

CHAPTER 710

PROTECTION OF PUBLIC PEACE AND SAFETY

Section

- 710.01 Fire Prevention Code
- 710.02 Fire Code
- 710.03 Fireworks
- 710.04 Recreational Fires
- 710.10 Dangerous Structures
- 710.15 Animals and Fowl-Keeping, Housing, Treatment, Restraint, Confinement, and Trespass
- 710.16 Dangerous and Non-Domestic Animals
- 710.20 Public Nuisances Affecting Peace and Safety
- 710.30 Disposition of Abandoned, Wrecked, Dismantled or Inoperative Motor Vehicles

710.01 Fire Prevention Code.

Subd. 1. Adoption of Fire Prevention Code. The Fire Prevention Code, recommended by the National Board of Fire Underwriters, exclusive of those portions which may be hereinafter deleted, modified, or amended, of which Code not less than three copies have been and now are filed in the office of the Clerk of the City of Waconia, is hereby adopted by reference as though fully set forth herein, and the provisions thereof shall be controlling within the corporate limits of the City of Waconia. However, Article 14, Section 1401 of said Code is hereby amended in its entirety to read as follows:

No person shall conduct, cause, or permit the disposal of refuse, waste, or other solid material by open burning or maintain any fire whatsoever outdoors within the corporate limits of the City of Waconia, whether on private or public property, except upon a written permit authorizing same and executed by the Chief of the Fire Department, or unless such fire is kindled or maintained for the express purpose of preparation of food for human consumption.

Subd. 2. Enforcement and Modification. The Fire Prevention Code hereby adopted by reference shall be enforced by the Chief of the Fire Department. The Chief of the Fire Department shall have the power to modify any of the provisions of said Code upon application in writing by the owner or lessee, or his duly authorized agent, of any property within the corporate limits of the City of Waconia, when practical

difficulties arise in the manner of carrying out the strict letter of the Code. However, the spirit of said Code shall be observed, public safety secured, and substantial justice done in the granting of any such modification. The particulars of such modification when granted or allowed and the decision of the Chief of the Fire Department thereon shall be entered upon the records of the Fire Department and a signed copy thereof shall be furnished to the applicant.

Subd. 3. Establishment of Limits. The limits referred to in Section 904A of the Fire Prevention Code hereby adopted by reference in which storage of flammable liquids in outside above ground tanks is prohibited, and the limits referred to in Section 1104 of said Code, in which bulk storage of liquefied petroleum gas is restricted, are hereby established as follows:

The entire City of Waconia, except for existing facilities on the north right-of-way of the rail lines owned by the Chicago and Northwestern Transportation Company.

Subd. 4. Appeals. Whenever the Chief of the Fire Department shall refuse to grant a permit applied for or deny an application for modification of the Fire Prevention Code, or when it is claimed that the provisions of said Code do not apply to the facts presented or that the true intent and meaning of said Code have been misconstrued or wrongly interpreted, the applicant for such permit or modification may appeal the decision of the Chief of the Fire Department to the City Council within thirty (30) days from the date of such decision.

Section 710.02 Fire Code

Subd. 1 The 2003 Minnesota State Fire Code, as adopted pursuant to the authority of Minnesota Statutes Section 299F.011, including appendix Chapter D, is hereby adopted by reference as the fire code for the City of Waconia. Such code, except as hereinafter amended or modified, is incorporated in this ordinance as completely as if set out in full and includes Minnesota Rules Chapter 7510, and all amendments and changes adopted thereto. One copy of this code shall be on file in the offices of the City Clerk.

Subd. 2 The 2003 Minnesota State Fire Code incorporates the 2000 edition of the *International Fire Code* as promulgated by the International Code Council, Inc. (Falls Church, Virginia, December 1999) and made part of Minnesota Rules.

Subd. 3 Purpose.

This ordinance is adopted for the purpose of regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the

storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Waconia and providing for the issuance of permits for hazardous uses or operations.

Subd. 4 If there is a conflict between or among any of the provisions or policies of the stated codes, standards or policies, the following orders of precedence shall apply:

- A. City of Waconia Fire Prevention Code.
- B. Minnesota State Fire Code.

Standards of the National Fire Protection Association or other nationally recognized fire-safety standards as are approved by the Fire Chief.

Subd. 5 Definitions.

- A. City: City of Waconia
- B. Code Official: The fire chief, fire marshal, code enforcement officer, or other designated authority charged by the Waconia City Council or the Minnesota State Building Code with the duties of administration and enforcement of this code, or a duly authorized representative. For purposes of enforcing this code it also includes the state fire marshal and the state fire marshal’s representative.
- C. This Code: The code adopted pursuant to this ordinance.
- D. Chief: The fire chief of the City of Waconia Fire Department.
- E. Board of Appeals: The Waconia City Council.
- F. Jurisdiction: Municipal limits of the City of Waconia.

Subd. 6 Penalties.

- A. Any person who shall violate any of the provisions of this code or standards hereby adopted or fails to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall fail to comply with such an order as affirmed or modified by the City Council or by a court of competent jurisdiction, within the time fixed herein or therein, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder and from which no appeal has been

taken, shall be guilty of an offense punishable as a misdemeanor for each and every such violation and non-compliance respectively.

- B. Notice of Violations shall be given in writing and shall contain a reasonable time to comply as well as a statement explaining the right to appeal.
- C. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time
- D. The application of the above penalties shall not be held to prevent the enforced removal of prohibited conditions.
- E. Violations of this code shall be enforced and assessed according to the following schedule:
 - Initial inspection and follow-up inspection Free
 - Second follow-up inspection \$75.00
 - Third follow-up inspection \$150.00
 - Fourth follow-up inspection \$300.00
 - After the fourth follow-up inspection, the issue will be forwarded to the city attorney.

Subd. 7 Enforcement.

The fire chief or the code official or their representatives or other authority designated by the City is authorized to administer and enforce the provisions or this code.

Subd. 8 Reserved.

Subd. 9 Negligent Fires.

Section 104.10 of the 2003 Minnesota State Fire Code is hereby amended by adding a new Section 104.10.2 to read as follows:

It shall be an offense punishable as a misdemeanor to negligently or carelessly start, or cause to be started, a fire which endangers the property of another or to negligently or carelessly allow a fire to extend beyond the limits of one’s property or property within one’s control. The term “property” shall include real and personal property.

Subd. 10 Permits.

Section 105 of the 2003 Minnesota State Fire Code pertaining to permits is hereby amended by adding the following provisions:

- A. Permit required. No person shall engage in any activity, operation, practice or function listed below without first having obtained a permit from the fire chief or his representative:
1. Installation, modification, changing and/or removal of all fire protection systems.
 2. Installation and removal of underground or above ground tanks for the storage or use of flammable or combustible liquids, or gas or any hazardous material.
 3. Spray booths or spray areas involving spraying or dipping operations utilizing flammable or combustible liquids. Spray booths involving the application of powders by powder spray guns, electrostatic powder spray guns, fluidized beds, or electrostatic fluidized beds.
 4. Refinishing and resurfacing operations utilizing flammable and combustible liquids.
 5. Tents, canopies, and temporary membrane structures. A permit is required for the public use or the use in public places of tents and membrane structures having an area over 400 square feet, and canopies in excess of 600 square feet, or when heat sources, cooking equipment, spark/ember producing processes or open flame are contained within or near the tent, canopy, or structure.
 6. Carnivals, fairs, and other special events open to the public.
 7. Smoke removal systems as required by the fire code.
 8. Storage of explosives, black powder, and blasting agents.
 9. Application for the use of explosives require a permit initially made with the City of Waconia.

- a. Exception: Police and Fire Departments are not required to apply for a permit.

10. Sale of fireworks, fireworks displays and pyrotechnic special effects material.

- B. The fees for such permits shall be in an amount as established by the City Council by resolution or ordinance.

Subd. 11 Appeals.

Section 108 of the 2003 Minnesota State Fire Code is hereby deleted in its entirety and is replaced to read as follows:

1. Whenever the code official shall disapprove or refuse to grant a permit, or issue an order or notice as provided in the Minnesota State Fire Code, or when it is claimed that the Minnesota State Fire Code has been wrongly applied or interpreted, the aggrieved person may appeal the decision of the code official as provided in this section.
2. The aggrieved person must first request the code official to reconsider his decision. The request to reconsider must be made within ten (10) days from the date of the code official’s initial decision and must submit in writing the reasons for the request for reconsideration.

A person aggrieved by the final decision of the code official may appeal the decision to the Board of Appeals. The appeal must be in writing and made within ten (10) days of the date of the final decision of the code official.

A person aggrieved by the decision of the Board of Appeals may appeal to the state fire marshal in accordance with Minnesota Statutes Section 299F.011, Subdivision 5.

All requests and appeals specified in this section shall be made in writing. An aggrieved party who does not appeal within the time limits specified shall be deemed to have waived his right to appeal and shall be bound by the latest decision in the appeal process.

Subd. 12 Fire or Barbeques on Balconies or Patios.

Section 307.5 of the 2003 Minnesota Fire Code is hereby deleted in its entirety and is replaced to read as follows:

- A. In any structure containing three (3) or more residential units, no person shall kindle, maintain, cause or use any fire, open flame or electric heating element on any balcony or deck above the ground; nor shall such activity occur under a deck or overhang nor on any patio set in and level with the ground unless such activity occurs at least 15 feet from all portions of all such units in such a structure.
- B. Except as otherwise provided in this section, no person shall keep or use any charcoal, nor any lighter fluid, natural gas, fuel, torch, barbeque grill or other similar heating or lighting chemical or device in any place, structure, property, lot, or premises that is any part of a location where fire, open flame or electric heating element is prohibited in subsection A above. Charcoal barbeque grills devoid of all flammable materials may be kept in a garage.
- C. Barbeque grills that burn natural gas are prohibited in any place where prohibited in subsections A and B above unless such a grill is permanently mounted, plumbed to the structure's natural gas supply, and set at least six feet at all points from all combustibles and all portions of all such residential units.
- D. It shall be a violation of this section for a person to conduct or allow any of the activities prohibited therein. The term "person" shall include, but not be limited to, the owner of the real property described in subsections A through B above, the owner's agent, and any tenant of such real property.
- E. Vehicles, vehicles containing any type of fuel, flammable or combustible liquids, or hazardous materials or liquids, regardless if stored in an approved container, shall not be located on any balcony or patio regardless if the balcony or patio is constructed of non-combustible materials or is protected by an automatic fire sprinkler system.

Subd. 13 Premises Identification.

Section 505.1 of the 2003 Minnesota State Fire Code is amended to read as follows:

- A. Address numbers:
 - 1. New and existing buildings shall have approved address numbers, building numbers, or approved building identification placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their

background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of ½ inch.

2. Buildings which have a range of addresses for one building shall display the range of numbers or addresses from the lowest to the highest.
3. Buildings with multiple tenants/addresses shall place approved numbers or addresses on the front and rear doors identifying each address in the manner required in this section.
4. Dwellings that are remote/auxiliary from the main building shall display approved numbers or addresses on each building in the manner required in this section and in such a manner as to be visible from either direction of travel on the road or street fronting the property.
5. If any dwelling, business or building as required, is too remote from the fronting road or street to make it unreasonable to be seen from the fronting road or street, a sign or post with visible and legible approved numbers or addresses, or range of numbers or addresses from lowest to highest, shall be placed at the driveway entrance in such a manner that the numbers or addresses are visible from either direction of travel on said road or street.
6. Addressing of residential and commercial properties that do not fall under the provisions of subsection 5 above, and as such, are visible from the roadway they are fronting shall conform to the following:

<u>Building Setback</u>	<u>Minimum Address Size</u>
0 feet to 40 feet	4 inches minimum height
41 feet to 60 feet	6 inches minimum height
61 feet or greater	8 inches minimum height

7. Approved numbers or addresses shall be placed on all construction sites in such a position as to be plainly visible and legible from the street or road fronting the property.

B. Street or Road Signs:

Streets and roads shall be identified with approved signs. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs shall be of an approved size, weather resistant and be maintained until replaced by permanent signs.

Subd. 14 Fire Hydrants.

Section 508.51 of the 2003 Minnesota State Fire Code is hereby amended to read as follows:

Where a portion of the facility or building hereinafter constructed or moved into or within the jurisdiction is more than 150 feet from a hydrant on a fire apparatus road, as measured by an approved route around the exterior of the facility or building, on site fire hydrants and mains shall be provided where required by the Fire Chief or his designate.

- A. For buildings equipped throughout with an approved fire sprinkler system installed in accordance with NFPA 13 or NFPA 13R, the distance requirement shall be one fire hydrant within 100 feet of the fire department connection and 600 feet for all other fire hydrants.
- B. In buildings with high piled combustible storage or buildings that are inherently hazardous in nature because of hazardous processes or which store, use, or handle flammable, combustible or hazardous materials, additional fire hydrants may be required by the Fire Chief or his designate.

Exceptions:

- a. For Group R-3 and Group U occupancies, the distance requirements shall be 300 feet.
- b. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirements shall be 600 feet.

Subd. 15 Hydrants.

Section 508.5.5 of the 2003 Minnesota State Fire Code is hereby amended to read as follows:

Clear space around Hydrants. A ten (10) foot clear space shall be maintained around the circumference of fire hydrants except as otherwise required or

approved. An approved accessible route to the hydrant from a public access shall be provided and maintained.

12/01/95

09/08/98 Ord 490 Add Section 710.16

04/18/05 Ord 561, Amend 710.02 Fire Code

10/06/08 Ord 605, Delete 710.20 D, Related to Unnessary Noise
(See Chapter 740)

11/30/09 Ord 625, Amend 710.15 and 710.16 Farm Animals and non-domestic animals

04/19/04 Ord 551, Add 710.02 Fire Code

04/17/2006, Ord 579, Add 710.03 Fireworks

Ord. 610, Amend 710.30, Subd. 1 D & G

Ord. 617, Add 710.04 Recreational Fires

710.03 Fireworks.

Subd. 1 Definitions.

- A. Fireworks – for the purpose of this section, fireworks will have the definition as contained in Minnesota Statute 624.20 Subd. 1 or any superseding statute.

Subd. 2 Authority.

- A. The authority to enforce this code shall lie with the local Fire Chief or his designate.
- B. This ordinance uses as its base elements: the International Fire Code 2000 Edition, NFPA 1124 2003 Edition and Minnesota State Statute 624.20.
- C. Issues beyond the scope of this ordinance shall be addressed according to the International Fire Code 2000 Edition, NFPA 1124 2003 Edition and Minnesota State Statute 624.20 in their entirety.

Subd. 3 Permit Required.

- A. No person shall sell or possess for sale Fireworks without first having obtained an annual permit from the City.
- B. An application for the permitted manufacture, storage for commercial purposes or sale of Fireworks shall be made to the City a minimum of thirty (30) days prior to operating.
- C. Included with the Permit Application, the applicant must provide a floor plan or plot plan indicating the approximate location of the Fireworks display, tent or stand.
- D. Permits shall be issued for a period of one calendar year.
- E. The inspections department must be notified immediately upon any of the following:
 - 1. If the Fireworks display is moved, stored or otherwise removed from the area of original inspection, to another location within the same building or on the same property.

2. Upon removal of the Fireworks display from the building and/or property.
 3. If, within the permitting period addressed in Subd. 3 section C, the display is removed from the premises and then reinstalled at a later date still within the permitting period.
- F. For the temporary use of property for transient/non-permanent Fireworks stands the permit application shall include a letter from the person legally responsible for the property on which the Fireworks related activity will occur. Said letter shall grant permission to the applicant for the use of said property.
 - G. Prior to processing the application, a criminal records check may be conducted. Neither the applicant nor the responsible party for the permit shall have been convicted of a felony or a fire/Fireworks related misdemeanor within the past three (3) years.
 - H. The annual permit cost shall be determined and set by the City Council and shall not be pro-rated. The permit cost shall not exceed that established under Minnesota Statute 624.20(d).
 - I. The annual permit shall expire on December 31 of the year it was issued.

Subd. 4 Inspection Requirements.

- A. An initial inspection of the proposed sales facility or property shall be required to determine whether the property or facility will meet the minimum safety requirements relative to the occupancy, proximity to hazardous materials, and any other areas as determined by the Fire Chief.
- B. Upon satisfactory completion of the initial inspection and within three (3) days of the installation of the Fireworks display, tent or stand, a follow up inspection of the actual display, tent or stand will be required after which time the inspector will sign and validate the permit for the retail sales of the Fireworks.
- C. If, within the permitting period addressed in Subd. 3 Section C, the display is removed from the premises and then reinstalled at a later date, still within the permitting period, the display must be inspected within three (3) days of the reinstallation.

Subd. 5 Sales and Storage of Fireworks.

- A. No person shall sell or store Fireworks with fifty (50) feet of any fuel dispensing apparatus.
- B. It shall be unlawful to display, offer for sale or possess any Fireworks within any permanent structure not fully protected by an approved automatic fire sprinkler system.
- C. No smoking will be permitted within fifty (50) feet of any consumer fireworks retail sales area. "No Smoking" signs shall be conspicuously posted and approved fire extinguishers must be available for use.
- D. A minimum of two (2) portable pressurized water fire extinguishers with a minimum 2A rating (or 2 – 2 ½ gal. extinguishers) and a minimum of one dry chemical fire extinguisher with a minimum 4A rating shall be located not more than seventy five (75) feet from the hazard.
- E. The permitted party shall be responsible for maintaining, at all times during stocking, selling and/or removal of the Fireworks, at least one (1) individual over the age of 18 on the property where the Fireworks are being displayed/stored.
- F. Only persons 18 years of age or older may purchase Fireworks. The purchaser must be verified by photographic identification.
- G. Only interior (under roof, tent, etc.) storage, display, sales and/or transient sales of Fireworks are permitted. No manufacturing, sales or storage for commercial purposes shall occur on residentially zoned property or properties used for educational purposes or assemblies.
- H. A list of all Fireworks displayed and/or stored on the property shall be available at all times. The list shall document the name, weight and quantity of the Fireworks and be accompanied by the material safety data sheet. A copy of this list must also be provided at the time of application.
- I. The requirements of this ordinance are supplemental to any requirements imposed by any building and zoning regulations, fire codes or state law.
- J. Retail Fireworks stands must be NFPA 1124 compliant.

- K. Temporary structures including: tents, temporary plywood stands, trailers, etc. used for the sale or storage of consumer Fireworks shall be positioned such that no part of the structure is within one hundred (100) feet of any building or other combustible structure or structure containing combustibles.
- L. Where transient/non-permanent Fireworks stands are used for the retail sales of Fireworks, signage with lettering at least two (2) inches in height shall be conspicuously posted on the exterior of the stand or structure stating: “No Fireworks discharged within 300 feet”.
- M. The area located within thirty (30) feet of a consumer Fireworks sales facility shall be kept free of excessive combustible material including: dry grass, dry weeds or any other combustible debris considered a potential fire hazard.
- N. No consumer Fireworks shall be displayed for sale or stored within ten (10) feet of any entrance or exit door in an enclosed building or structure.
- O. No person shall knowingly sell consumer Fireworks to any person who is obviously under the influence of alcohol or drugs.

Subd. 6 Use and Possession.

- A. It shall be unlawful to use, fire or discharge any Fireworks along the route of, or during any parade, public gathering or on any public property, place of public assembly or in any commercial/industrial district.
- B. It shall be unlawful at any time to throw, toss or aim any Fireworks at any person, animal, or vehicle or to use in such a manner that could threaten or cause harm to life or property.
- C. The discharge of Fireworks shall be prohibited inside, or within three hundred (300) feet of a retail Fireworks stand or store.
- D. The discharge of Fireworks shall be prohibited inside of any building or structure except in the case of a special event for a which a special permit has been granted by the Fire Chief.
- E. Banning the use of Fireworks shall be at the discretion of the Fire Chief if weather or other conditions occur that could create a hazardous situation.

- F. Juveniles may not possess Fireworks unless under the direct supervision of a responsible adult.
- G. Fireworks may not be discharged between the hours of 11:00 p.m. and 7:00 a.m.

Subd. 7 Penalties.

- A. Materials which violate and/or pose a threat to public safety may be confiscated and destroyed. Costs associated with the disposal shall be passed on to the property owner or permit holder.
- B. Violations of this ordinance or of the state statute regulating the use or sale of Fireworks may result in revocation of the permit.
- C. Any violation with the provisions of this Ordinance shall constitute a misdemeanor and shall be punishable by law.

710.04 Recreational Fires.

Subd. 1. Definitions.

For the purposes of this Section, the following definitions shall apply:

- A. “Recreational Fire” means a fire set for cooking, warming, or ceremonial purposes, which is not more than three (3’) feet in diameter or three feet x three feet (3’ x 3’) square, nor more than three (3’) feet high and has had the ground surrounding the fire cleared of all combustible material.
- B. “Starter Fuels” means dry, untreated, unpainted wood or charcoal fire starter. Paraffin candles, paper, clean cardboard or charcoal lighter fluid are permitted as starter fuels and as aids to ignition only.
- C. “Wood” means dry, clean fuel only such as twigs, branches, limbs, presto logs, charcoal, cord wood or untreated dimensional lumber. The term “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 recreational fires when cut into three (3’) foot sections.

Subd. 2. Site Requirements.

Site requirements for a recreational fire shall include an area of no more than a three (3’) foot diameter circle or three foot x three foot (3’ x 3’) square, measured from the inside of the fire ring or border, completely surrounded by noncombustible and

nonsmoke or odor-producing material, either of natural rock, cement, brick, tile or block, or ferrous metal only and which area is depressed below ground, on the ground, or on a raised bed. Included with the provisions of this section are permanent outdoor wood burning fireplaces.

Recreational fire sites shall not be located closer than 15 feet to any structure or any closer than 10 feet from an adjacent property line.

A responsible person shall attend the Recreational Fire 100% of the time and have means to extinguish the fire readily available. Children and pets must be supervised when near a Recreational Fire.

Subd. 3. Burning Requirements.

When a Recreational Fire is used for recreational purposes, it must be ignited with approved starter fuels 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 prior to leaving the location; and respecting weather conditions, neighbors, burning bans, 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 recreational fires.

Ashes and other remains from a Recreational Fire shall be disposed of properly in an approved non-combustible container.

Recreational Fires must be immediately extinguished upon the direction of law enforcement or fire department personnel.

Subd. 4. Burning Prohibitions.

Burning Barrels are not acceptable containers for Recreational Fires.

Burning of trash, leaves, treated wood, rubbish or hazardous material or waste is prohibited in Recreational Fires.

Any smoke generated from a Recreational Fire that becomes a nuisance or irritant shall be due cause to extinguish the fire, regardless of the fuel source.

No Recreational Fire will be permitted when the City, County, or DNR has officially declared a burning ban due to potential hazardous fire conditions or when the MPCA has declared an air quality alert.

Subd. 5. Penalties.

Any person violating the provisions of this Section shall be liable for all costs incurred as a result of such violation and, in addition, shall be guilty of a misdemeanor and, upon conviction, such person shall be punished by a fine and/or imprisonment as set forth in Section 102 of this Code. Conviction of a misdemeanor shall not preclude the City or other governmental agencies from exercising any additional means available to recoup any cost expended or incurred as a result of a violation of this Section.

710.10 Dangerous Structures.

Any building or structure is a public nuisance which is dangerous to public safety or health or to other property by reason of the existence of any of the conditions set forth as follows:

- A. Damage by fire;
- B. Defective chimney or decay;
- C. Dilapidated condition or decay;
- D. Defective electric wiring;
- E. Defective gas installation;
- F. Defective heating apparatus;
- G. Defective sewage disposal system or plumbing;
- H. Any other defect endangering the public safety, health, or other property.

710.15 Animals and Fowl-Keeping, Housing, Treatment, Restraint, Confinement, and Trespass.

Subd. 1. Definition. The term "farm animals" means live cattle, horses, mules, lamas, sheep, goats, swine, ponies, ducks, geese, turkeys, chickens, ostriches, guinea hens, bees, farmed fish, and all other animals normally associated with agriculture in the State of Minnesota.

Subd. 2. Keeping. It shall be unlawful for any person to keep by himself, or through his agent, any farm animal, not in transit, within any portion of the corporate limits of

the City not zoned for agricultural purposes. This subdivision, however, shall not apply to:

- A. The Carver County Fair or any other animal exhibition conducted on the fairgrounds owned by the Carver County Agricultural Society.
- B. Farm animals used in a parade for which a permit has been obtained pursuant to Section 320.02 of the Waconia City Code or used in a show or exhibit conducted in compliance with Chapter 506 of the Waconia City Code.
- C. Farm animals specifically trained for and actually providing assistance to the handicapped or disabled.
- D. Farm animals receiving care at a veterinarian clinic.
- E. Farm animals used by a bona fide educational or medical institution for purposes of instruction or study.

Subd. 3. Impounding

- A. Any farm animal kept in violation of this Section may be impounded by the City and, after being so impounded for five (5) days or more without being reclaimed by the owner and removed from the corporate limits of the City, may be destroyed or sold and the proceeds retained by the City to defray the costs of impounding and keeping. Any person reclaiming any such impounded farm animal shall pay the costs of impounding and keeping the same.
- B. Upon the petition of the owner of any farm animal in violation of this Section 710.15, the City Council may grant the owner time to remove the farm animal from the corporate limits of the City. The resolution granting additional time shall state a specific date by which the farm animal must be removed and may contain such conditions as the City Council determines are necessary or desirable, given the circumstances, to protect persons, property or the public welfare. If the farm animal is not removed from the corporate limits of the City by the date specified, or if the City Council finds that any condition has been violated, then in either case a violation of this Section 710.15 shall exist and the farm animal may be impounded as described in Subd. 3, A, above.

710.16 Non-Domestic Animals.

Subd. 1. Definitions.

- A. The term “domestic animal” means: i) domestic dogs (*Canis lupis familiaris*), but specifically excluding wolves or other members of the dog f family; ii) domestic cats (*Fells Catus*), but specifically excluding any other feline or member of the cat family; iii) birds kept indoors; iv) hamsters, gerbils and such other small rodents; v) chinchillas; vi) rabbits; vii) fish kept in aquariums or garden ponds; viii) non-poisonous lizards capable of being maintained continuously in cages, but specifically excluding crocodiles and alligators; and ix) other animals generally referred to as domestic pets, but specifically excluding non-human primates.
- B. The term “non-domestic animals” means all other animals not included in the above definition of “domestic animals”.

Subd. 2. Keeping. It shall be unlawful for any person to keep by himself or through his agent, any non-domestic animal, not in transit, within any portion of the corporate limits of the City of Waconia. This subdivision, however, shall not apply to:

- A. The Carver County Fair or to any other animal exhibition conducted on the fairgrounds owned by the Carver County Agricultural Society.
- B. Non-domestic animals exhibited to the public as part of a circus, carnival or other exhibit or show possessing a permit issued by the Commissioner of Natural Resources pursuant to Minnesota Statutes 97A.041, and possessing such other permits or licenses required pursuant to the Waconia City Code.
- C. Non-domestic animals specifically trained for and actually providing assistance to the handicapped or disabled.
- D. Non-domestic animals receiving care at a veterinarian clinic.
- E. Non-domestic animals used by a bona fide educational or medical institution for purposes of instruction or study.
- F. Farm animals, as defined in Section 710.05, Subd. 1, of the Waconia City Code.
- G. Any animal existing as part of the natural environment provided that no person is taking any action to provide food or shelter to such animal or to confine such animal.

Subd. 3. Impounding.

- A. Any non-domestic animal kept in violation of this Section may be impounded by the City and, after being so impounded for five (5) days or more without being reclaimed by the owner and removed from the corporate limits of the City, may be destroyed or sold and the proceeds retained by the city to defray the costs of impounding and keeping. Any person reclaiming any such impounded non-domestic animal shall pay the costs of impounding and keeping the same.

- B. Upon the petition of the owner of any non-domestic animal in violation of this Section, the City Council may grant the owner time to remove the non-domestic animal from the corporate limits of the City. The resolution granting additional time shall state a specific date by which the non-domestic animal must be removed and may contain such conditions as the City Council determines are necessary or desirable, given the circumstances, to protect persons, property or the public welfare. If the non-domestic animal is not removed from the corporate limits of the City by the date specified, or if the City Council finds that any condition has been violated, then in either case a violation of this Section 710.16 shall exist and the non-domestic animal may be impounded as described in Subd. 3, A, above.

710.20 Public Nuisances Affecting Peace and Safety.

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

- A. All trees, hedges, billboards, or other obstructions which prevent persons from having a clear view of all traffic approaching an intersection;

- B. All wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;

- C. All snow and ice not removed from public sidewalks within twelve hours after the snow or other precipitation causing the condition has ceased to accumulate;

- D. Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks, or public grounds except under such conditions as are permitted by this Code or other applicable laws;

- E. Radio aerials or television antennae erected or maintained in a dangerous manner;
- F. Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the streets or sidewalks;
- G. All hanging signs, awnings, and other similar structures over streets and sidewalks, so situated as to endanger public safety, or not constructed and maintained as provided by other provisions of this Code;
- H. The allowing of rain water, ice, or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk;
- I. Any barbed wire fence less than six feet above the ground and within three feet of a public sidewalk or a public right-of-way;
- J. All dangerous, unguarded, machinery in any public place, or so situated or operated on private property so as to attract the public;
- K. Waste water cast upon or permitted to flow upon streets or other public property;
- L. Accumulations in open places of discarded or disused machinery, household appliances, automobile bodies, or other material, in a manner conducive to the harboring of rats, mice, snakes or vermin or to fire, health, or safety hazards resulting from such accumulation or from the rank growth of vegetation among the items so accumulated;
- M. Any well, hole, or similar excavation which is left uncovered or in such other condition as to constitute a hazard to any child or other person coming upon the premises where such is located;
- N. Obstruction to the free flow of water in a natural waterway or public street drain, gutter, ditch with trash or other foreign material;
- O. The placing or throwing on any street, sidewalk or other public property of any glass, tacks, nails, bottles, or other substance which may injure any person or animal or damage any tire when passing over such substance;
- P. The depositing of garbage or refuse on a public right-of-way or on adjacent private property;

- Q. All other conditions or things which are likely to cause injury to the person or property of another.

710.30 Disposition of Abandoned, Wrecked, Dismantled or Inoperative Motor Vehicles.

Subd. 1. Definitions. For the purpose of this Section, the following terms, phrases, words and their derivations shall have the following meanings:

- A. "Abandoned Motor Vehicle" is any motor vehicle, as defined by Subd. 1D, below, which is left unattended on any public street, alley, public place or parking lot within the City for a longer period than 24 hours without notifying the City Administrator and making arrangements for the parking of such motor vehicle.
- B. "City" is the City of Waconia, Minnesota.
- C. "Junked Motor Vehicle" is any motor vehicle as defined by Subd. 1D, below, which does not have lawfully affixed thereto a license plate currently valid in Minnesota or in any other state or foreign country or the condition of which is wrecked, dismantled, partially dismantled, inoperative or discarded.
- D. "Motor Vehicle" is any vehicle which is self-propelled and designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motor bikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, motorhomes, campers, snowmobiles and trailers.
- E. "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.
- F. "Private Property" means any real property within the City which is privately owned and which is not public property as defined in this Subdivision.
- G. "Public Property" means any street, alley or highway and shall include the entire width between the boundary lines of every public way maintained for the purposes of vehicular travel, and also means any other publicly-owned property or facility within the City including, but not limited to, public buildings, parking lots and parks.

Subd. 2. Storing, Parking or Leaving Abandoned, Wrecked, Dismantled or Inoperative Motor Vehicles Declared a Nuisance -- Exceptions. The presence of an abandoned, wrecked, dismantled, inoperative, junked or partially dismantled motor vehicle or

parts thereof is hereby declared to be a public nuisance creating a hazard to public health and safety because such vehicles invite plundering, create fire hazards, and attract vermin. The accumulation and outside storage of such vehicles is determined to be in the nature of rubbish, litter and unsightly debris, and a detriment to the environment and may be abated as provided herein or as provided under any other ordinances of the City of Waconia or the statutes of the State of Minnesota. This Section shall not apply to any motor vehicle enclosed within a building on private property; held in connection with a business enterprise lawfully licensed by the City and properly operated in the appropriate business zone pursuant to the Zoning Ordinances of the City; in an operable condition, located on private property; and specifically adapted or designed for operation on drag strips or raceways and equipped with an appropriate cover to screen it from view; retained on private property by the owner for antique collection purposes and equipped with an appropriate cover to screen it from view; or located in an appropriate storage place or depository maintained in a lawful place and manner by the City or authorized by the City.

Subd. 3. Storing, Parking or Leaving Abandoned, Wrecked, Dismantled or Inoperative Motor Vehicles on Public Property Prohibited. No person shall park, store, leave or permit the parking, storing or leaving of any abandoned, wrecked, dismantled, inoperative, junked or partially dismantled motor vehicle of any kind, whether attended or not, upon any public property within the City.

Subd. 4. Removal. Whenever an abandoned motor vehicle or an unattended motor vehicle which is in a wrecked, dismantled, inoperative, junked or partially dismantled condition is found on public property within the City, the City is authorized to provide for the removal of such motor vehicle to a garage or place of safety. A motor vehicle which causes an obstruction and hazard to traffic may be removed at any time under the direction of the City Administrator or duly authorized law enforcement officer.

Subd. 5. Notice to Owner. It shall be the duty of the City to notify, by registered mail, the registered owner, if known, and if encumbered, the lien holder, of such removal. The notice shall set forth the date and place of removal, the year, make, model and serial number of the abandoned motor vehicle, if such information can be reasonably obtained, and the place of where the vehicle is being held and shall inform the owner and any lien holders of their right to reclaim such vehicle under Subd. 6, below, and shall state that failure of the owner or lien holder to exercise their right to reclaim the vehicle and contents shall be deemed a waiver by them of all rights, title and interest in the vehicle and a consent to the sale of the vehicle and contents at a public auction pursuant to Subd. 7, below. If it is impossible to

determine with reasonable certainty the identity and address of the registered owner and all lien holders, the notice shall be published once in the official newspaper.

Subd. 6. Right to Reclaim. The owner or any lien holder of an abandoned motor vehicle shall have the right to reclaim such vehicle from the City upon payment sufficient to reimburse the City for the cost of towing, preserving and storing the vehicle, and all administrative, notice and publication costs incurred in handling the vehicle within 15 days after the date of the notice required by this Section. Nothing in this Subdivision shall be construed to impair any lien of a garage keeper under the laws of this State, or the right of a lien holder to foreclose. For the purposes of this Subdivision "garage keeper" is an operator of a parking place or establishment, an operator of a motor vehicle storage facility, or an operator of an establishment for the servicing, repair or maintenance of motor vehicles.

Subd. 7. Public Sale. An abandoned motor vehicle and contents taken into custody and not reclaimed under Subd. 6 shall be sold to the highest bidder at public auction or sale, following one notice published at least seven days prior to such auction or sale. The purchaser shall be given a receipt in a form prescribed by the Registrar of Motor Vehicles which shall be sufficient title to dispose of the vehicle. The receipt shall also entitle the purchaser to register the vehicle and receive a Certificate of Title, free and clear of all liens and claims of ownership. Before such vehicle is issued a new Certificate of Title, it must receive a motor vehicle safety check. From the proceeds of the sale of an abandoned motor vehicle, the City shall reimburse itself for the cost of towing, preserving and storing the vehicle, and all administrative, notice and publication costs incurred pursuant to this Section. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lien holder for 90 days and then shall be deposited in the General Fund of the City. In the event a sale under this Subdivision results in proceeds insufficient to reimburse the City for the cost of towing, preserving and storing the vehicle, and all administrative, notice and publication costs incurred in handling the vehicle, the City may commence an action in any court of competent jurisdiction against the owner of said abandoned motor vehicle or the person in actual possession of said vehicle for any such deficiency.

Subd. 8. Disposal of Vehicles Not Sold. Where no bid has been received for an abandoned motor vehicle, the City may dispose of it in accordance with this Subdivision. The City may contract with any qualified person for collection, storage, incineration, volume reduction, transportation or other services necessary to prepare abandoned motor vehicles and other scrap metal for recycling or other methods of disposal. Where the City enters into a contract with a person duly licensed by the Minnesota Pollution Control Agency, the Agency shall review the contract to determine whether it conforms to the Agency's plan for solid waste disposal. A contract that

does so conform may be approved by the Agency. Where a contract has been approved, the Agency may reimburse the City for the costs incurred under the contract which have not been reimbursed. If the City utilizes its own equipment and personnel for disposal of the abandoned motor vehicle, the City shall be entitled to reimbursement for the cost thereof along with its other costs as herein provide.

Subd. 9. Duty of Private Property Owners. No person owning, in charge of or in control of any private property within the City, whether as owner, tenant, occupant, lessee or otherwise, shall allow any junked motor vehicle to remain on such property longer than 14 days.

Subd. 10. Responsibility for Removal. Upon proper notice, the owner of any junked motor vehicle and the owner or occupant of the private property on which the same is located, either or all of them, shall be responsible for its removal.

Subd. 11. Notice to Remove. Whenever it comes to the attention of the City that any person has a junked motor vehicle on his property, a notice in writing shall be sent by registered mail to such person requesting the removal of such junked motor vehicle within 14 days of the date of receipt of such notice, and the notice shall advise that failure to comply with the notice to remove shall be a violation of this Section.

Subd. 12. Penalty. Any person violating any of the provisions of this Section is guilty of a misdemeanor, and upon conviction shall be subject to a fine of not more than \$100.00 or imprisonment in the county jail not longer than 30 days, or both. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.