5)    **Police.** The police officers of the city, or any person, firm, or agency hired or engaged by the city to assist the police in the performance of their duties.

**14.102.        Licensing.** No person shall own, keep or harbor a dog unless such dog is licensed as provided herein.

**14.103.        License Application.** Written application shall be made in writing at the office of the Clerk. The application shall state the name and address of the owner of the dog, the name, breed, age, sex, and color of the dog, and be accompanied by a certificate of vaccination from a qualified source certifying that the dog has been vaccinated against rabies, or has received a booster shot therefore, within the 24-month period immediately preceding the application.

**14.104.        License Fee.** The annual license fee shall be determined by resolution of the City Council for each dog. The license fee shall be paid at the time of making the application.

**14.105.        Term of License** All dog licenses shall be issued for one year beginning with the first day of January of each year. Any dog owner, upon first becoming a resident of Echo, shall be allowed thirty (30) days from the date of becoming a resident to obtain a dog license.

**14.106. Dogs Not Requiring Licensing.** No license shall be required of dogs less than three (3) months of age.

**14.107. Tag and Collar.** All dogs shall be harnessed or collared. The clerk shall upon issuance of a license provide the applicant with a tag which shall be dated and numbered, and which shall be securely fastened to the animal's collar or harness at all times.

**14.108. Rabies Vaccination.** Every application for a license shall be accompanied by a certificate from a qualified veterinarian showing that the dog has been vaccinated for rabies within three (3) years prior to the expiration of license applied for.

**14.109. Restraining of Animals.** No animal shall be permitted to be at large in the city. All animals shall be under restraint at all times.

**14.110. Confinement of Certain Animals.** The owner or harborer shall confine within a building or secure enclosure any fierce, dangerous, or vicious dog or cat, and not permit such animal out of such confinement unless and until it is securely muzzled and in control of a competent person.

**14.111. Animals Creating Nuisance Prohibited.** No person shall keep or harbor an animal which barks or howls, or otherwise constitutes a nuisance.

**14.112. Impounding Animals.** The police, or any other duly appointed person, may take and impound any animal which is not being kept, confined, or restrained in a manner consistent with the requirements of this regulation. Such police or person may enter upon private premises where it appears that there is reasonable cause to believe that an animal is not being kept, confined, or restrained as herein required.

**14.113. Notice to Owner.** Immediately upon the impounding of an animal wearing a current license tag, the police shall make every reasonable effort to notify the owner or harborer of such impoundment, and of the conditions whereby the owner or harborer may regain custody of the animal. Verbal notice shall be immediately confirmed in writing by the police.

**14.114. Reclaiming Impounded Animal.** Any animal impounded hereunder may be reclaimed by the owner or harborer of same within five (5) days after receiving notice of such impoundment, excluding Saturdays, Sundays, and legal holidays, upon payment to the clerk of an impounding fee as determined by the City Council, together with the actual costs incurred for boarding. If the animal being reclaimed has no license, and a license is required, a license shall be issued, and the fee for same paid prior to the release from impoundment. No animal impounded shall be released except to a person displaying a receipt from the Clerk showing payment of the costs of impounding.

**14.115. Dogs Which Cannot Be Impounded.** If an animal is rabid, or otherwise diseased, vicious, or dangerous, and cannot be impounded after a reasonable



effort or without serious risk to the impounder or others, such animal may be immediately killed.

**14.116. Rabies Shots Required, Penalties for Violation.** It shall be unlawful for any person to own, possess, or harbor a dog within the city, if the dog has not had a vaccination for rabies within the time required under standard veterinary practices.

**14.117. Biting Dogs to be Quarantined.** Whenever any dog has bitten a person, the owner or custodian of such dog or animal, having been so notified, either orally or in writing, shall immediately quarantine said dog or animal at the owner's home or other suitable place of confinement, as directed by the responsible officer of the city for a period of 14 days after the occurrence. During the quarantine period, the animal shall be securely confined in a building or in a yard enclosed by a fence so constructed that the animal cannot escape or otherwise leave said enclosure, and which will not permit other animals or persons to enter, for the purpose of preventing the animal from biting or otherwise coming in contact with persons or other animals. Upon a reasonable suspicion that the dog may be rabid, the dog shall be subjected to the necessary tests by a doctor of veterinary medicine for the purpose of determining if it is infected with rabies. The confinement, testing treatment, in addition to all other expenses incurred as the result of a dog biting a person shall be the expense of the owner of said animal.

**14.118. Certain Animals Regulated.** It shall be unlawful to keep or harbor in the city any of the following animals, or animals of allied genera without first obtaining a written permit therefore from the council: horses, cows, sheep, goats, swine, chickens, animals of the genus reptilia, or allied genera which are venomous of the constrictor type, birds, or other animals the keeping in captivity of which is prohibited by law.

**14.119. Revocation of License or Permit.** The failure of any owner to comply with the requirements of this chapter shall constitute grounds for the immediate revocation of any license or permit issued under this ordinance.

**14.130. Kennel.**

(1) A kennel is defined as any shelter, place, building, abode or enclosure used for the purpose of keeping, maintaining, breeding, training or raising more than three (3) dogs or cats over the age of three (3) months.

(2) **Kennel Licensing.** No kennel shall be constructed or operated without the owner thereof first obtaining a permit therefore from the City council and complying with all applicable ordinances and regulations. Application for such permit shall be made in person by the owner at a regular meeting of the City Council at which time the owner shall present a written plan of the proposed kennel and the location of residential dwellings within a 1,5000 foot radius of such kennel, said plan to be in sufficient detail to enable the City Council to

understand the nature and location thereof. Upon approval by resolution of such application, the Clerk shall issue a permit upon payment by owner of a permit fee determined by the City council. Such permit shall be valid for a period of one year from January 1 which may be renewed from year to year thereafter upon the application of the owner at least thirty (30) days before the expiration of the current permit year. The renewal permit fee shall be determined by the City Council. The City council shall have the sole discretion in granting or refusing such permits, and, for cause shown, may revoke same after reasonable notice to the owner with any refund of said permit fee.

(3) **Kennel Specifications.** No permit shall be granted to any owner for the operation of a kennel unless the area within which the animals are to sleep, eat and exercise shall be enclosed completely with a wire mesh fence at least six feet in height of sufficient gauge insuring the confinement of said animals. No kennel shall be constructed or operated within five hundred (500) feet of any residential dwelling other than the owner's.

(4) **Kennel Regulations.** Every kennel shall be maintained and operated in a neat and sanitary manner. All refuse, garbage and animal waste shall be removed at regular intervals so as to keep the surrounding area free from obnoxious odors. No owner shall permit any of his animals to create any unusual noise from barking, howling or screeching, nor create any disturbance or nuisance of any kind whatsoever which unduly impairs the quiet and peaceable enjoyment of the surrounding area by other residents.

**14.121. M.S. 347.5- - 347.55.** The provisions of Minnesota Statutes 347.50 through 347.55 are hereby adopted as part of this Ordinance. Every provision contained in these statutes is hereby adopted and made a part of this Ordinance as if fully set forth herein.

**14.122. Stables and Barns.** No building in which livestock are kept may be located within 150 feet of a dwelling (other than the dwelling of the owner of the livestock) used for human habitation. Such building shall be kept clean, and manure removed often enough to avoid nuisance from odors and from flies.

**14.123. Penalty.** Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed \$700.00 and imprisonment not to exceed 90 days, or both.

**14.124. Invalidity.** The invalidity of any part of this Ordinance as declared by a Court of competent jurisdiction shall not affect the validity of the remainder hereof.

**14.125. Public Nuisance.** Fowl or animals kept contrary to the provisions of Section 14.101 to 14.122 are hereby declared a public nuisance and may be abated according to law.

# **CHAPTER 15**

## **ALCOHOLIC BEVERAGES**

### **INTOXICATING MALT LIQUORS**

- 15.101. Definitions of Terms. As used in this ordinance, the terms:
- (1) “Intoxicating liquor” and “liquor” mean ethyl alcohol, distilled, fermented, spirituous, vinous and malt beverages containing in excess of 3.2 percent of alcohol weight.
  - (2) “Sale” and “sell” and “sold” mean all barter and all manners or means of furnishing intoxicating liquor including such furnishing in violation or evasion of law.
  - (3) “Off sale” means the sale of liquor in original packages in retail stores for consumption off or away from the premises where sold.
  - (4) “On sale” means the sale of liquor by the glass for consumption on the premises only.
  - (5) “Wholesale” means any sale for the purposes of resale.
  - (6) “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 intoxicating liquors for sale.
  - (7) “Wholesaler” means any person engaged in the business of selling intoxicating liquor to retailers.
  - (8) “Package” or “original package” means any container or receptacle holding liquor, which container is corked or sealed.
  - (9) “Restaurants” means any establishment, under the control of a single proprietor or manager, having appropriate facilities for the serving of meals, and where, in consideration of payment therefore, meals are regularly served at tables to the general public, and which employs an adequate staff to provide the usual and suitable service to its guests. Such establishment shall have facilities for seating not less than 10 guests.
  - (10) “Exclusive liquor store” is an on-sale, off-sale or combination on-sale and off-sale establishment used exclusively for the sale of intoxicating liquor 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, non-intoxicating malt beverages and soft drinks at retail. An exclusive

liquor store includes an on-sale or combination on-sale and off-sale establishment operating a restaurant or selling food for consumption on the premises.

- (11) “Club” means any corporation duly organized under the laws of the state for civil, fraternal, social or business purposed or for intellectual improvement, or for the promotion of sports, or a congressionally chartered veterans’ organization, which shall have more than 20 members, and which 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.

**15.102. License Required.** No person except a wholesaler or manufacturer, to the extent authorized under state license, shall directly or indirectly deal in, sell, or keep for sale in the City any intoxicating liquor without a license to do so as provided in this code. No more than two liquor licenses, whether on-sale or off-sale shall be issued.

**15.103. Types of Licenses.** Licenses shall be of three types: “On-sale”, “off-sale”, and club business.

(1) “On-sale” licenses shall be issued only to clubs, restaurants, and exclusive liquor stores and shall permit “on-sale” of liquor only.

(2) “Off-sale” licenses shall be issued only to exclusive stores and shall permit “off-sale” of liquor only.

(3) Special club licenses shall be issued only in corporate clubs which have been in existence for one year or more or to congressionally chartered veterans’ organizations which have been in existence for ten years.

**15.104. Number of Licenses Issued.** No more than two liquor licenses, whether “on-sale” or “off-sale” shall be issued to any of the aforementioned established or any combination of the aforementioned establishments.

**15.105. Application for License.** Every application for a license to sell liquor shall state the name of the applicant, his age, representations as to his character, with such references as the Council may require, his citizenship, the type of license

applied for, the business in connection with which the proposed license will operate and its location, whether the applicant is owner and operator of the business, how long he has been in that business at that place, and such other information as the council may require from time to time. In addition to containing such information, the application shall be in the form prescribed by the state liquor control commissioner and shall be verified and filed with the clerk. No person shall make a false statement in an application.

If the applicant is a corporation, the applicant shall include the following information:

- (a) Name and address of each stockholder and corporate officer.
- (b) Number of shares owned by each stockholder
- (c) Certified copy of Articles of Incorporation and amendments thereto.
- (d) Verification from Minnesota Secretary of State that the corporation is an active Minnesota corporation in compliance with all requirements of the Secretary of State's Office to government or private agencies.

**15.106. License Fees.** The annual fee for a liquor license shall be set by resolution of the City Council on or before December 31 of each year.

(1) Each application for license shall be accompanied by a receipt from the City Clerk for the portion of the total license fee due at the time the application is made. All fees shall be paid into the general fund. If the application for a license is rejected or withdrawn, the City Clerk shall refund the amount paid, less \$100.00 as an investigation fee. If a licensee elects to pay for the license on the quarterly installment basis and fails to make any of the installments on or before the due date of each installment payment, the license shall be automatically revoked as of the due date and shall not thereafter be reissued unless a new application for a license is made and approved by the Council.

(2) Upon approval of the applicant's license, the applicant shall pay to the City the license fee as set by the Council. All such fees shall be deposited into the general fund.

(3) Each license shall be issued for a period of one year except that if application is made during the license year, a license may be issued for the remainder of the year for a pro-rated fee, with any unexpired fraction of a month being counted as one month. Every license shall expire on the last day of December of each year.

(4) No refunds shall be made except as authorized by statute.

**15.107. Granting of Licenses.** The Council shall investigate all facts set out in the application. Opportunity shall be given to any person to be heard for or against the granting of the license. After investigation and hearing, the Council shall, in its

discretion, grant or refuse the application. No “off-sale” license shall become effective until it, together with the security furnished by the applicant, has been approved by the state liquor control commissioner.

**15.108. Investigation Fees.** The applicant shall deposit with the city clerk at the time of his application for license the sum of \$250.00 for each person to be investigated. After the investigation fee has been determined, any excess payment shall be returned to the applicant within 30 days of the determination of the fee.

In any instance where the investigations required herein necessitate an investigation outside the State of Minnesota but within the United States of America, an additional fee of up to \$1,000.00 may be charged and shall be paid to the city clerk as specified in the preceding paragraph.

If any investigation must be conducted outside the United States of America, an additional fee of \$2,500.00 shall be required to be paid to the city clerk and will be treated in the same manner as other investigation fees described herein.

**15.109. Transferability of License.** Each license shall be issued only to the applicant and for the premises described in the application. No license may be transferred to another person or place without Council approval. Any transfer of stock of a corporate license is deemed a transfer of the license and a transfer of stock without prior Council approval is a ground for revocation of the license.

**15.110. Persons Ineligible for License.** No license shall be granted to any person made ineligible for such a license by state law. No license shall be issued to an individual who is not a resident of the City.

**15.111. Places Ineligible for License.** No license shall be issued for any place of business ineligible for any license under state law.

(1) No license shall be issued to any business, except an exclusive liquor store, until it has been in operation continuously for six months.

(2) No license shall be granted for operation on any premises on which taxes, assessments, or other financial claims of the city are delinquent and unpaid.

**15.112. Conditions of License.** Every license is subject to the conditions in the following subdivisions and all other provision of this code and of any other applicable code, state law or regulation.

(1) Every licensee is responsible for the conduct of his place of business and the conditions of sobriety and order in it. The act of any employees on the licensed premises authorized to sell intoxicating liquor there is deemed the act of the licensee as well, and the licensee shall be liable to all penalties provided by this code and the law equally with the employee.

(2) No “on-sale” establishment shall display liquor to the public during the hours when the sale of liquor is prohibited.

(3) No licensee shall possess a federal wholesale liquor dealers special tax stamp or a federal gambling stamp.

(4) Every licensee shall provide proof of compliance with State Worker’s Compensation Laws.

**15.113. Hours.** No sale shall be made at times not permitted by state law.

**15.114. Evacuation of Establishments.** Establishments licensed for the sale of intoxicating liquors shall be evacuated of all persons between the hours of 1:30 a.m. on any Sunday and 8:00 a.m. the following Monday and between the hours of 1:30 a.m. and 8:00 a.m. on all other days. The operators of said establishments shall be responsible to insure the provisions of this section are complied with.

**15.155. Exceptions to Section 14.116.** The management and bona fide employees may remain on the premises during the above hours in order to carry on normal clean up, restocking, repairs or other duties incidental to the operation of said establishment, however, such persons may not consume intoxicating beverages on the premises during the above hours. For the purposes of the section “employee” is a person who is employed on a regular basis and for whom the management has withheld taxes. The premises shall be open for inspection by any law enforcement officer or member of the City Council at any time if any person is within said premises, whether during the hours of operation as specified in Section 14.116, or after hours as specified herein.

## **NON-INTOXICATING MALT LIQUORS**

**15.201. Definition of Terms.** As used in this ordinance, the following terms mean:

- (1) “Person” shall mean and include a natural person of either sex, persons, partnerships, corporations, or associations of persons, and it shall include the agent and manager of any of the aforesaid.
- (2) “Non-intoxicating malt liquor” shall mean any potable beverage with an alcoholic content of more than one-half of one percent by volume and not more than 3.2 percent by weight
- (3) A “bona fide club” as used herein shall be any club organized for social or business purposes or for intellectual improvement or the for promotion of sports where the serving of non-intoxicating malt liquor is sold in its original package.

- (4) “Original package” as used herein shall mean the bottle or sealed container in which the non-intoxicating malt liquor is placed in the place of manufacture.
- (5) “Café” and “restaurant” as used in this ordinance shall mean any place where preparing and serving lunches or meals to the public to be consumed on the premises constitutes the major business thereof.

**15.202. License Required.** No person shall sell, deal in, or dispose of by gift, sale or otherwise, or keep or offer for sale any non-intoxicating malt liquor within the City of Echo without first having received a license therefore as hereinafter provided. Licenses shall be of two kinds:

- (1) “On-sale” licenses shall be granted only to drug stores, cafes, restaurants, and hotels where food is prepared and served for consumption on the premises and in bona fide clubs, and shall permit the sale of such liquor for consumption on the premises only.
- (2) “Off-sale” licenses shall be granted to permit the sale at retail or wholesale of non-intoxicating malt liquor in the original packages for removal from and consumption off the premises only.

**15.203. Application for License.** The applications for licenses to sell non-intoxicating malt liquor shall be made on forms supplied by the City setting forth the name of the person asking for such license; his age, representations as to his character with such reference as may be required; his citizenship; the legal description of the premises where such business is to be carried on; whether such application is for “on-sale” or “off-sale”; the business in connection with which the proposed license will operate; the name of the owner or operator of such business and all other persons having an interest therein; and such further information as the City Council may from time to time require. It shall be unlawful to make any false statement in an application and such false statement will constitute grounds for revocation of a license.

**15.204. Payment of License.** All applications for licenses shall be accompanied by the required annual fee for the respective license. All such fees shall be paid into the general fund of the City. Upon denial of any application for a license, the treasurer shall refund the amount paid. All licenses shall be of such duration as may be determined by the Council at time of issuance; provided, however, that no license shall be issued which will not expire on or before the 31<sup>st</sup> day of December after issuance. All licensed premises shall have the license posted in a conspicuous place at all times.

**15.205. License Fees.**

- (1) The annual fee for an “on-sale” license and the annual fee for an “off-sale” license shall be established by resolution of the council. This annual fee shall be due on January 1<sup>st</sup> of each year, provided, however, that the



licensee for an “on-sale” license shall have the option of paying for said license in \$400.00 quarterly installments due on January 1<sup>st</sup>, July 1<sup>st</sup> and October 1<sup>st</sup> of each year.

- (2) Temporary non-intoxicating malt liquor licenses may be issued to be effective for a period of time not longer than fourteen (14) days. Such licenses shall be issuable only to non-profit, religious, or charitable organizations. The fee for such licenses shall be determined by the City Council.

**15.206. Conditions of License.** All licenses granted hereunder shall be granted subject to the following conditions, and subject to all other ordinances of the City of Echo applicable thereto:

- (1) No license shall be granted to any person under 21 years of age. No license shall be granted to any person who has been convicted of a felony or of violating any federal or state law or local ordinance relating to the manufacture, sale, or transportation of intoxicating liquors.
- (2) The sale or consumption of non-intoxicating malt liquor in automobiles or on the streets or alleys of the City of Echo shall be a violation of this ordinance.
- (3) No license shall be granted for sale on any premises where a licensee has been convicted of the violation of this ordinance, or where any license granted hereunder had been revoked for cause, for at least one year after the said conviction or revocation.
- (4) No sale of non-intoxicating malt liquor shall be made to any minor person under 21 years of age.
- (5) No gambling or any gambling devise prohibited by law shall be permitted on any licensed premises.
- (6) All licenses granted under this ordinance shall be issued only to the applicant and shall be issued only for the premises described in the application. Such licenses shall not be transferred to another location without the approval of the City Council.
- (7) Licenses shall be granted only to persons who are citizens of the United States and who are of good moral character.

**15.207. Closing Hours.** No sale of non-intoxicating malt liquor shall be made at times not permitted by state law.

**15.208. City Council Authority.** The City Council has sole authority to grant and deny licenses. Licenses may be revoked for cause by the City Council without

hearing, and without notice to the licensee where the licensee has been convicted of a felony or of violating the provisions of any federal or state law or local ordinance regarding the manufacture, sale or transportation of non-intoxicating malt liquors. No portion of the license fee paid into the city treasury shall be returned upon revocation of the license.

## **PUBLIC CONSUMPTION OF ALCOHOL**

**15.301. Restrictions on Purchase and Consumption.** No person shall mix or prepare liquor for consumption in any public place or place of business unless it has a license to sell liquor “on-sale” pursuant to this Chapter, and no person shall consume liquor in any such place. No person shall consume liquor on a public highway, public park or other public place, without prior approval of the City Council.

## **NUDITY OR OBSCENITY PROHIBITED**

**15.401. Definition.** As used in this Section, 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 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.

(2) “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 conduct, sexual excitement or sad-masochistic abuse, or which include 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 meaning or that in context are clearly used for their bodily, sexual or excretory meaning.

(4) “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.

(5) “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.

(6) “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.

**15.402. 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.

## CHAPTER 16 CITY CEMETERY

**16.101.        Purpose.** The grounds of the Echo City Cemetery are sacredly devoted to the interment of human dead, and a strict observance of the decorum which should characterize such a place will be required. All lots are held as burial places for the human dead and for no other purposes.

**16.102.        Description: Name:** A cemetery has been established and is continued upon land owned by the City of Echo, in the County of Yellow Medicine, State of Minnesota, described as follows:

Beginning at the Northwest corner of the Southwest Quarter of Section Three (3), Township One Hundred Thirteen (11) North of Range Thirty-eight (38) West of the Fifth Principal Meridian; thence East 330 feet; thence South 528 feet; thence West 330 feet; thence North 528 feet to the point of beginning

And the same shall be called the Echo City Cemetery.

**16.103.        Officers and Duties.** The City of Echo shall manage, operate and maintain the Echo City Cemetery and additions thereto subject to any limitations and restrictions set forth here or as contained in any applicable law. The City Council shall be ex officio trustees of said cemetery. The Council shall perform all the duties required as trustees of cemeteries as defined by the laws of this state. The City Clerk shall perform all the duties required as secretaries of cemeteries as defined by the Statues of this state.

**16.104.        Cemetery Lawn System and Burial Procedures.** No deceased person shall be interred in the Echo City Cemetery until a city official has located the lot in which burial is to be made; that such lot is not being used beyond its capacity; and before making a proper record of the name and age of the deceased person and the exact location of the grave. No more than one burial, including cremation burials, shall be permitted on any one burial site, provided, however, that any one of the following combinations shall be permitted:

1.        One non-cremation and on cremation burial;
2.        Two (2) baby burials;
3.        One adult and one baby burial;
4.        Two (2) cremation burials.

If a second burial is made on any burial site, it shall be marked by a flush marker, only one elevated marker per burial site shall be permitted. In order to compensate for additional work and record keeping where there is a second burial on a burial site, and additional charge of one-half the then cost of a burial site shall be paid to the City of such second burial on a site.

The owner of a site, his or her spouse or children, may be buried in a burial site without written approval. No other burials shall be permitted in a site without first obtaining the written consent of the owner and filing a copy thereof with the City, subject, however to rules, regulations or City ordinance to the contrary. The owner, for this purpose, shall be the owner as the same appears on the cemetery records of the City.

Foundations for monuments shall be concrete, built to provide at least five (5) inches of wash all around the base or first masonry course, and such foundation must not extend into adjoining lots nor into walkway areas. Grave markers may be laid flush with the ground with at least a five-inch concrete flushing or wash. No site shall be graded higher than the general level of the cemetery, except so as to allow for one year settling. No mound shall be built over any grave. No fence and no stone or cement copying shall be constructed around any site.

**16.105. Sale of Cemetery Lots.** Values upon all unsold lots in the Echo City Cemetery and additions thereto are fixed and established as hereinafter set by resolution and are open to public inspection in the office of the City Clerk. Conveyance of burial lots shall be made by deed from the City of Echo to the purchaser which deed shall be recorded in the office of the Echo City Clerk. No title to any cemetery grave site, or portion thereof, shall be transferred by the owner thereof except as authorized by Minnesota Statute §306.29 as the same may be supplemented or amended from time to time. Whenever the title to any cemetery lot, or any portion thereof, is to be transferred by the owner thereof, the City shall have the first right to repurchase the same by paying to such owner the price originally paid to the City therefore, provided, however that this right of repurchase by the City shall not apply when a conveyance is made to the City for the purpose of transferring title in turn to a spouse, sister, or brother of the owner, or to a descendent of the owner or a descendant of the owner's spouse, sister or brother. Repurchase by the City under all other circumstances not otherwise specified herein, shall be in accordance with provisions of Minnesota Statutes Chapter 306 as supplemented or amended from time to time, the price to be paid, however, not to exceed that originally paid to the City. Burials in Sections B and F of the cemetery shall be in rotation, without a choice of space.

Twenty percent (20%) of the proceeds from the sales of cemetery lots and all revenues paid to the permanent care and improvement fund, shall be credited to the permanent care and improvement fund. The balance of the proceeds from the sale of the cemetery lots and all other income or funds of the Echo City Cemetery shall be credited to the cemetery fund and used solely for the maintenance and improvement of the cemetery, and may be added to the permanent care and improvement fund by a two-thirds vote of the City Council.

**16.106. Care and Maintenance.** The City of Echo shall provide general care for the cemetery which shall include maintenance of roadways, mowing grass, trimming and caring for trees and removing fallen trees. This shall not include providing special care such as watering lawns or vases temporarily placed on graves. The City shall have the right to remove trees, shrubs, plants or any structures now located upon any burial site, which has or shall become by reason of age or otherwise, unsightly or detrimental to the site upon which they are located or any adjacent site or avenue, and shall have the right to remove any such which may be placed on a site contrary to the provisions for these regulations. Artificial flowers may be placed in approved urns or vases and must be securely fastened to the urn or vase so that they will not fall or be blown from the container and cause problems with mowing. No artificial flowers, flags or decorations of similar nature shall be placed upon or attached to any grassed area, any tree or shrub, or any monument or marker; such flowers improperly placed may be removed by the City. Owners are responsible for filling sunken gravesites.

**16.107. Conduct in Cemetery.** Any person who shall deface, mutilate or otherwise injure any monument or enclosure or who shall injure or remove any shrubbery, trees, plants or flowers on the grounds, shall be subject to penalties. Motorcycles, bicycles, all terrain vehicles and snowmobiles are excluded from cemetery areas and no dogs will be allowed. The discharge of fire arms is prohibited except at military funerals. Children will not be permitted to run at will through the grounds. Boisterous or unseemly conduct will not be permitted in the cemetery.

**16.108. Winter Burials.** Burials during the winter will be conducted in the same manner as summer burials, subject to the following provisions.

- (1) The City will be responsible to open the roads to the grave site when necessary.
- (2) Any damages to other stones during snow removal will be the responsibility of the City
- (3) Any damages to other stones caused during the digging of a grave will be the responsibility of the grave digger. (This provision shall be enforced year round.)
- (4) The City reserves the right to postpone the interment due to the water or other conditions that would prohibit a timely burial.

**16.109. Additional Rules and Regulations.** The City Council shall have the authority to adopt additional rules and regulations from time to time, governing the use, operation, maintenance and care of the City Cemetery. These rules and regulations shall be adopted by resolution(s) which, for purpose of enforcement, shall be deemed to be incorporated herein by reference.

## CHAPTER 17

### REGULATION OF ADULT ORIENTED BUSINESSES

#### ADULT ESTABLISHMENTS

##### **17.101. Purpose and Intent.**

(1) Findings. It is the purpose of this Ordinance to regulate Adult Oriented Businesses to promote the health, safety, morals and general welfare of the citizens of the City and to establish reasonable and uniform regulations to:

- (a) Prevent additional criminal activity within the City;
- (b) Prevent deterioration of neighborhoods and its consequent adverse effect on real estate values of properties within the neighborhood;
- (c) To located Adult Oriented Businesses away from residential areas, schools, churches, and parks and playgrounds;
- (d) Prevent concentration of Adult Oriented Businesses within certain areas of the City.

(2) The provisions of the Ordinance have neither the purpose nor effect of imposing a limitation of restriction on the content of any communicative material, including Adult Oriented Materials. Similarly, it is not the intent nor effect of this Ordinance to restrict or deny access by adults to Adult Oriented Materials protected by the First Amendment, or to deny access by distributors and exhibitors of Adult Oriented entertainment to their intended market.

**17.102. Definitions.** For purposes of this section the terms defined in this section have the meanings given them.

(1) “Adult Use.” Any of the activities and businesses described below constitute “Adult Oriented Businesses” which are subject to the regulation of this Ordinance.

(2) “Adult Book and/or Media Store.” An establishment which excludes minors and which has a substantial portion of its stock in trade or stock on display books, magazines, films, videotapes, or other media which are characterized by their emphasis on matter depicting, describing, relating to Specified Sexual Activities or Specified Anatomical Areas.

(3) “Adult Cabaret.” An establishment which provides dancing or other live entertainment, if such establishment excludes minors by virtue of age from all or part

of the establishment and if such dancing or other live entertainment is distinguished or characterized by an emphasis on the performance, depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

(4) “Adult Establishment.” Any business which offers its patrons services, entertainment, or the sale of merchandise characterized by an emphasis on matter depicting, exposing, describing, discussing, or relating to specified sexual activities or specified anatomical areas. Specifically included in the term, but without limitation, are adult book and media stores, adult cabarets, adult hotels or motels, adult mini-motion picture theaters, adult modeling studios, adult motion picture arcades, adult motion picture theaters, adult novelty businesses and other adult establishments.

(5) “Adult Hotel or Motel.” Adult Hotel or Motel means a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

(6) “Adult Mini-Motion Picture Theater.”

(a) A Theater in an enclosed building, from which minors are excluded from all or part of the establishment, with a capacity for less than 50 persons used for presenting motion pictures, including but not limited to film and videotape, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas.

(b) Any business which presents motion pictures, from which minors are excluded from all or part of the establishment, including films and videotapes, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas, for viewing on the premises, including but not limited to private booths, viewing by means of coin operation or other mechanical devices, and the viewing of excerpt of motion pictures offered for sale or rent.

(7) “Adult Modeling Studio.” An establishment, which excludes minors from all or part of the establishment, whose major business is the provision to customers, or figure models who are so provided with the intent of providing sexual stimulation to sexual gratification to such customers and who engage in specified sexual activities or display specified anatomical areas while being observed, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.

(8) “Adult Motion Picture Arcade” Any place which excludes minors from all or part of the establishment wherein coin or token operated or electronically, electrically or mechanically controlled or operated still or motor picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are



distinguished or characterized by an emphasis on depicting or describing Specified Sexual Activities or Specified Anatomical Areas.

(9) “Adult Motion Picture Theater.” A theater in an enclosed building, from which minors are excluded from all or part of the establishment, with a capacity of 50 or more persons used regularly and routinely for presenting live entertainment of motion pictures including but not limited to film and videotapes, having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas for observation by patrons herein.

(10) “Adult Novelty Business.” A business from which minors are excluded from all or part of the establishment, which sells, offers to sell, or displays devices which stimulate human genitals or devices which are designed for sexual stimulation.

(11) “Specified Anatomical Areas” are any of the following conditions:

(a) Less than completely covered and opaquely covered;

- (1) human genitals, pubic region, or pubic hair,
- (2) buttock; and
- (3) female breast below a point immediately above the top of the areola; and

(b) Human male genitals in a discernible turgid state, even if opaquely covered.

(12) Specified Sexual Activities are any of the following conditions:

(a) An act of sexual intercourse, normal or perverted, actual or simulated, including genital-genital, anal-genital, or oral-genital intercourse, whether between human beings or between a human being and an animal.

(b) Sadomasochistic abuse, meaning flagellation or torture by or upon a person who is nude or clad in undergarments or in a revealing costume or the condition of being fettered, bound, or otherwise physically restricted on the part of one so clothed.

(c) Masturbation or lewd exhibitions of the genitals including any explicit, close-up representation of a human genital organ clothed or unclothed.

(e) Physical contact or simulated physical contact with the clothed or unclothed pubic areas or buttocks of a human male or female, or the breasts of a female, whether alone or between numbers of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

**17.103.        Application of this Ordinance.**        Except as in this Ordinance specifically provided, no structure shall be erected, converted, enlarged, reconstructed, or altered, and no structure or land shall be used, for any purpose nor in any manner which is not in conformity with this Ordinance.

No Adult Oriented Business shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the establishment which is prohibited by an Ordinance of the City of Echo, the laws of the State of Minnesota, or the United States of America. Nothing in this Ordinance shall be construed as authorizing or permitting conduct which is prohibited or regulated by other statutes or ordinances, including but not limited to statutes or ordinances prohibiting the exhibition, sale or distribution of obscene material generally, or the exhibition, sale or distribution of specified materials to minors.

**17.104.        Location.**        During the term of this Ordinance, no Adult Oriented Businesses shall be located less than 1,000 feet from any residential zoning district boundary or site used for residential purposes, and less than 1,000 feet from any church site, from any school site, from any day care facility, or from any park which is adjacent to property zoned residential. In addition, no Adult Oriented Business may be located within 1,000 feet of another Adult Oriented Business. For purposes of this Ordinance, this distance shall be a horizontal measurement from the nearest existing residential district boundary or site used for residential purposes, church site, school site, day care site, park site, or another Adult Oriented Business site to the nearest boundary of the proposed Adult Oriented Business site.

**17.105.        Hours of Operation.**        No Adult Oriented Business site shall be open to the public from the hours of 11:00 p.m. to 9:00 a.m.

**17.106.        Operation.**

(1)        Off-site Viewing.        An establishment operating as an Adult Oriented Business shall prevent off-site viewing of its merchandise, which if viewed by a minor, would be in violation of Minnesota Statutes Chapter 617 or other applicable Federal or State Statutes or local ordinances.

(2)        Entrances.        All entrances to the business, with the exception of emergency fire exits which are not useable by patrons to enter the business, shall be visible from a public right-of-way.

(3)        Layout.        The layout of the display areas shall be designed so that the management of the establishment and any law enforcement personnel inside the store can observe all patrons while they have access to any merchandise offered for sale or viewing including but not limited to books, magazines, photographs, video tapes or any other material.

(4) Illumination. Illumination of the premises exterior shall be adequate to observe the location and activities of all persons on the exterior premises.

(5) Signs. Signs for Adult Oriented Businesses shall not contain representational depiction of an adult nature of graphic descriptions of the adult theme of the operation.

**17.107. Licenses.**

(1) Licenses Required. All establishments, including any business operating at the time this Ordinance becomes effective, operating or intending to operate Adult Oriented Business, shall apply for and obtain a license from the City of Echo. A person is in violation of the City Code if he or she operates an Adult Oriented Business without a valid license issued by the City.

(2) Applications. An Application for a license must be made on a form provided by the City.

- (a) The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professional prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.
- (b) The applicant must be qualified according to the provisions of this section and the premises must be inspected and found to be in compliance with the appropriate state, county, and local law and codes by the health official, fire marshal and building official.
- (c) Application for license shall contain the address and legal description of the property to be used; the names, addresses, phone numbers, dates of birth of the owners, lessee, if any, the operator or manager, and all employees; the names, address, and phone number of two persons, who shall be residents of the State of Minnesota, and who may be called upon to attest to the applicant's, manger's, or operator's character; whether the applicant, manger or operator has ever been convicted of a crime or offense other than a traffic offense and if so, complete and accurate information the disposition thereof; the names and addresses of all creditors of the application, owner, lessee or manger insofar as the regarding credit which has been extended for the purposes of constructing, equipping, maintaining, operating, or furnishing or acquiring the premises, personal effects, equipment, or anything incident to the establishment, maintenance and operation of the business.

- (d) If the application is made on behalf of the corporation, joint business venture, partnership, or any legally constituted business association, it shall submit along with its application, accurate and complete business records showing the names, addresses and dates of birth of all individuals having an interest in the business, including partners, officers, owners and creditors furnishing credit for the establishment, acquisition, maintenance and furnishings of said business, in the case of a corporation, the names addresses and dates of birth of all officers, general managers, members of the board of directors as well as any creditors who have extended credit for the acquisition, maintenance, operation, or furnishing of the establishment including the purchase or acquisition of any items of personal property for use in said operation.
- (e) All Applicants shall furnish to the City, along with their applications, complete and accurate documentation establishing the interest of the applicant any other person having an interest in the premises upon which the building is proposed to be located or the furnishings thereof, personal property thereof, or the operation or maintenance thereof. Documentation shall be in the form of a lease, deed, contract for deed, mortgage deed, mortgage credit arrangement, loan agreements, security agreements, and any other documents establishing the interest of the applicant or any other person in the operation, acquisition or maintenance of the enterprise.
- (f) The license fee required by this Ordinance has not been paid.
- (g) An applicant has been convicted of a crime involving any of the following offenses:
  - (1) Any sex crimes as defined by Minn. Stat. §609.29 through §609.352 inclusive or as defined by any ordinance or statute in conformity therewith;
  - (2) Any obscenity crime as defined by Minn. Stat. §617.23 through §617.299 inclusive, or as defined by any ordinance or statute in conformity therewith, for which:

Less than two years have elapsed since the date of conviction or the date of releases from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense

Less than five years have elapsed since date of the last conviction or the date of releases from confinement for the

conviction, whichever is the later date, if the conviction is a felony offense; or

Less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the conviction is two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24 hour period.

- (3) The fact that a conviction is being appealed shall have no effect on disqualification of the applicant or applicant's spouse.

(4) Requalification. An applicant who has been convicted of an offense listed in Section 17.107, Subd. 3(g), may qualify for an Adult Oriented Business license only when the time period required by Section 17.107, Sub. 3(g) has elapsed.

(5) Posting. The license, if granted shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the Adult Oriented Business. The license shall be posted in a conspicuous place at or near the entrance to the Adult Oriented Business so that it may be easily read at any time.

(6) Council Action. The City Council shall act to approve or disapprove the license application within 120 days from the date the application was submitted, provided that the application contains all of the information required by this Ordinance. If the application is deficient, the council shall act on the application within 120 days from the date that the deficiency has been corrected.

(7) Appeals. Within 90 days after the decision by the Council, the applicant may appeal to the District Court by serving a notice upon the Mayor or Clerk of the Municipality.

**17.108. Fees.** Fees shall be set by City Resolution on the fee structure.

**17.108. Inspection.**

(1) Access. An applicant or licensee shall permit health officials, representatives of the police department, fire department and building inspection division to inspect the premises of an Adult Oriented Business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.

(2) Refusal to Permit Inspections. A person who operates an Adult Oriented Business or his agent or employee commits an offense if she or he refuses to permit a lawful inspection of the premises by health officials, representatives or

the police department, fire department and building inspection division at any time it is occupied or open for business. Refusal to permit inspections may result in the suspension of the license as provided in Section 11.

(3) Exceptions. The provisions of the section do not apply to areas of an adult motel which are currently being rented by a customer for uses as a permanent or temporary habitation.

**17.109. Expiration and Renewal**

(1) Expiration. Each license shall expire at the end of the calendar year and may be renewed only by making application as provided in 17.107, Subd. 1. Application for renewal must be made at least 60 days before the expiration date, and when made less than 60 days before the expiration date, the expiration of the license will not be affected.

(2) Denial of Renewal. When the City denies renewal of a license, the applicant shall not be issued a license of one year from the date of denial. If subsequent to denial, the City finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date denial became final.

**17.110. Suspension.**

(1) Causes of Suspension. The City may suspend a license for a period not to exceed 30 days if it determines that a licensee or an employee of a licensee has:

- (a) Violated or is not in compliance with any provision of this Ordinance;
- (b) Engaged in the use of alcoholic beverages while on the Adult Oriented Business premises other than at an Adult Hotel or Motel;
- (c) Refused to allow an inspection of the Adult Oriented Business Premises as authorized by this Ordinance;
- (d) Knowingly permitted gambling by any person on the Adult Oriented Business premises.
- (e) Demonstrated inability to operate or manage an Adult Oriented Business in a peaceful and law abiding manner, thus necessitating action by law enforcement officers.

(2) Notice. A suspension by the City shall be proceeded by written notice to the licensee and a public hearing. The notice shall give at least 10 days notice of the time and place of the hearing and shall state the nature of the charges against the

licensee. The notice may be served upon the licensee personally, or by leaving the same at the licensee's business premises with the person in charge thereof.

**17.112. Revocation.**

(1) Suspended Licenses. The City may revoke a license if a cause of suspension in Section 17.111 occurs and the license has been suspended within the preceding 12 months.

(2) Causes of Revocation. The City shall revoke a license if it determines that:

- (a) A licensee gave false or misleading information in the material submitted to City during the application process.
- (b) A licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises.
- (c) A licensee or an employee has knowingly allowed prostitution on the premises;
- (d) A licensee or an employee has knowingly operated the Adult Oriented Business during a period of time when the licensee's license was suspended;
- (e) A licensee has been convicted of an offense listed in Section 17.107, Subd. 3(g), has not elapsed;
- (f) On two or more occasion within a 12 month period, a person or persons committed an offense occurring in or on the licensed premises of a crime listed in Section 17.107, Subd. 3(g), for which a conviction has been obtained, and the person or persons were employees of the Adult Oriented Business at the time the offenses were committed;
- (g) A licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation or masturbation to occur in or on the licensed premises.

(3) Appeals. The fact that conviction is being appealed shall have no effect on the revocation of the license.

(4) Exceptions. Section 17.112, Subd.2(g) does not apply to adult motels as a ground for revoking the license unless the licensee or employee knowingly allowed the act of sexual intercourse, sodomy, oral copulation, masturbation or sexual contact to occur in a public place or within public view.

(5) Granting a License After Revocation. When the City revokes a license, the revocation shall continue for one year and the licensee shall not be issued an Adult Oriented Business license for one year from the date of revocation became effective. If, subsequent to revocation, the City finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date the revocation became effective. If the license was revoke under Section 17.112, Subd. 2(3), an applicant may not be granted another license until the appropriate number of years required under Section 17.107, Subd. 3(g) has elapsed.

(6) Notice. A revocation by the City shall be proceeded by written notice to the licensee and a public hearing. The notice shall give at least 10 days notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The notice may be served upon the licensee personally, or by leaving the same at the licensed premises with the person in charge thereof.

**17.113. Transfer of License.** A licensee shall no transfer this license to another nor shall a licensee operate an Adult Oriented Business under the authority of a license at any place other than the address designated in the application.

**17.114. Severability.** Ever section, provision or part of this Ordinance or any permit issued to this Ordinance is declared severable from every other section, provision or part thereof to the extent that if any section, provision or part of this Ordinance or any permit issued pursuant to this Ordinance shall be held invalid by a court of competent jurisdiction it shall not invalidate any other section, provision or part thereof.



## **CHAPTER 18 MISCELLANEOUS ORDINANCES**

### **CURFEW**

**18.101. Curfew Imposed.** No person under the age of 17 years except as provided in Subdivision 2, shall be on any public street or alley or in any park or other public grounds or building, place of amusement, entertainment, or refreshment, vacant lot, or any other unsupervised place between the hours of 10:00 p.m. and 5:00 a.m. of the following day.

**18.102.** The restrictions of Section 18.101 do not apply when the minor:

(1) Is accompanied by the minor's parent, guardian or other person having the minor's lawful care, custody or control;

(2) Is lawfully attending, going to or returning from school, church or community sponsored athletic, musical or social activities or events.

(3) is carrying a certified card of employment and is on his way to or from his place of employment; or

(4) Is upon an emergency errand or other legitimate business directed by the minor's parent, guardian, or other adult having the lawful custody of the minor.

**18.103. Responsibility of Parent, etc.** No parent, guardian, or other adult having custody and control of a minor under 17 years of age shall knowingly permit the minor to violate the provisions of Section 18.101.

**18.104. Responsibility of Other Persons.** Whenever the owner or person in charge or control of any place of amusement, entertainment, refreshment, or other place of business shall find any person under the age of 17 in such place in violation of Section 18.101, he shall immediately order such person to leave, and if such person refuses to leave, the owner or person in charge shall immediately inform the police department of the violation.

**18.105. Penalties.** Any person under the age of 17 on a street or other place in violation of Section 1 shall be ordered to go home immediately. After investigation, if responsible city authorities determine that court action should be initiated, the minor shall be dealt with in accordance with juvenile court law and procedure. Any such minor who is convicted of a violation of this chapter after the case has been referred for prosecution in the trial court under Minnesota Statutes Section 260.15 and any person who is convicted of a violation of any provision of this chapter is guilty of a petty misdemeanor and shall be punished by a fine of not to exceed \$100.00

**18.201. Regulation of the Game of Bingo, Other Lawful Gambling and Video Games of Chance.**

(1) **Adoption of state statute.** Minnesota Statutes Sec. 349.11 through 349.23 are hereby adopted by reference. A copy of the statutes is on file in the offices of the City Clerk of the City of Echo.

(2) **Licenses.** Each organization authorized to conduct bingo shall obtain a license from the City Council; provided; however, that the license shall not be required if the organization conducts less than five bingo games in any calendar year.

(3) **License Fees.** The annual license fee, if any, shall be determined by resolution of the City Council at the time of the issuance of the license.

**18.301. Tobacco License.**

(1) No person shall keep for retail sale, sell at retail or otherwise dispose of Any tobacco product at any place in the City without first obtaining a license from the City. "Tobacco" is defined as and includes: cigarettes; cigars; cheroots; stogies; perigee; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff, snuff flour; Cavendish; plug and twist tobacco; fine cut and other chewing tobacco; shorts, refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or other tobacco related devices. Minnesota Statute §609.685

(2) The annual license fee for a retail tobacco license shall be determined by resolution of the City Council. All retail tobacco licenses shall be valid for one calendar year from the date that the license is issued.

(3) Every license shall be conspicuously posted at the place for which the license is issued and shall be exhibited to any person upon request.

**18.302. Sales Prohibited to Minors.** No person shall sell or offer to sell any tobacco or tobacco products to any person under eighteen (18) years of age. Minnesota Statute §608.685.

**18.303. Administrative Penalties.**

(1) If a license or employee of a licensee sells tobacco to a person under the age of 18 years, or violates any other provision of this Ordinance, the licensee shall be charged an administrative penalty of \$75. An administrative penalty of \$200 must be imposed for a second violation at the same location within 24 months after the initial violation. For a third violation at the same location within 24 months after the initial violation, an administrative penalty of \$250 must be imposed, and the licensee's authority to sell tobacco at that location must be suspended for not less than seven days. No suspension or penalty may take effect until the licensee has received notice, served

personally or by mail, of the alleged violation and an opportunity for a hearing before a person authorized by the City to conduct the hearing. Minnesota Statutes §461.12(2).

(2) An individual who sells tobacco to a person under the age of 18 years must be charged an administrative penalty of \$50. No penalty may be imposed until the individual has received notice, served personally or by mail, of the alleged violation and an opportunity for a hearing before a person authorized by the City to conduct the hearing. Minnesota Statutes §461.12(3).

(3) It is an affirmative defense to the charge of selling tobacco to a person under the age of 18 years in violation of this ordinance that the licensee or individual making the sale relied in good faith upon proof of age as follows:

- (a) A valid driver's license or identification card issued by the State of Minnesota, another state, or a province of Canada, and including the photograph and date of birth of the licensed person; or
- (b) A valid military identification card issued by the United States department of Defense; or
- (c) In the case of a foreign national, from a nation other than Canada, by a valid passport. Minnesota Statutes §461.12(6) and 340A.503.

**18.304. Self Service Sales.**

(1) No licensee shall offer for sale single packages of Cigarettes or smokeless Tobacco in open displays which are accessible to the public without the intervention of a store employee. Minnesota Statutes §461.18(1) (a).

(2) Cartons and other multipack units may be offered and sold through open displays accessible to the public. Minnesota Statutes §461.18(3).

(3) Section 18.304(2) of this ordinance will expire upon the effective date an implementation of Code of Federal Regulations, Title 21, Part 897.16(c). Minnesota Statutes §461.18(c) and 461.18(3).

(4) The self-service restrictions described in this Section shall not apply to retail stores which derive at least 90% of their revenue from tobacco and tobacco related products and which cannot be entered at any time by persons younger than 18 years of age. Minnesota Statutes §461.18 (1) (d).

**18.305. Vending Machine Sales.** No person shall sell tobacco products from vending machines. This Section does not apply to vending machines in facilities that cannot be entered at any time by persons younger than 18 years of age. Minnesota Statutes §461.18(2).

**18.306. Compliance Checks.** The City shall conduct unannounced compliance checks at least once each year at each location where tobacco is sold to test compliance with Minnesota Statutes §609.685. Compliance checks shall utilize minors over the age of 15, but under the age of 18, who, with the prior written consent of a parent or guardian, attempt to purchase tobacco under the direct supervision of a law enforcement officer or an employee of the licensing authority.

## CHAPTER 19 OFFENSES

### PENALTY FOR MISDEMANOR

**19.101. Penalty for Misdemeanor.** Any person found guilty of conduct defined as a misdemeanor in any provision of this code shall, upon conviction thereof, be punished by a fine not to exceed \$700.00 or imprisonment not to exceed 90 days, or both, unless a lesser penalty is prescribed by the provision. Where any statute adopted by reference as part of this Code prescribes a lesser penalty than that prescribed herein, such lesser penalty as required by the statute shall prevail.

**19.102. Penalty for Petty Misdemeanor.** Unless another penalty is expressly provided in this Code, or any rule or regulation adopted in pursuance thereof, or any other provision adopted in this code by reference, including any provision declaring an act or omission to be a petty misdemeanor, shall, upon conviction, be subject to a fine of not more than \$200, unless a lesser penalty is prescribed by the provision.

**19.103. Separate Violation.** Unless otherwise provided, every day on which a violation occurs or continues constitutes a separate offense.

### OFFENSES

**19.201. Criminal Code of 1963 Adopted.** The provisions of Minnesota Statutes 1971 Chapter 609, as amended from time to time, known as the Criminal Code of 1963, are hereby adopted as an ordinance relating to criminal offenses committed within the City, and are hereby made a part of this code as if fully set forth herein, except to the extent that the application of said statute is otherwise modified by the provision of this code.