

Mountain Iron – General Regulations

TITLE IX: GENERAL REGULATIONS

Chapter

- 90. FIRE PREVENTION CODE**
- 91. PARKS AND RECREATION**
- 92. SWIMMING POOLS**
- 93. ANIMALS**
- 94. STREETS AND SIDEWALKS**
- 95. TREES**
- 96. NUISANCES**
- 97. KNOX BOX**

Mountain Iron – General Regulations

Mountain Iron – General Regulations

CHAPTER 90: FIRE PREVENTION CODE

Section

- 90.01 Adoption of Uniform Fire Code
- 90.02 Establishment and duties of Bureau of Fire Prevention
- 90.03 Definitions
- 90.04 Establishment of limits of districts in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited
- 90.05 Establishment of limits in which storage of liquefied petroleum gases is prohibited
- 90.06 Establishment of limits of districts in which storage of explosives and blasting agents is to be prohibited
- 90.07 Establishment of limits of districts in which the storage of compressed natural gas is to be prohibited
- 90.08 Establishment of limits of districts in which the storage of stationary tanks of flammable cryogenic fluids are to be prohibited
- 90.09 Establishment of limits of districts in which the storage of hazardous materials is to be prohibited or limited
- 90.10 Appeals
- 90.11 New materials processes or occupancies which may require permits
- 90.99 Penalty

§ 90.01 ADOPTION OF UNIFORM FIRE CODE.

Pursuant to M.S. § 299F.011, and Minn. Rules 7510.3510, the State Fire Code, as they may be amended from time to time, one copy of which has been marked as the official copy and which is on file in the office of the City Administrator, is hereby adopted as the fire code for the City of Mountain Iron, Minnesota, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion. Every provision contained in the State Fire Code, except as hereinafter amended, is hereby adopted and made a part of this chapter as if fully set forth herein. The scope of these regulations is intended to be consistent with M.S. § 299F.011, as it may be amended from time to time.

§ 90.02 ESTABLISHMENT AND DUTIES OF BUREAU OF FIRE PREVENTION.

(A) The Minnesota Uniform Fire Code as adopted and amended herein shall be enforced by the Fire Department of the City of Mountain Iron.

(B) The Chief in charge of the Fire Department shall be appointed by City of Mountain Iron on the basis of examination to determine his or her qualifications.

(C) The chief of the Fire Department shall recommend to the City Council the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open

Mountain Iron – General Regulations

to members and nonmembers of the Fire Department, and appointments made after examination shall be for an indefinite term with removal only for cause.

§ 90.03 DEFINITIONS.

(A) Wherever the word *JURISDICTION* is used in the Minnesota Uniform Fire Code, it is the City of Mountain Iron.

(B) Where the party responsible for the enforcement of the Minnesota Uniform Fire Code is given the title of Fire Marshal, add the following definition: Fire Chief of the Mountain Iron Fire Department.

§ 90.04 ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN OUTSIDE ABOVEGROUND TANKS IS PROHIBITED.

The limits in which the storage of flammable or combustible liquids is restricted are hereby established as follows: in any Urban Residential—Sewered, Urban Residential—Non-Sewered, Multifamily 1 or Multifamily 2 Zoning District as established in Title XV.

§ 90.05 ESTABLISHMENT OF LIMITS IN WHICH STORAGE OF LIQUEFIED PETROLEUM GASES IS PROHIBITED.

The limits in which storage of liquefied petroleum gas is restricted, are hereby established as follows: in any Urban Residential—Sewered, Urban Residential—Non-Sewered, Commercial, Multifamily 1 or Multifamily 2 Zoning District as established in Title XV.

§ 90.06 ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS TO BE PROHIBITED.

The limits in which storage of explosives and blasting agents is prohibited, are hereby established as follows: in any Urban Residential—Sewered, Urban Residential—Non-Sewered, Commercial, Multifamily 1 or Multifamily 2 Zoning District as established in Title XV.

§ 90.07 ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH THE STORAGE OF COMPRESSED NATURAL GAS IS TO BE PROHIBITED.

The limits in which the storage of compressed natural gas storage is prohibited, are hereby established as follows: in any Urban Residential—Sewered, Urban Residential—Non-Sewered, Commercial, Multifamily 1 or Multifamily 2 Zoning District as established in Title XV.

§ 90.08 ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH THE STORAGE OF STATIONARY TANKS OF FLAMMABLE CRYOGENIC FLUIDS ARE TO BE PROHIBITED.

Mountain Iron – General Regulations

The limits referred to in which the storage of flammable cryogenic fluids in stationary containers is prohibited are hereby established as follows: in any Urban Residential—Sewered, Urban Residential—Non-Sewered, Commercial, Multifamily 1 or Multifamily 2 Zoning District as established in Title XV.

§ 90.09 ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH THE STORAGE OF HAZARDOUS MATERIALS IS TO BE PROHIBITED OR LIMITED.

The limits in which the storage of hazardous materials is prohibited or limited is hereby established as follows: in any Urban Residential—Sewered, Urban Residential—Non-Sewered, Commercial, Multifamily 1 or Multifamily 2 Zoning District as established in Title XV.

§ 90.10 APPEALS.

Whenever the chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code has been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief to the City Council within 30 days from the date of the decision appealed.

§ 90.11 NEW MATERIALS PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS.

The City Administrator and the Chief shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in the Minnesota Uniform Fire Code. The Chief shall post such list in a conspicuous place at the Bureau of Fire Prevention and distribute copies thereof to interested persons.

§ 90.99 PENALTY.

(A) Any person who violates any of the provisions of the Minnesota Uniform Fire Code as adopted and amended herein or fails to comply therewith, or who violates or fails to comply with any order made hereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved hereunder, or any certificate or permit issued hereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the City Council or by a court of competent jurisdiction, within the required time, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable under § 10.99. 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: and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

(B) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Mountain Iron – General Regulations

Mountain Iron – General Regulations

CHAPTER 91: PARKS AND RECREATION

Section

- 91.01 Definitions
- 91.02 Limitations on hours of use
- 91.03 Motor vehicle operation
- 91.04 Disturbances
- 91.05 Firearms and explosives
- 91.06 Camping
- 91.07 Sanitation
- 91.08 Vandalism
- 91.09 Concessions
- 91.10 Glass containers
- 91.11 Recreational areas
- 91.12 Alcoholic beverages
- 91.13 Fires
- 91.14 Pets
- 91.15 Campground regulations
- 91.16 Enforcement

§ 91.01 DEFINITIONS.

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

PUBLIC PARK. A parcel of land in the City of Mountain Iron now or hereafter owned or controlled by the city and dedicated or designated as park land and/or recreation area or as may otherwise be designated by the City Council from time to time.
(Ord. 02-00, passed 11-6-2000)

§ 91.02 LIMITATIONS ON HOURS OF USE.

It shall be unlawful for any person or organization, other than an officer serving the city, to enter directly or indirectly, to use, occupy or pass through or on any public park in the city between the hours of 10:00 p.m. and 6:00 a.m. or as otherwise posted.
(Ord. 02-00, passed 11-6-2000) Penalty, see § 10.99

§ 91.03 MOTOR VEHICLE OPERATION.

It shall be unlawful for any person to operate or park any motor vehicle within a public park except upon roadways or other designated locations therein.
(Ord. 02-00, passed 11-6-2000) Penalty, see § 10.99

Mountain Iron – General Regulations

§ 91.04 DISTURBANCES.

It shall be unlawful for any person or groups of persons to conduct themselves in any way that shall disturb or adversely affect any other person's peaceful enjoyment of the public parks. (Ord. 02-00, passed 11-6-2000) Penalty, see § 10.99

§ 91.05 FIREARMS AND EXPLOSIVES.

No person shall discharge firearms, air rifles, B.B. guns, sling shots, explosives or fireworks in or about any public park in the city. Exceptions are allowed for special events; permission must be granted through city law enforcement and/or Chapter 111 of the city code. (Ord. 02-00, passed 11-6-2000)

Cross reference:

Special events, see Chapter 111

§ 91.06 CAMPING.

No overnight camping is permitted in any park except in areas designated by the Director of Parks and Recreation. (Ord. 02-00, passed 11-6-2000)

§ 91.07 SANITATION.

It is unlawful for any person to dispose of garbage, refuse, sewage or trash of any kind except in designated receptacles. It is unlawful to clean fish except in designated areas. (Ord. 02-00, passed 11-6-2000) Penalty, see § 10.99

§ 91.08 VANDALISM.

The destruction, alteration, injury or removal of any real or personal property of the city, including but not limited to trees or vegetation, whether living or dead, ruins, relics, building or geological formation is strictly prohibited. (Ord. 02-00, passed 11-6-2000)

§ 91.09 CONCESSIONS.

It is unlawful for any person to engage in or solicit business of any nature whatsoever within a public park or recreation area without proper city permits or licenses. (Ord. 02-00, passed 11-6-2000)

§ 91.10 GLASS CONTAINERS.

It shall be unlawful for any person, firm, association or corporation to take into, possess or maintain within any public park any glass container. (Ord. 02-00, passed 11-6-2000) Penalty, see § 10.99

Mountain Iron – General Regulations

§ 91.11 RECREATIONAL AREAS.

All interested persons wishing to use ball fields, tennis courts, horseshoe pits and the like on a seasonal basis must request reservations for such use from the Park and Recreation Director or designee. Any recreational areas not reserved may be used on a first-come basis.
(Ord. 02-00, passed 11-6-2000)

§ 91.12 ALCOHOLIC BEVERAGES.

(A) In a public park, it is unlawful to have in your possession any intoxicating liquor or 3.2% malt liquor container larger than 32 ounces without a permit.

(B) A special permit for keg beer must be applied for at least one week in advance with the Parks and Recreation Director.
(Ord. 02-00, passed 11-6-2000)

§ 91.13 FIRES.

Fires are permitted only in fireplaces or fire rings provided in designated areas and shall be extinguished when unattended, personal portable grills excepted.
(Ord. 02-00, passed 11-6-2000)

§ 91.14 PETS.

All pets must be kept on a leash and confined to the designated pet exercise areas. The owner or person responsible for any animal, which leaves droppings on the premises, shall be responsible to remove the droppings immediately.
(Ord. 02-00, passed 11-6-2000)

§ 91.15 CAMPGROUND REGULATIONS.

Rules and regulations governing the use of the West Two Rivers Campground are part of this chapter as if fully contained herein.
(Ord. 02-00, passed 11-6-2000)

§ 91.16 ENFORCEMENT.

The Park Director or his or her designee and all on duty law enforcement officers are charged with the duty of removing and evicting any person from any public park for violation of any city ordinance or state statute.
(Ord. 02-00, passed 11-6-2000)

Mountain Iron – General Regulations

Mountain Iron – General Regulations

CHAPTER 92: SWIMMING POOLS

Section

- 92.01 Definitions
- 92.02 Permit required
- 92.03 Plans to be submitted
- 92.04 Construction in accordance with approved plans; deviations
- 92.05 Permit fee
- 92.06 Design and construction requirements
- 92.07 Electrical requirements
- 92.08 Chemical treatment
- 92.09 Approval of other design and equipment
- 92.10 Location
- 92.11 Dangers to life and health prohibited
- 92.12 Safety precautions
- 92.13 Enforcement officers specified
- 92.14 Retroactivity

§ 92.01 DEFINITIONS.

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

PORTABLE SWIMMING POOL. A rubber or plastic swimming pool that can be erected without permanent support.

PRIVATE RESIDENTIAL SWIMMING POOL. Any constructed or assembled swimming pool or portable swimming pool which is used or intended to be used as a swimming pool in connection with group I occupancies as defined in the State Building Code and available only to the family of the householder and his or her guests.

SWIMMING POOL. Any structure, basin, chamber or tank constructed or designed to contain an artificial body of water for swimming, diving, relaxation or recreational bathing and having a depth of two feet or more at any point and with a surface area exceeding 150 square feet.

(Prior Code, § 41.01)

§ 92.02 PERMIT REQUIRED.

No person shall construct or erect a private residential swimming pool or reconstruct any such pool or do any alteration, addition, remodeling or repair to such swimming pool in excess of the value of \$100 without first obtaining a building permit. A permit shall be required for the re-erection of any such swimming pool which was once erected with permit or which was in existence at the date of the enactment of this chapter and then disassembled and which is not re-erected in the same location.

Mountain Iron – General Regulations

§ 92.03 PLANS TO BE SUBMITTED.

(A) Plans and specifications and pertinent explanatory data shall be submitted with the application for a permit. No new plan shall be required for the re-erection of a pool according to a plan previously submitted. The plans shall be reviewed relative to design, operation and maintenance insofar as health and safety features are concerned in accordance with the standards prescribed in this section. The plans shall be drawn to a scale of not less than one-fourth inch per foot.

(B) The plans shall include the following data and such other information as may be reasonably requested by the Building Inspector:

(1) The general layout of the entire building lot on which the pool is to be located, including the distances of the pool from the lot lines, the location of any utilities and the location of any source of contamination within 50 feet of the pool;

(2) The dimensions of pool, including the effective length and width of the pool, pool decks and other similar items;

(3) The source of water supply and method of drainage, including all pipes, inlets, outlets and waste and discharge lines.

(Prior Code, § 41.03)

§ 92.04 CONSTRUCTION IN ACCORDANCE WITH APPROVED PLANS; DEVIATIONS.

Swimming pools, appurtenances, water supply and drainage systems and other features shall be constructed in conformity with the approved plans. If any deviations from such plans are desired, a supplementary plan covering that portion of the work involved shall be filed for approval and shall conform to the provisions of this section.

(Prior Code, § 41.04)

§ 92.05 PERMIT FEE.

The fee for a permit shall be determined by resolution of the City Council.
(Prior Code, § 41.05)

§ 92.06 DESIGN AND CONSTRUCTION REQUIREMENTS.

The design and construction of all private residential swimming pools shall comply with the following requirements.

(A) *Structural design.* The pool structure shall be engineered and designed to withstand the expected forces to which it will be subjected.

Mountain Iron – General Regulations

(B) *Overflow and surface drainage.* The pool and surrounding area shall be constructed and arranged in such a manner that no splash or overflow water shall return to the pool. No surface or roof drainage shall be permitted to enter the pool.

(C) *Finish.* Pool floor and walls shall have a cleanable, white or similar light-colored and impermeable surface.

(D) *Handholds.* Handholds shall be provided and shall not be more than nine inches above the normal water line and shall extend around the entire periphery of the pool.

(E) *Pool deck.* Unobstructed deck areas not less than 48 inches wide shall be provided to extend entirely around the pool. The deck surface shall be such as to be smooth and easily cleaned and of nonslip construction. The deck shall have a pitch of at least one-fourth inch to the foot, designed so as to prevent back drainage into the pool. If deck drains are provided, drain pipe lines shall be at least two inches in diameter and drain openings shall have an open area of at least four times the cross-sectional area of the drain pipe. The deck drain system shall have indirect connection to the sanitary sewer. The deck drains shall not be connected to the recirculation system piping. No deck, other than the ground surface, shall be required for any pool that is totally above ground and which is less than four feet in height.

(F) *Steps or ladders.* One or more means of egress in the form of steps or ladders shall be provided from any pool having a water depth of 36 inches or more. Treads of steps and ladders shall be equipped with nonslip material.

(G) *Plumbing.* All supply and waste piping connected to such swimming pool shall be installed in accordance with the Minnesota State Plumbing Code.

(H) *Water supply.* The water supply serving the swimming pool shall be potable water or of a quality otherwise acceptable to the Commissioner of Health. All portions of the water distribution system serving the swimming pool and auxiliary facilities shall be protected against backflow. Water introduced into the pool, either directly or to the recirculation system, shall be supplied through an air gap in accordance with the Minnesota Plumbing Code. When such connections are not possible, the supply shall be protected by a suitable backflow preventer in accordance with the Minnesota Plumbing Code, installed on the discharge side of the last control to the fixture, device or appurtenance.

(I) *Drainage.*

(1) Pools shall be equipped with facilities for completely emptying the pool to the sanitary sewer or other suitable disposal unit acceptable to the Director of Inspections.

(2) There shall be no direct physical connection between the sewer system and any drain from the swimming pool or recirculation system. Any swimming pool or gutter drain or overflow from the recirculation system when discharged to the sewer system, storm drain or other approved natural drainage course shall connect through a suitable air gap or air

Mountain Iron – General Regulations

break so as to preclude the possibility of backup of sewage or waste into the swimming pool piping system.

(3) The water from the pool shall not be drained onto the streets or sidewalks or any other public property or private property not owned by the pool owner.

(J) *Heaters.* All gas-fired or oil burning swimming pool heaters and boilers shall comply with the Plumbing Code and Heating Code of the city.
(Prior Code, § 41.06)

§ 92.07 ELECTRICAL REQUIREMENTS.

(A) All electrical installations provided for, installed and used in conjunction with a residential swimming pool or portable swimming pool shall conform to the State Electrical Code.

(B) The following parts of swimming pools shall not be placed under existing service drop conductors or any other open overhead wiring; nor shall such wiring be installed above the following:

(1) Swimming pool and the area extending ten feet horizontally from the inside of the walls of the pool;

(2) Diving structure;

(3) Observation stands, towers or platforms.

(C) Any metal fences, enclosures or railings near or adjacent to a private residential swimming pool or portable swimming pool which might become electrically alive as a result of contact with broken overhead conductors or from any other cause shall be effectively grounded.

(D) When used to illuminate any swimming pool shall be so arranged and shaded as to reflect light away from adjoining premises.
(Prior Code, § 41.07)

§ 92.08 CHEMICAL TREATMENT.

Gaseous chlorinating systems shall not be used as a disinfecting method for a private residential swimming pool or portable swimming pool. Below ground pools shall meet the requirements for recirculation, disinfection and water quality maintenance as required for public swimming pools as set forth in regulation MHD 115, filed with the State Department of Administration on August 4, 1971.

(Prior Code, § 41.08)

Mountain Iron – General Regulations

§ 92.09 APPROVAL OF OTHER DESIGN AND EQUIPMENT.

Any swimming pool, the design and equipment of which incorporates features other than those set forth herein shall be subject to review and approval by the Director of Inspections and the Commissioner of Health in accordance with acceptable standards and in conformance with current public health and safety practices.

(Prior Code, § 41.09)

§ 92.10 LOCATION.

No portion of a swimming pool or appurtenances thereto shall be located from the lot line at a distance less than that required for side yards for a one-story building as set forth in the zoning code.

(Prior Code, § 41.10)

§ 92.11 DANGERS TO LIFE AND HEALTH PROHIBITED.

No private residential swimming pool or portable swimming pool shall be used, kept, maintained or operated in the city if such use, keeping, maintaining or operating shall be the occasion of any nuisance or shall be dangerous to life or detrimental to health.

(Prior Code, § 41.11)

§ 92.12 SAFETY PRECAUTIONS.

(A) A skilled swimmer shall be present at all times that the swimming pool is in use.

(B) Every pool shall be equipped with one or more throwing ring buoys not more than 15 inches in diameter and having 60 feet of ³/₁₆ inch Manila line attached and one or more light but strong poles with blunted ends and not less than 12 feet in length for making reach assists or rescues.

(Prior Code, § 41.14)

§ 92.13 ENFORCEMENT OFFICERS SPECIFIED.

The Building Inspector and the Commissioner of Health are authorized and directed to administer and enforce the provisions of this chapter.

(Prior Code, § 41.13)

§ 92.14 RETROACTIVITY.

The provisions of this chapter shall be applicable to all private residential swimming pools existing on September 1, 1977, except that §§ 92.02 through 92.05 and § 92.10 shall not apply unless such pool is disassembled.

(Prior Code, § 41.12)

Mountain Iron – General Regulations

Mountain Iron – General Regulations

CHAPTER 93: ANIMALS

Section

General Provisions

- 93.01 Definitions
- 93.02 Animal units

Licensing

- 93.15 Inoculations
- 93.16 License fee
- 93.17 Unlicensed animals
- 93.18 Counterfeit tags

Regulations

- 93.30 Running at large prohibited
- 93.31 Leashes
- 93.32 Clean up
- 93.33 Number of animals
- 93.34 Barnyard animals
- 93.35 Intimidating an animal
- 93.36 Annoying animals
- 93.37 Vicious dogs
- 93.38 Female animals
- 93.39 Business restrictions

Administration and Enforcement

- 93.50 Impounded animals
- 93.51 Notification
- 93.52 Holding facility
- 93.53 Tranquilizer guns
- 93.54 Liability for damages
- 93.55 Biting animals; impoundment
- 93.56 Quarantine expenses
- 93.57 Pathological examination
- 93.58 Report of bites
- 93.59 Report of veterinarian

- 93.99 Penalty

Mountain Iron – General Regulations

GENERAL PROVISIONS

§ 93.01 DEFINITIONS.

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

ACO. Animal Control Officer.

ANIMAL. A domestic dog or cat or dog kind.

CAT. Both male and female and includes any animal of the domestic feline kind.

DANGEROUS ANIMAL. An animal which has caused damage to property or injury to a person or other animals, or which animal, by its actions, exhibits a propensity for imminent danger to persons or other animals.

DOG. Both male and female and includes any animal of the dog kind.

OWN. To have a property interest in or to harbor, feed, board, keep or possess.

OWNER. A person who owns an animal hereby regulated.
(Prior Code, § 56.01)

§ 93.02 ANIMAL UNITS.

(A) *General.* The city determines impact by using animal units, and the following table shows the animal unit for each species.

<i>Animal</i>	<i>Unit</i>
One dairy cow	1.4 animal unit
One slaughter steer or heifer	1.0 animal unit
One horse	1.0 animal unit
One swine	0.4 animal unit
One sheep, goat, dog	0.2 animal unit
One duck, turkey, cat	0.02 animal unit
One chicken	0.01 animal unit

(B) *Maximum animal units allowed.*

(1) Dogs and cats may be kept as pets as long as they do not equal or exceed the threshold of one animal unit on parcels of under two acres.

(2) On parcels of 2.0 to 4.5 acres, one animal unit is allowed.

Mountain Iron – General Regulations

(3) On parcels of 4.51 to 9.0 acres, five animal units are allowed.

(4) For parcels larger than 9.0 acres, nine animal units plus one unit per acre beyond nine acres, to a maximum of 30 per quarter/quarter section or government lot. If an individual owns more than one quarter/quarter or government lot that may be considered in the general area, that property may be used in calculating the total animal units allowed at the rate of 20 animal units per quarter/quarter section or government lot, even if all the animals are kept on a single parcel.

(Ord. 04-02, passed 5-6-2002)

LICENSING

§ 93.15 INOCULATIONS.

No license or tag shall be issued by the City Administrator for a dog or cat which has reached the age of six months unless the applicant shall present a current certificate from a veterinarian certifying that the dog or cat to be licensed has been inoculated with a permanent type chick embryo rabies vaccine.

(Prior Code, § 56.05)

§ 93.16 LICENSE FEE.

The annual license fee shall be as set from time to time by resolution of the City Council for each altered (spayed or neutered) animal and for each unaltered animal. All licenses shall expire on December 31 of each year.

(Prior Code, § 56.08)

§ 93.17 UNLICENSED ANIMALS.

The ACO or his or her assistant shall impound any dog or cat found unlicensed, without a metal tag attached to his or her collar or running at large, and they are empowered and instructed to enter upon any private premises where they have reasonable cause to believe there is an unlicensed or untagged dog or cat or while in pursuit of a dog or cat running at large.

(Prior Code, § 56.09)

§ 93.18 COUNTERFEIT TAGS.

It shall be unlawful to counterfeit or attempt to counterfeit the tags provided for in this chapter for licensing or take from any dog or cat a tag legally placed upon it with intent to place it upon another dog or cat. Tags shall not be transferable and no refunds shall be made for any reason.

(Prior Code, § 56.14) Penalty, see § 93.99

Mountain Iron – General Regulations

REGULATIONS

§ 93.30 RUNNING AT LARGE PROHIBITED.

It shall be unlawful for the dog or cat of any person who owns, harbors, or keeps a dog or cat, to run at large. A person, who owns, harbors, or keeps a dog or cat which runs at large shall be guilty of a misdemeanor.

(Prior Code, § 56.02)

§ 93.31 LEASHES.

The restriction imposed by § 93.30 shall not prohibit the appearance of any dog or cat upon streets or public property when such dog or cat is on a leash which is not longer than six feet and is kept under control of the accompanying person, nor shall it restrict any dog or cat to the premises of its owner, but no dog or cat shall be permitted to enter upon any public park, playground or bathing beach area at anytime or upon the school yard or premises of any public or private school during school days, even when on a leash.

(Prior Code, § 56.03)

§ 93.32 CLEAN UP.

It is required that an owner who walks his or her animal within city limits, on property other than his or her own, will be responsible for all feces pick-up.

(Prior Code, § 56.04)

§ 93.33 NUMBER OF ANIMALS.

No person shall exceed the number of three animals per dwelling unit. This section shall not apply to a licensed kennel.

(Prior Code, § 56.06)

§ 93.34 BARNYARD ANIMALS.

It shall be unlawful for any person, persons, firm or corporation to keep, maintain, stable, yard or fence any cow, bull, steer, calf, ox, goat, sheep, horse, stallion, mare, mule, swine, chicken or other non-domestic or barnyard animal within the platted area of the city.

(Prior Code, § 56.07) Penalty, see § 93.99

§ 93.35 INTIMIDATING AN ANIMAL.

It shall be unlawful and a violation of this section for any person to molest or intimidate a dog or cat.

(Prior Code, § 56.13) Penalty, see § 93.99

Mountain Iron – General Regulations

§ 93.36 ANNOYING ANIMALS.

(A) *Habitual barking.* It shall be unlawful for any person to keep or harbor a dog which habitually barks or cries. Habitual barking shall be defined as barking for repeated intervals of at least five minutes with less than one minute of interruption. The barking must also be audible off of the owner's or caretaker's premises.

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

(C) *Penalty.* Any person found guilty of violating the terms and provisions of this section shall be guilty of a misdemeanor.
(Prior Code, § 56.15) Penalty, see § 93.99

§ 93.37 VICIOUS DOGS.

No person shall keep or suffer to be kept on his or her premises occupied by him or her within the city, nor permit to run at large, any dog of a ferocious or vicious disposition or habit. Whenever it shall reasonably appear that any dog has bitten one or more persons or animals, such dog shall be deemed a vicious dog and it shall be lawful for any police officer or ACO to forthwith kill or destroy any such animal.

(Prior Code, § 56.16)

§ 93.38 FEMALE ANIMALS.

Except for controlled breeding purposes, every female animal in heat shall be kept confined in a house or secure enclosure provided by the owner or in a veterinary hospital or boarding kennel in such manner that such female animal cannot come in contact with other animals.

(Prior Code, § 56.24)

§ 93.39 BUSINESS RESTRICTIONS.

(A) If the landowner is operating any type of business involving animals, a conditional use permit is required.

(B) No animals may be penned within 200 feet of a neighboring dwelling and any well, except up to five domesticated dogs or cats shall be permitted. **PENNED** is defined as the confined feeding, breeding, raising or holding of animals. This provision does not apply if the animals are pastured in an area of ten acres or more.

(C) The keeping of amounts greater than 1,000 poultry or small animals or more than 250 swine shall require a conditional use permit.

Mountain Iron – General Regulations

(D) Where any parcel contains five or more units of swine or poultry, enclosed quarters or fencing shall be provided at not less than twice the required setback for the zone district unless the provision in division (B) of this section results in a greater setback.

(E) All required state and federal permits shall be obtained for the keeping of animals.

(F) Animal waste must be disposed of in an environmentally sound manner, and in no case shall runoff from waste discharge directly into a lake, river, unsealed well or wetland. The construction of an animal waste system is encouraged and may be required by the Planning Commission or the Planning Director.

(Ord. 04-02, passed 5-6-2002)

ADMINISTRATION AND ENFORCEMENT

§ 93.50 IMPOUNDED ANIMALS.

(A) All animals conveyed to the pound shall be kept, with humane treatment and sufficient food and water for their comfort, at least five regular business days, unless the animal is a dangerous animal in which case it shall be kept for seven regular business days, and except if the animal is a cruelly-treated animal in which case it shall be kept for ten regular business days, unless sooner reclaimed by their owners or keepers as provided by this section. In case the owner or keeper shall desire to reclaim the animal from the pound, the following shall be required, unless otherwise provided for in this code or established from time to time by resolution of the City Council:

- (1) The description of the animal by specie, breed, sex, approximate age and any other distinguishing detail;
- (2) The location at which the animal was seized;
- (3) The date of seizure;
- (4) The name and address of the owner of said animal;
- (5) The name and address of the person the animal is transferred to, if not the owner.

(B) The releasing fee for impounded animals is as set by the Mesabi Humane Society. If the animal is unclaimed, such animal shall be humanely destroyed and the carcass disposed of. After the five day holding period the impounded animal may be released to the Mesabi Humane Society for adoption. Adopting individuals must apply for and obtain a city license.

(Prior Code, § 56.10)

Mountain Iron – General Regulations

§ 93.51 NOTIFICATION.

Upon impounding of any animal, the owner shall be notified by the most expedient means, or if the owner is unknown, written notice shall be posted for five days at the City Hall and at the pound describing the animal and the place and time of taking.
(Prior Code, § 56.11)

§ 93.52 HOLDING FACILITY.

It shall be unlawful for any unauthorized person to break open the holding facility or attempt to do so, to take or let out any dogs or cats therefrom or to take or attempt to take from any officer any dog or cat taken up by him or her in compliance with this section or in any manner to interfere with or hinder such officer in the discharge of his or her duties under this section.
(Prior Code, § 56.12) Penalty, see § 93.99

§ 93.53 TRANQUILIZER GUNS.

For the purpose of enforcement of this section, any peace officer or animal control officer (ACO) may use a so called tranquilizer gun or other instrument for the purpose of immobilizing and catching an animal. The tranquilizer gun will be used only in extreme circumstances.
(Prior Code, § 56.17)

§ 93.54 LIABILITY FOR DAMAGES.

If a dog or cat, without provocation, attacks or injures the person or property of any person who is peaceably conducting himself or herself in any place where he or she may lawfully be in any part of the city, the owner of the animal shall be liable for damages to the person so attacked or injured to the full amount of the injury or damage sustained to his or her person or property.
(Prior Code, § 56.18)

§ 93.55 BITING ANIMALS; IMPOUNDMENT.

Any animal impounded for biting persons shall be impounded for observation for a minimum of ten days. Animals impounded for biting may be quarantined on the premises of the owner for the ten day observation period upon certification by a licensed veterinarian that the dog has been inoculated against rabies within the past three years and is otherwise healthy. In instances of home quarantine, the owner shall be responsible for keeping the dog contained within the house or, if outside, on a chain at all times. The city and/or the ACO shall have access to the animal at any reasonable time for study and observation of rabies symptoms. In the event that the animal is a stray or when the owner of the animal is not known, such quarantine shall be at the holding facility or a veterinary hospital.
(Prior Code, § 56.19)

Mountain Iron – General Regulations

§ 93.56 QUARANTINE EXPENSES.

All expenses of the quarantine period shall be the responsibility of the animal's owner. The animal may be reclaimed by the owner if free of rabies and upon payment of fees as set forth in this section and upon compliance with all applicable provisions.
(Prior Code, § 56.20)

§ 93.57 PATHOLOGICAL EXAMINATION.

When an animal under quarantine and diagnosed as being rabid or suspected by a licensed veterinarian as being rabid dies or is killed, the ACO shall immediately send the head of such animal and rabies data to the State Health Department for pathological examination and shall notify all persons concerned of the results of such an examination.
(Prior Code, § 56.21)

§ 93.58 REPORT OF BITES.

It is the duty of every physician and medical practitioner to report to the Chief Law Enforcement Official the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.
(Prior Code, § 56.22)

§ 93.59 REPORT OF VETERINARIAN.

It is the duty of every licensed veterinarian to report to the Chief Law Enforcement Official his or her diagnosis of an animal observed by him or her as a rabies suspect.
(Prior Code, § 56.23)

§ 93.99 PENALTY.

Any person, firm or corporation violating any provision of this chapter shall be guilty of a petty misdemeanor and shall be punished by a fine as set forth in § 10.99.
(Prior Code, § 56.25)

Mountain Iron – General Regulations

CHAPTER 94: STREETS AND SIDEWALKS

Section

Construction, Installation and Repairs

- 94.01 Permit required
- 94.02 Application for permit
- 94.03 Emergency work
- 94.04 Bond
- 94.05 Permit
- 94.06 Record of permits
- 94.07 Work requirements
- 94.08 Restoration of premises

- 94.98 Violations

CONSTRUCTION, INSTALLATION AND REPAIRS

§ 94.01 PERMIT REQUIRED.

Unless acting under a contract with the city, it shall be unlawful for any person, other than a duly authorized city official or employee in the course of his or her employment, to make, cause or permit to be made any excavation or opening in or under the surface or pavement of any street, alley, curb, sidewalk or other public place within the limits of the city, without first having obtained and having in force a permit to do so.

(Prior Code, § 14.01)

§ 94.02 APPLICATION FOR PERMIT.

Any person desiring to procure a permit as for new construction or non-emergency repair as herein provided shall file with the City Administrator at least 24 hours before the time proposed to begin such work a written application. Such application shall state the name and business or residence address of the applicant, the name of the street, alley, sidewalk, curb 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. When required by the City Administrator, the application shall be accompanied by a plat or pencil tracing or sketch showing the location, character and dimensions of the proposed excavation or opening for the installation of new work or the location and character of the alterations involving the location of pipes, conduits, wires or other conductors.

(Prior Code, § 14.02)

Mountain Iron – General Regulations

§ 94.03 EMERGENCY WORK.

In cases of extreme emergency which are herein limited to water and sewer repairs only and which emergencies may occur during non-business hours, work may be commenced upon notification being provided to the City Administrator, Superintendent of Public Works or any other city official. Immediately upon opening of business on the first business day after the emergency work has commenced, application shall be made with the City Administrator as herein provided.

(Prior Code, § 14.03)

§ 94.04 BOND.

The application shall be accompanied by a surety bond, cash or certified check in an amount determined by resolution of the City Council to safeguard the public, conditioned on the faithful performance of such work in accordance with the rules, regulations and ordinances of the city within the time fixed by the city in the permit and for the restoration of any street, alley, sidewalk, curb or other public place in which the excavation or opening shall be made by such person to its original condition and to the satisfaction of the city and for the maintenance of such condition for such length of time as shall be required by the city and that such persons will indemnify and save harmless the city against and from any and all damages or claims for damages, losses, costs, charges or expenses that may be brought against it by any person for or on account of injury to persons or property resulting from or occasioned by operating in or using any of the streets under a franchise. Any person who, by reason of his or her business, has the necessity of working in any public places may file a bond in an amount determined by resolution of the City Council conditioned as above to cover all excavations made by him or her for a period of one year from the date of filing, but permits for all excavations must be applied for and issued as herein provided.

(Prior Code, § 14.04)

§ 94.05 PERMIT.

The City Administrator upon the filing of the application and bond and the payment of a fee shall issue a permit which shall state the 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 deposit 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 triplicate, one copy to be given to the applicant, one copy to be delivered to the City Engineer and one copy to remain on file in the office of the City Administrator. Such permit shall at all times be in the possession of a competent person actually on the work and shall be shown upon request to a police officer or properly authorized officer or employee of the city.

(Prior Code, § 14.05)

§ 94.06 RECORD OF PERMITS.

The City Administrator shall prepare and keep a record of permits issued, numbered in the order in which they were issued; name and address of persons to whom issued; location,

Mountain Iron – General Regulations

nature, purpose and extent of excavation or opening; time in which the street is to be restored; fee and amount of deposit paid; and such other and further items as will enable anyone to obtain a complete history of each permit from its issuance to its termination. The copies of the permits kept by the City Administrator, if properly bound, may be used as a basis for such record.
(Prior Code, § 14.06)

§ 94.07 WORK REQUIREMENTS.

All work under a permit shall be under the supervision of the City Engineer and in conformity with the following requirements.

(A) *Execution.* All work shall be started within 24 hours after the receipt of the permit and shall be pursued diligently and continuously until completed. When in consequence of the weather or any process of the law or any other unexpected obstacle, the work shall be stopped for so long a time that public travel shall be obstructed, the excavation or opening shall be refilled and repaved as if the work contemplated in a permit were actually completed.

(B) *Amount of surface removed.* In no case shall a person open or remove a greater area of surface and at no other location than that specified in the original or supplementary application; provided, that if at the time of actually doing the work it shall be necessary to open or remove a greater area of surface than originally applied for, the applicant shall first notify and procure the consent of the City Engineer to do so upon the express condition that he or she will, before noon of the following business day, file a supplementary application for the making of additional excavation.

(C) *Opening of streets at intersection; interference with fire hydrants and the like; snow removal and the like.* At the intersection of cross streets, no more than one-half of the width of the street shall be opened at one time; the other half shall remain untouched for the accommodation of traffic until the first half is restored for safe use. All work shall be prosecuted so as not to interfere with easy access to fire houses, fire hydrants and United States mail boxes. The permittee must remove within 24 hours all snow and ice that may fall or form upon the street within three feet upon either side of the opening and keep such space free from snow and ice until the opening is properly refilled.

(D) *Inspection.* The installation of all service lines shall be inspected by a duly authorized city representative before any backfilling takes place.

(E) *Backfilling.* All excavations shall be backfilled and compacted to original density. The broken edges of the original surfacing shall be cut away with a saw. All backfilling and sawing shall be inspected by a duly authorized city representative before any resurfacing is done. The backfilled and compacted excavation shall be resurfaced using materials in-kind to the original and shall include all subbase, base and surfacing courses encountered.

(F) *Resurfacing.* All resurfacing shall be inspected by a duly authorized city representative.

Mountain Iron – General Regulations

(G) *Restoration of curb and gutter.* Any portion of the curb and gutter that is damaged in the course of construction shall be restored to its original condition or replaced. All restoration of curbs and gutters shall be inspected by duly authorized city representatives.

(H) *Water and sewer taps.* All taps into city sewer and water mainlines shall be made by city employees under the direction of the Superintendent of Public Works.

(1) *Water tap.*

(a) When the city is requested to make a water tap it will be the responsibility of the owner and/or contractor to have the line exposed. The ditch must meet OSHA standards. If the ditch appears unsafe, the city will refuse to make the tap until the ditch is in conformance with OSHA standards.

(b) There are two different types of taps. One is a short-tap, the other being a long-tap. A short-tap is when the main line is on the same side of the street or alley as the property. A long-tap is when the main line is either in the center of the street or alley or on the opposite side of the street or alley of the property.

(c) The taps will consist of the following materials: curb stop, corporation, curb box and enough pipe to bring the curb stop to the highway right-of-way.

(d) The fee will be as set from time to time by resolution of the City Council for a short-tap as well as for a long-tap. The fee will be paid before the tap is made.

(2) *Sewer tap.*

(a) There will be a fee as set from time to time by resolution of the City Council for making any tap in any sewer main owned by the city. Only city personnel shall make sewer taps.

(b) The owner and/or contractor will have the line inspected within the highway right-of-way by authorized city personnel before any material is put back into the ditch. (Prior Code, § 14.07)

§ 94.08 RESTORATION OF PREMISES.

In the event that the applicant fails to restore the premises within a reasonable period of time, the city may, after giving five days written notice to the applicant, restore the premises with its own force or by contract and may deduct the cost thereof from the deposit of the applicant. If the cost of restoration exceeds the deposit, the applicant shall, within ten days, after written notice of the amount is given to him or her by the Administrator, reimburse the city for the additional cost.

(Prior Code, § 14.08)

Mountain Iron – General Regulations

§ 94.98 VIOLATIONS.

Any person who shall violate any of the provisions of §§ 94.01 *et seq.*, including but not limited to their failure to obtain a permit, failure to make a proper deposit, failure to restore the premises as herein provided or failure to reimburse the city for the additional cost, upon conviction thereof, shall be guilty of a misdemeanor. Each day during which a violation continues shall be considered as a separate offense and shall be punishable as such.

(Prior Code, § 14.09) Penalty, see § 10.99

Mountain Iron – General Regulations

Mountain Iron – General Regulations

CHAPTER 95: TREES

Section

95.01 Tree diseases

95.99 Penalty

§ 95.01 TREE DISEASES.

(A) *Trees constituting nuisance declared.* The following are public nuisances whenever they may be found within the city:

(1) Any living or standing elm tree or part thereof infected to any degree with the Dutch Elm disease fungus *Ceratocystis Ulmi (Buisman) Moreau* or which harbors any of the elm bark beetles *Scolytus Multistriatus (Eichh.)* or *Hylungopinus Rufipes (Marsh)*;

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

(3) Any living or standing oak tree or part thereof infected to any degree with the Oak Wilt fungus *Ceratocystis fagacearum*;

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

(5) Any other shade tree with an epidemic disease.

(B) *Abatement of nuisance.* It is unlawful for any person to permit any public nuisance as defined in division (A) of this section to remain on any premises the person owns or controls within the city. The City Council may by resolution order the nuisance abated. Before action is taken on that resolution, the City Council shall publish notice of its intention to meet to consider taking action to abate the nuisance. This notice shall be mailed to the affected property owner and published once no less than one week prior to the meeting. The notice shall state the time and place of the meeting, the street affected, action proposed, the estimated cost of the abatement, and the proposed basis of assessment, if any, of costs. At such hearing or adjournment thereof, the City Council shall hear any property owner with reference to the scope and desirability of the proposed project. The City Council shall thereafter adopt a resolution confirming the original resolution with modifications as it considers desirable and provide for the doing of the work by day labor or by contract.

(C) *Record of costs.* The City Administrator shall keep a record of the costs of abatement done under this section for all work done for which assessments are to be made,

Mountain Iron – General Regulations

stating and certifying the description of the land, lots, parcels involved, and the amount chargeable to each.

(D) *Unpaid charges.* On or before September 1 of each year, the City Administrator shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this section. The City Council may then spread the charges or any portion thereof against the property involved as a special assessment as authorized by M.S. § 429.101 as it may be amended from time to time and other pertinent statutes for certification to the County Auditor and collection the following year along with the current taxes.

Penalty, see § 95.99

§ 95.99 PENALTY.

Any person who shall violate any provision of this chapter for which no specific penalty is provided shall be punished as set forth in § 10.99 of this code.

(Prior Code, § 59.12)

Mountain Iron – General Regulations

CHAPTER 96: NUISANCES

Section

General Provisions

96.01 Assessable current services

Nuisances

96.15 Public nuisance

96.16 Public nuisances affecting health

96.17 Public nuisances affecting morals and decency

96.18 Public nuisances affecting peace and safety

96.19 Nuisance parking and storage

96.20 Inoperable motor vehicles

96.21 Building maintenance and appearance

96.22 Duties of city officers

96.23 Abatement

96.24 Recovery of cost

Weeds

96.35 Short title

96.36 Jurisdiction

96.37 Definitions; exclusions

96.38 Owners responsible for trimming, removal and the like

96.39 Filing complaint

96.40 Notice of violations

96.41 Appeals

96.42 Abatement by city

96.43 Liability

Open Burning

96.60 Definitions

96.61 Prohibited materials

96.62 Permit required for open burning

96.63 Purposes allowed for open burning

96.64 Permit application for open burning; permit fees

96.65 Permit process for open burning

96.66 Permit holder responsibility

96.67 Revocation of open burning permit

96.68 Denial of open burning permit

96.69 Burning ban or air quality alert

96.70 Rules and laws adopted by reference

96.99 Penalty

Mountain Iron – General Regulations

GENERAL PROVISIONS

§ 96.01 ASSESSABLE CURRENT SERVICES.

(A) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

CURRENT SERVICE. Shall mean one or more of the following: snow, ice, or rubbish removal from sidewalks; weed elimination from street grass plots adjacent to sidewalks or from private property; removal or elimination of public health or safety hazards from private property, excluding any hazardous building included in M.S. §§ 463.15 through 463.26 as they may amended from time to time; installation or repair of water service lines; street sprinkling, street flushing, light street oiling, or other dust treatment of streets; repair of sidewalks and alleys; trimming and care of trees and removal of unsound and insect-infected trees from the public streets or private property; and the operation of a street lighting system.

(B) *Snow, ice, dirt and rubbish.*

(1) *Duty of owners and occupants.* The owner and the occupant of any property adjacent to a public sidewalk shall use diligence to keep the walk safe for pedestrians. No owner or occupant shall allow snow, ice, dirt or rubbish to remain on the walk longer than 24 hours after its deposit thereon. Failure to comply with this section shall constitute a violation.

(2) *Removal by city.* The City Administrator or other person designated by the City Council may cause removal from all public sidewalks all snow, ice, dirt and rubbish as soon as possible beginning 24 hours after any matter has been deposited thereon or after the snow has ceased to fall. The City Administrator or other designated person shall keep a record showing the cost of removal adjacent to each separate lot and parcel.

(C) *Public health and safety hazards.* When the city removes or eliminates public health or safety hazards from private property under the following provisions of this chapter, the administrative officer responsible for doing the work shall keep a record of the cost of the removal or elimination against each parcel of property affected and annually deliver that information to the City Administrator.

(D) *Installation and repair of water service lines.* Whenever the city installs or repairs water service lines serving private property under Chapter 51 of this code, the City Administrator shall keep a record of the total cost of the installation or repair against the property.

(E) *Repair of sidewalks and alleys.*

(1) *Duty of owner.* The owner of any property within the city abutting a public sidewalk or alley shall keep the sidewalk or alley in repair and safe for pedestrians. Repairs shall be made in accordance with the standard specifications approved by the City Council and on file in the office of the City Administrator.

Mountain Iron – General Regulations

(2) *Inspections; notice.* The City Council or its designee shall make inspections as are necessary to determine that public sidewalks and alleys within the city are kept in repair and safe for pedestrians or vehicles. If it is found that any sidewalk or alley abutting on private property is unsafe and in need of repairs, the City Council shall cause a notice to be served, by registered or certified mail or by personal service, upon the record owner of the property, ordering the owner to have the sidewalk or alley repaired and made safe within 30 days and stating that if the owner fails to do so, the city will do so and that the expense thereof must be paid by the owner, and if unpaid it will be made a special assessment against the property concerned.

(3) *Repair by city.* If the sidewalk or alley is not repaired within 30 days after receipt of the notice, the City Administrator shall report the facts to the City Council and the City Council shall by resolution order the work done by contract in accordance with law. The City Administrator shall keep a record of the total cost of the repair attributable to each lot or parcel of property.

(F) *Personal liability.* The owner of property on which or adjacent to which a current service has been performed shall be personally liable for the cost of the service. As soon as the service has been completed and the cost determined, the City Administrator, or other designated official, shall prepare a bill and mail it to the owner and thereupon the amount shall be immediately due and payable at the office of the City Administrator.

(G) *Damage to public property.* Any person driving any vehicle, equipment, object or contrivance upon any street, road, highway or structure shall be liable for all damages which the surface or structure thereof may sustain as a result of any illegal operation, or driving or moving of the vehicle, equipment or object or contrivance; or as a result of operating, driving or moving any vehicle, equipment, object or contrivance weighing in excess of the maximum weight permitted by statute or this code. When the driver is not the owner of the vehicle, equipment, object or contrivance, but is operating, driving or moving it with the express or implied permission of the owner, then the owner and the driver shall be jointly and severally liable for any such damage. Any person who willfully acts or fails to exercise due care and by that act damages any public property shall be liable for the amount thereof, which amount shall be collectable by action or as a lien under M.S. § 514.67, as it may be amended from time to time.

(H) *Assessment.* On or before September 1 of each year, the City Administrator shall list the total unpaid charges for each type of current service and charges under this section against each separate lot or parcel to which they are attributable under this section. The City Council may then spread the charges against property benefitted as a special assessment under the authority of M.S. § 429.101 as it may be amended from time to time and other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding ten, as the City Council may determine in each case.

Penalty, see § 96.99

Mountain Iron – General Regulations

NUISANCES

§ 96.15 PUBLIC NUISANCE.

Whoever by his or her act or failure to perform a legal duty intentionally does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor:

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

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

(C) Is guilty of any other act or omission declared by law or §§ 96.16, 96.17 or 96.18, or any other part of this code to be a public nuisance and for which no sentence is specifically provided.

Penalty, see § 96.99

§ 96.16 PUBLIC NUISANCES AFFECTING HEALTH.

The following are hereby declared to be nuisances affecting health:

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

(B) All diseased animals running at large;

(C) All ponds or pools of stagnant water;

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

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

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

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

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

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

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

Mountain Iron – General Regulations

(K) Any offensive trade or business as defined by statute not operating under local license.
Penalty, see § 96.99

§ 96.17 PUBLIC NUISANCES AFFECTING MORALS AND DECENCY.

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

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

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

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

(D) All places where intoxicating liquor is manufactured or disposed of in violation of law or where, in violation of law, people are permitted to resort for the purpose of drinking intoxicating liquor, or where intoxicating liquor is kept for sale or other disposition in violation of law, and all liquor and other property used for maintaining that place;

(E) Any vehicle used for the unlawful transportation of intoxicating liquor, or for promiscuous sexual intercourse, or any other immoral or illegal purpose.
Penalty, see § 96.99

§ 96.18 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

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

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

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

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

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

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

Mountain Iron – General Regulations

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

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

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

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

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

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

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

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

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

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

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

Mountain Iron – General Regulations

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

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

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

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

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

(V) (1) *Noises prohibited.*

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

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

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

(d) *Radios, phonographs, paging systems, and the like.* No person shall use or operate or permit the use or operation of any radio receiving set, musical instrument, phonograph, paging system, machine or other device for the production or reproduction of sound in a distinct and loudly audible manner as to unreasonably disturb the peace, quiet, and comfort of any person nearby. Operation of any such set, instrument, phonograph, machine or other device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at the property line of the structure or building in which it is located, in the hallway or apartment adjacent, or at a distance of 50 feet if the source is located outside a structure or building, shall be prima facie evidence of a violation of this section.

(e) *Schools, churches, hospitals, and the like.* No person shall create any excessive noise on a street, alley or public grounds adjacent to any school, institution of learning, church or hospital when the noise unreasonably interferes with the working of the institution or disturbs or unduly annoys its occupants or residents and when conspicuous signs indicate the presence of such institution.

Mountain Iron – General Regulations

(2) *Hourly restriction of certain operations.*

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

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

(c) *Construction activities.* No person shall engage in or permit construction activities involving the use of any kind of electric, diesel, or gas-powered machine or other power equipment except between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 9:00 a.m. and 9:00 p.m. on any weekend or holiday.

(3) *Noise impact statements.* The Council may require any person applying for a change in zoning classification or a permit or license for any structure, operation, process, installation or alteration or project that may be considered a potential noise source to submit a noise impact statement on a form prescribed by the Council. It shall evaluate each such statement and take its evaluation into account in approving or disapproving the license or permit applied for or the zoning change requested.

(W) Reflected glare or light from private exterior lighting exceeding 0.5 footcandles as measured on the property line of the property where the lighting is located when abutting any residential parcel, and one footcandle when abutting any commercial or industrial parcel.
Penalty, see § 96.99

§ 96.19 NUISANCE PARKING AND STORAGE.

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

(B) *Unlawful parking and storage.*

(1) A person must not place, store, or allow the placement or storage of ice fish houses, skateboard ramps, playhouses or other similar non-permanent structures outside

Mountain Iron – General Regulations

continuously for longer than 24 hours in the front-yard area of residential property unless more than 100 feet back from the front property line.

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

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

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

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

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

(4) These provisions are in addition to any provisions provided for in Section 154 of the Mountain Iron City Code.
Penalty, see § 96.99

§ 96.20 INOPERABLE MOTOR VEHICLES.

(A) It shall be unlawful to keep, park, store or abandon any motor vehicle which is not in operating condition, partially dismantled, used for repair of parts or as a source of repair or replacement parts for other vehicles, kept for scrapping, dismantling or salvage of any kind, or which is not properly licensed for operation with the state, pursuant to M.S. § 168B.011, Subd. 3, as it may be amended from time to time.

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

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

Mountain Iron – General Regulations

(D) These provisions are in addition to any provisions provided for in Section 154 of the Mountain Iron City Code.

Penalty, see § 96.99

§ 96.21 BUILDING MAINTENANCE AND APPEARANCE.

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

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

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

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

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

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

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

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

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

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

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

Mountain Iron – General Regulations

(8) Foundations must be structurally sound and in good repair.
Penalty, see § 96.99

§ 96.22 DUTIES OF CITY OFFICERS.

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

§ 96.23 ABATEMENT.

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

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

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

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

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

(B) *Procedure.* Whenever a peace officer determines that a public nuisance is being maintained or exists on the premises in the city, the officer shall notify in writing the owner of record or occupant of the premises of such fact and order that the nuisance be terminated or abated. The notice of violation shall specify the steps to be taken to abate the nuisance and the

Mountain Iron – General Regulations

time within which the nuisance is to be abated. If the notice of violation is not complied with within the time specified, the officer shall report that fact forthwith to the City Council. Thereafter, the City Council may, after notice to the owner or occupant and an opportunity to be heard, determine that the condition identified in the notice of violation is a nuisance and further order that if the nuisance is not abated within the time prescribed by the City Council, the city may seek injunctive relief by serving a copy of the City Council order and notice of motion for summary enforcement.

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

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

Penalty, see § 96.99

§ 96.24 RECOVERY OF COST.

(A) *Personal liability.* The owner of premises on which a nuisance has been abated by the city shall be personally liable for the cost to the city of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the City Administrator or other official shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the City Administrator.

(B) *Assessment.* After notice and hearing as provided in M.S. § 429.061, as it may be amended from time to time, if the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect-infected trees, the City Administrator shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other the charges as well as other charges for current services to be assessed under M.S. § 429.101 against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against the property under that

Mountain Iron – General Regulations

statute and other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding ten, as the City Council may determine in each case.

Penalty, see § 96.99

WEEDS

§ 96.35 SHORT TITLE.

This subchapter shall be cited as the “Weed Ordinance.”

§ 96.36 JURISDICTION.

This subchapter shall be in addition to any state statute or county ordinance presently in effect, subsequently added, amended or repealed.

§ 96.37 DEFINITIONS; EXCLUSIONS.

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

DESTRUCTION ORDER. The notice served by the City Council or designated city official, in cases of appeal, on the property owner of the ordinance violation.

PROPERTY OWNER. The person occupying the property, the holder of legal title or a person having control over the property of another, such as a right-of-way, easement, license or lease.

WEEDS, GRASSES and RANK VEGETATION. Includes but is not limited to the following:

(1) Noxious weeds and rank vegetation shall include but not be limited to: alum (allium), Buckthorn, Bur Cucumber, Canada Thistle, Corncockle, Cressleaf Groundsel, Curly Dock, Dodder, Field Bindweed, French Weed, Hairy Whitetop, Hedge Bindweed, Hoary Cress, Horsenettle, Johnsongrass, Leafy Spurge, Mile-A-Minute Weed, Musk Thistle, Oxeye Daisy, Perennial Sowthistle, Poison Hemlock, Purple Loosestrife, Quackgrass, Russian Knapweed, Russian Thistle, Serrated Tussock, Shatter Cane, Sorghum, Wild Carrot, Wild Garlic, Wild Mustard, Wild Onion, Wild Parsnip;

(2) Grapevines when growing in groups of 100 or more and not pruned, sprayed, cultivated, or otherwise maintained for two consecutive years;

(3) Bushes of the species of tall, common, or European barberry, further known as *berberis vulgaris* or its horticultural varieties;

Mountain Iron – General Regulations

(4) Any weeds, grass, or plants, other than trees, bushes, flowers, or other ornamental plants, growing to a height exceeding 12 inches.

(5) Rank vegetation includes the uncontrolled, uncultivated growth of annuals and perennial plants.

(6) The term *WEEDS* does not include shrubs, trees, cultivated plants or crops.

(B) In no event shall cultivated plants or crops include plants which have been defined by state statute or administrative rule as being noxious or detrimental plants.

§ 96.38 OWNERS RESPONSIBLE FOR TRIMMING, REMOVAL AND THE LIKE.

All property owners shall be responsible for the removal, cutting, or disposal and elimination of weeds, grasses and rank vegetation or other uncontrolled plant growth on their property, which at the time of notice, is in excess of 12 inches in height.

Penalty, see § 96.99

§ 96.39 FILING COMPLAINT.

Any person, including the city, who believes there is property located within the corporate limits of the city which has growing plant matter in violation of this subchapter shall make a written complaint signed, dated and filed with the City Administrator. If the city makes the complaint, an employee, officer or Council Member of the city shall file the complaint in all respects as set out above.

§ 96.40 NOTICE OF VIOLATIONS.

(A) Upon receiving notice of the probable existence of weeds in violation of this subchapter, a person designated by the City Council shall make an inspection and prepare a written report to the City Council regarding the condition. The City Council, upon concluding that there is a probable belief that this subchapter has been violated, shall forward written notification in the form of a “Destruction Order” to the property owner or the person occupying the property as that information is contained within the records of the City Administrator or any other city agency. The notice shall be served in writing by certified mail. The notice shall provide that within seven regular business days after the receipt of the notice that the designated violation shall be removed by the property owner or person occupying the property.

(B) (1) All notices are to be in writing and all filings are to be with the City Administrator.

(2) Certified mailing to the City Administrator or others is deemed filed on the date of posting to the United States Postal Service.

Mountain Iron – General Regulations

§ 96.41 APPEALS.

(A) The property owner may appeal by filing written notice of objections with the City Council within 48 hours of the notice, excluding weekends and holidays, if the property owner contests the finding of the City Council. It is the property owner's responsibility to demonstrate that the matter in question is shrubs, trees, cultivated plants or crops or is not otherwise in violation of this subchapter, and should not be subject to destruction under the subchapter.

(B) An appeal by the property owner shall be brought before the City Council and shall be decided by a majority vote of the Council Members in attendance and being at a regularly scheduled or special meeting of the City Council.

§ 96.42 ABATEMENT BY CITY.

In the event that the property owner shall fail to comply with the "Destruction Order" within seven regular business days and has not filed a notice within 48 hours to the City Administrator of an intent to appeal, the City Council may employ the services of city employees or outside contractors and remove the weeds to conform to this subchapter by all lawful means.

§ 96.43 LIABILITY.

(A) The property owner is liable for all costs of removal, cutting or destruction of weeds as defined by this subchapter.

(B) The property owner is responsible for all collection costs associated with weed destruction, including but not limited to court costs, attorney's fees and interest on any unpaid amounts incurred by the city. If the city uses municipal employees, it shall set and assign an appropriate per hour rate for employees, equipment, supplies and chemicals which may be used.

(C) All sums payable by the property owner are to be paid to the City Administrator and to be deposited in a general fund as compensation for expenses and costs incurred by the city.

(D) All sums payable by the property owner may be collected as a special assessment as provided by M.S. § 429.101, as it may be amended from time to time.

OPEN BURNING

§ 96.60 DEFINITIONS.

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

Mountain Iron – General Regulations

FIRE CHIEF, FIRE MARSHAL, and ASSISTANT FIRE MARSHALS. The Fire Chief, Fire Marshal, and Assistant Fire Marshals of the Fire Department which provides fire protection services to the city.

OPEN BURNING. The burning of any matter if the resultant combustion products are emitted directly to the atmosphere without passing through a stack, duct or chimney, except a “recreational fire” as defined herein. Mobile cooking devices such as manufactured hibachis, charcoal grills, wood smokers, and propane or natural gas devices are not defined as “open burning.”

RECREATIONAL FIRE. A fire set with approved starter fuel no more than three feet in height, contained within the border of a “recreational fire site” 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; for recreational, ceremonial, food preparation for social purposes; extinguished completely before quitting the occasion; and respecting weather conditions, neighbors, burning bans, and air quality so that nuisance, health or safety hazards will not be created. No more than one recreational fire is allowed on any property at one time.

RECREATIONAL FIRE SITE. An area of no more than a three 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 blocks or ferrous metal only an which area is depressed below ground, on the ground, or on a raised bed. Included are permanent outdoor wood burning fireplaces. Burning barrels are not a “recreation fire site” as defined herein. Recreational fire sites shall not be located closer than 25 feet to any structure.

STARTER FUELS. Dry, untreated, unpainted, kindling, branches, cardboard 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 burn.

WOOD. Dry, clean fuel only such as twigs, branches, limbs, “presto logs,” charcoal, cord wood or untreated dimensional lumber. The term 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 foot lengths.

§ 96.61 PROHIBITED MATERIALS.

(A) No person shall conduct, cause or permit open burning oils, petro fuels, rubber, plastics, chemically treated materials, or other materials which produce excessive or noxious smoke such as tires, railroad ties, treated, painted or glued wood composite shingles, tar paper, insulation, composition board, sheet rock, wiring, paint or paint fillers.

(B) No person shall conduct, cause or permit open burning of hazardous waste or salvage operations, open burning of solid waste generated from an industrial or manufacturing

Mountain Iron – General Regulations

process or from a service or commercial establishment or building material generated from demolition of commercial or institutional structures.

(C) No person shall conduct, cause or permit open burning of discarded material resulting from the handling, processing, storage, preparation, serving or consumption of food.

(D) No person shall conduct, cause or permit open burning of any leaves or grass clippings.

Penalty, see § 96.99

§ 96.62 PERMIT REQUIRED FOR OPEN BURNING.

No person shall start or allow any open burning on any property in the city without first having obtained an open burn permit, except that a permit is not required for any fire which is a recreational fire as defined in § 96.60.

Penalty, see § 96.99

§ 96.63 PURPOSES ALLOWED FOR OPEN BURNING.

(A) Open burn permits may be issued only for the following purposes:

(1) Elimination of fire of health hazard that cannot be abated by other practical means.

(2) Ground thawing for utility repair and construction.

(3) Disposal of vegetative matter for managing forest, prairie or wildlife habitat, and in the development and maintenance of land and rights-of-way where chipping, composting, landspreading or other alternative methods are not practical.

(4) Disposal of diseased trees generated on site, diseased or infected nursery stock, diseased bee hives.

(5) Disposal of unpainted, untreated, non-glued lumber and wood shakes generated from construction, where recycling, reuse, removal or other alternative disposal methods are not practical.

(B) Fire Training permits can only issued by the Minnesota Department of Natural Resources.

Penalty, see § 96.99

§ 96.64 PERMIT APPLICATION FOR OPEN BURNING; PERMIT FEES.

(A) Open burning permits shall be obtained by making application on a form prescribed the Department of Natural Resources (DNR) and adopted by the Fire Department.

Mountain Iron – General Regulations

The permit application shall be presented to the Fire Chief, Fire Marshal, and Assistant Fire Marshals for reviewing and processing those applications.

(B) An open burning permit shall require the payment of a fee. Permit fees shall be in the amount established by resolution of the City Council, as it may be amended from time to time.

Penalty, see § 96.99

§ 96.65 PERMIT PROCESS FOR OPEN BURNING.

Upon receipt of the completed open burning permit application and permit fee, the Fire Chief, Fire Marshal, or Assistant Fire Marshals shall schedule a preliminary site inspection to locate the proposed burn site, note special conditions, and set dates and time of permitted burn and review fire safety considerations.

§ 96.66 PERMIT HOLDER RESPONSIBILITY.

(A) Prior to starting an open burn, the permit holder shall be responsible for confirming that no burning ban or air quality alert is in effect. Every open burn event shall be constantly attended by the permit holder or his or her competent representative. The open burning site shall have available, appropriate communication and fire suppression equipment as set out in the fire safety plan.

(B) The open burn fire shall be completely extinguished before the permit holder or his or her representative leaves the site. No fire may be allowed to smolder with no person present. It is the responsibility of the permit holder to have a valid permit, as required by this subchapter, available for inspection on the site by the Police Department, Fire Department, MPCA representative or DNR forest officer.

(C) The permit holder is responsible for compliance and implementation of all general conditions, special conditions, and the burn event safety plan as established in the permit issued. The permit holder shall be responsible for all costs incurred as a result of the burn, including but not limited to fire suppression and administrative fees.

Penalty, see § 96.99

§ 96.67 REVOCATION OF OPEN BURNING PERMIT.

The open burning permit is subject to revocation at the discretion of DNR forest officer, the Fire Chief, Fire Marshal, or Assistant Fire Marshals. 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.

Penalty, see § 96.99

Mountain Iron – General Regulations

§ 96.68 DENIAL OF OPEN BURNING PERMIT.

If established criteria for the issuance of an open burning permit are not met during review of the application, it is determined that a practical alternative method for disposal of the material exists, or a pollution or nuisance condition would result, or if a burn event safety plan cannot be drafted to the satisfaction of the Fire Chief, Fire Marshal, or Assistant Fire Marshals, these officers may deny the application for the open burn permit.

§ 96.69 BURNING BAN OR AIR QUALITY ALERT.

No 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 when the MPCA has declared an Air Quality Alert.

Penalty, see § 96.99

§ 96.70 RULES AND LAWS ADOPTED BY REFERENCE.

The provisions of M.S. §§ 88.16 to 88.22, as these statutes may be amended from time to time, are hereby adopted by reference and made a part of this subchapter as if fully set forth at this point.

§ 96.99 PENALTY.

Violation of any provision of this chapter, including maintaining a nuisance after being notified in writing by first class mail of a violation of any provision of this chapter, shall be a misdemeanor and punished as provided in § 10.99

Mountain Iron – General Regulations

CHAPTER 97 KNOX BOX Ordinance Number 01-16 Adopted March 4, 2016

97.01 KEY LOCK BOX SYSTEM.

- (A) The following structures shall be equipped with a key lock box at or near the main entrance or such other location required by the Fire Chief. Said lock box shall be installed to the front of the building near the entrance at a height of a minimum of 48 inches and not to exceed 80 inches.
- (1) Commercial or industrial structures protected by an automatic alarm system or automatic suppression system, or such structures that are secured in a manner that restricts access during an emergency;
 - (2) Multi-family residential structures that have restricted access through locked doors and have a common corridor for access to the living units;
 - (3) Governmental structures and nursing care facilities;
- (B) All newly constructed structures subject to this section shall have key lock box (Knox Box) installed and operational prior to the issuance of occupancy permit. All Structures in existence on the effective date of this section and subject to this section shall have one year from the effective date of this section to have a key lock box installed and operational. Any existing structure that is purchased or overtaken during the first year of the ordinance must install a key lock box within 30 days of the purchase or overtaking. Any structure in Section A, Items 1, 2 or 3 that will undergo additions, upgrades or repairs shall also require a key lock box installed at the time of the upgrades/repairs.
- (C) The fire chief shall designate the type of key lock box system to be implemented within the city and shall have the authority to require all structures to use the designated system.
- (D) The owner or operator of a structure required to have a key lock box shall, at all times, keep a key in the lock box that will allow for access to the structure.
- (E) The fire chief shall be authorized to implement rules and regulations for the use of the lock box system.

97.03 ENFORCEMENT AND PENALTY.

Penalties shall be accordance with Section 10.99 of the Mountain Iron City Code.