

## **TITLE IX: GENERAL REGULATIONS**

Chapter

- 90. ANIMAL CONTROL**
- 91. HEALTH AND SANITATION; NUISANCES**
- 92. FIRE PREVENTION AND PROTECTION**
- 93. PARKS AND RECREATION**



## CHAPTER 90: ANIMAL CONTROL

### Section

- 90.01 Definitions
- 90.02 Number of animals permitted
- 90.03 Licenses required; fee; date of payment
- 90.04 Affixing tags
- 90.05 Confinement
- 90.06 Restrictions
- 90.07 Impoundment
- 90.08 Interference with officers
- 90.09 Cleaning up litter
- 90.10 Basic care
- 90.11 Running at large
- 90.12 Barking/crying/whining dogs
- 90.13 Dangerous and potentially dangerous dogs
  
- 90.99 Penalty

### 90.01 DEFINITIONS.

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

**ANIMAL.** A domesticated dog or cat.

**AT LARGE.** Off the premises of the owner and not under the immediate control of the owner or a responsible member of his or her family by either leash or command.

**HABITUAL.** Steady, much done, inveterate, usual or frequently.

**HOUSEHOLD.** A single-family residence or single unit of a town home, condominium, apartment, mobile home or twin homes.

**OWNER.** Any person, firm or corporation owning, harboring, maintaining or keeping an animal in the city. An animal shall be deemed to be harbored if it is fed or sheltered for seven days or more. (Ord. 08-1, passed 2-11-2008)

**Blooming Prairie - General Regulations****' 90.02 NUMBER OF ANIMALS PERMITTED.**

(A) No person may keep, harbor or maintain at one household more than three dogs over five months of age.

(B) No person may own, keep, harbor or maintain at one household more than five cats over five months of age.

(C) No person may own, keep, harbor or maintain at one household any combination of dogs and cats over five months of age exceeding a total of five in number, no more than three of which may be dogs.

(D) It is the express intent of the City Council that the purpose of this section is to clarify the limitation on the number of animals permitted.

(Ord. 08-1, passed 2-11-2008) Penalty, see ' 90.99

**' 90.03 LICENSES REQUIRED.**

(A) No person shall keep any dog within the city limits without securing a license therefor, which shall be obtained at the City Administrator-Clerk's office. A certificate of proof that a male dog has been neutered or a female dog has been spayed shall be required with each application of license for neutered dog or spayed female dog. Proof of vaccination for rabies shall also be required with each license application. Licenses are not transferable.

(B) All licenses shall be issued for a one-year period. Any licenses in effect at the effective date of this chapter shall be effective until their termination date of 4-30-2008, whichever should occur earlier and after that, they shall expire every year on April 30.

(Ord. 08-1, passed 2-11-2008) Penalty, see ' 90.99

**' 90.04 AFFIXING TAGS.**

The owner shall affix the metal tags by permanent metal fastening to the collar of the dog so licensed in such a manner that the tag may be easily seen by the officers of the city. The owner shall see that the tag is constantly attached to the dog. In case the tag is lost, the owners shall secure from the city's Administrator-Clerk a duplicate tag, the cost to be paid by the owner.

(Ord. 08-1, passed 2-11-2008) Penalty, see ' 90.99

**' 90.05 CONFINEMENT.**

All animals must be under the immediate supervision and command of a responsible person, tied or otherwise confined.

(Ord. 08-1, passed 2-11-2008) Penalty, see ' 90.99

**' 90.06 RESTRICTIONS.**

(A) No person shall keep or harbor a dog that habitually barks or cries.

(B) No animal owners shall allow their animals to damage any lawn, garden or other property.

(C) No animal shall be permitted on school playgrounds or city parks at any time.

(Ord. 08-1, passed 2-11-2008) Penalty, see ' 90.99

**' 90.07 IMPOUNDMENT.**

(A) The police officers of the city are hereby authorized to impound any unlicensed dog running at large in the city or any licensed dog violating provisions of this chapter or cats running at large or cats violating provisions of this chapter. Immediate notice of the impounding of the animal shall be given by the city=s Police Department to the owner of the animal, personally or through the United States mail, if the owner be known to the city=s Police Department or can be ascertained with reasonable effort, but if the owner be unknown or cannot be ascertained with reasonable effort, then the city=s Police Department shall post written notice at the City Center, Public Utility Building and Post Office, all within the city, giving a description of the animal, stating where it is impounded and the conditions for its release. If, after five days, the owner does not claim the animal, the city=s Police Department shall dispose of the animal in a proper and humane manner.

(B) The owner may recover his or her animal after complying with the following:

(1) Payment of a \$15 penalty for the first offense, \$25 penalty for a second offense and \$50 penalty for a third offense, all payable in the office of the city=s Administrator-Clerk;

(2) Payment of \$10 per day for board and room, payable at the office of the city=s Administrator-Clerk and, if the animal is boarded at a veterinary clinic, then by paying such amount as charged by the clinic; and

(3) Proof that the dog has been vaccinated for rabies and is properly licensed.

(Ord. 08-1, passed 2-11-2008)

**' 90.08 INTERFERENCE WITH OFFICERS.**

It shall be unlawful for any person to hinder or interfere with any officer in the performance of his or her duties under provisions of this chapter.

(Ord. 08-1, passed 2-11-2008) Penalty, see ' 90.99

**' 90.09 CLEANING UP LITTER.**

**Blooming Prairie - General Regulations**

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

(Ord. 08-1, passed 2-11-2008) Penalty, see ' 90.99

**' 90.10 BASIC CARE.**

All animals shall receive from their owners or keepers kind treatment, housing in the winter and sufficient food and water for their comfort. Any person not treating his or her pet in a humane manner will be subject to the penalties provided in this chapter.

(Ord. 08-1, passed 2-11-2008) Penalty, see ' 90.99

**' 90.11 RUNNING AT LARGE.**

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

**' 90.12 BARKING/CRYING/WHINING DOGS.**

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

(D) *Warrant required.* The Animal Control Officer or police officer shall not enter the property of the owner of an animal described in this section unless the officer has first obtained the permission of the owner to do so or has obtained a warrant issued by a court of competent jurisdiction, as provided for in ' 10.20, to search for and seize the animal.

**' 90.13 DANGEROUS AND POTENTIALLY DANGEROUS DOGS.**

(A) *Adoption by reference.* Except as otherwise provided in this section, the regulatory and procedural provisions of M.S. ' ' 347.50 to 347.565, as amended from time to time (commonly referred to as the ADangerous Dog Regulations@), are adopted by reference.

(B) *Definitions.* Definitions in this section shall have the following meanings:

(1) ***DANGEROUS DOG.*** A dog that:

(a) Has when unprovoked, inflicted substantial bodily harm on a human being on public or private property;

(b) Has killed a domestic animal when unprovoked while off the owner=s property;

(c) Has attacked one or more persons on two or more occasions; or

(d) Has been found to be potentially dangerous and after the owner has notice of the same, the dog aggressively bites, attacks or endangers the safety of humans or domestic animals.

(2) ***DOG.*** Both the male and female of the canine species, commonly accepted as domesticated household pets.

(3) ***GREAT BODILY HARM.*** Bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.

(4) ***OWNER.*** Any person or persons, firm, corporation, organization, department, or association owning, possessing, harboring, keeping, having an interest in, or having care, custody or control of a dog.

(5) ***MAINTENANCE COSTS.*** Any costs incurred as a result of seizing an animal for impoundment, including, but not limited to, the capturing, impounding, keeping, treating, examining, securing, confining, feeding, destroying, boarding or maintaining seized animals, whether these services are provided by the city or the pound.

(6) ***POTENTIALLY DANGEROUS DOG.*** A dog that:

(a) Has when unprovoked, inflicted a bite on a human or domestic animal on public or private property;

(b) Has when unprovoked, chased or approached a person, including a person on a bicycle, upon the streets, sidewalks or any public or private property, other than the owner=s property, in an apparent attitude of attack; or

(c) Has a known propensity, tendency or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

**Blooming Prairie - General Regulations**

(7) **PROPER ENCLOSURE.** Securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the dog from escaping and to provide protection for the dog from the elements. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the dog to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only barriers which prevent the dog from exiting. The enclosure shall not allow the egress of the dog in any manner without human assistance. A pen or kennel shall meet the following minimum specifications:

(a) A minimum overall floor size of 32 square feet.

(b) Sidewalls shall have a minimum height of five feet and be constructed of 11-gauge or heavier wire. Openings in the wire shall not exceed two inches, support post shall be one and 1/4- inch or larger steel pipe buried in the ground 18 inches or more. When a concrete floor is not provided, the sidewalls shall be buried a minimum of 18 inches in the ground.

(c) A cover over the entire pen or kennel shall be provided. The cover shall be constructed of the same gauge wire or heavier as the sidewalls and openings in the wire shall not exceed two inches.

(d) An entrance/exit gate shall be provided and be constructed of the same material as the sidewalls and openings in the wire shall not exceed two inches. The gate shall be self-closing and self-locking. The gate shall be locked at all times when the dog is in the pen or kennel.

(8) **SUBSTANTIAL BODILY HARM.** Bodily injury that involves a temporary but substantial disfigurement, or that causes a temporary but substantial loss or impairment of the function of any bodily member or organ or that causes a fracture of any bodily member.

(9) **UNPROVOKED.** The condition in which the dog is not purposely excited, stimulated, agitated or disturbed.

(C) *Declaration of dangerous or potentially dangerous dog.*

(1) A police officer, community service officer, animal control officer or other authorized city employee may declare a dog to be dangerous or potentially dangerous when the officer has probable cause to believe that a dog is dangerous or potentially dangerous. The following factors will be considered in determining a dangerous or potentially dangerous dog:

(a) Whether any injury or damage to a person by the dog was caused while the dog was protecting or defending a person or the dog=s offspring within the immediate vicinity of the dog from an unjustified attack or assault.

(b) The size and strength of the dog, including jaw strength, and the animal=s propensity to bite humans or other domestic animals.

(c) Whether the dog has wounds, scarring, is observed in a fight, or has other indications that the dog has been or will be used, trained or encouraged to fight with another animal or whose owner is in possession of any training apparatus, paraphernalia or drugs used to prepare such dogs to fight with

other animals.

(2) Beginning six months after a dog is declared dangerous or potentially dangerous, an owner may request annually that the city review the designation. The owner must provide evidence that the dog's behavior has changed due to the dog's age, neutering, environment, completion of obedience training or other factors. If enough evidence is provided, the city may rescind the designation.

(3) *Exceptions.*

(a) The provisions of this section do not apply to dogs used by law enforcement.

(b) Dogs may not be declared dangerous or potentially dangerous if the threat, injury, or danger was sustained by a person who was:

1. Committing a willful trespass or other tort upon the premises occupied by the owner of the dog;
2. Provoking, tormenting, abusing or assaulting the dog, or who can be shown to have a history of repeatedly provoking, tormenting, abusing, or assaulting the dog; or
3. Committing or attempting to commit a crime.

(D) *License required.* The owner must annually license dangerous and potentially dangerous dogs with the city and must license a newly declared dangerous or potentially dangerous dog within 14 days after notice that a dog has been declared dangerous or potentially dangerous. Regardless of any appeal that may be requested, the owner must comply with the requirements of M.S. ' 347.52 (a) and (c), as amended from time to time, regarding proper enclosures and notification to the city upon transfer or death of the dog, until and unless a hearing officer or court of law reverses the declaration.

(1) *Process for dangerous dogs.* The city will issue a license to the owner of a dangerous dog if the owner presents sufficient evidence that:

(a) There is a proper enclosure;

(b) Written proof that there is a surety bond by a surety company authorized to conduct business in Minnesota in the sum of at least \$300,000, payable to any person injured by a dangerous dog, or receipt of a copy of a policy of liability insurance issued by an insurance company authorized to do business in Minnesota in the amount of at least \$300,000, insuring the owner for any personal injuries inflicted by the dangerous dog. Such surety bond or insurance policy shall provide that no cancellation of the bond or policy will be made unless the city is notified in writing by the surety company or the insurance company at least ten days prior to such cancellation;

(c) The owner has had a microchip identification implanted in the dangerous dog. The name of the microchip manufacturer and identification number of the microchip must be provided to the city. If the microchip is not implanted by the owner, it may be implanted by the city at the owner's expense; and

**Bloomington - General Regulations**

(d) The owner provides proof that the dog has been sterilized. If the owner does not sterilize the dog within 30 days, the city may seize the dog and sterilize it at the owner=s expense.

(2) *Process for potentially dangerous dogs.* The city will issue a license to the owner of a potentially dangerous dog if the owner presents sufficient evidence that:

(a) There is a proper enclosure;

(b) The owner has had a microchip identification implanted in the potentially dangerous dog. The name of the microchip manufacturer and identification number of the microchip must be provided to the city. If the microchip is not implanted by the owner, it may be implanted by the city at the owner=s expense.

(3) *Inspection.* A pre-license inspection of the premises to insure compliance with the city code is required. If the city issues a license to the owner of a dangerous or potentially dangerous dog, the city shall be allowed at any reasonable time to inspect the dog, the proper enclosure and all places where the animal is kept.

(4) *Warning symbol.* The owner of a dangerous dog licensed under this section must post a sign with the uniform dangerous dog warning symbol on the property in order to inform children that there is a dangerous dog on the property. The sign will be provided by the city upon issuance of the license.

(5) *Tags.* A dangerous dog licensed under this section must wear a standardized, easily identifiable tag at all times that contains the uniform dangerous dog symbol, identifying the dog as dangerous. The tag shall be provided by the city upon issuance of the license.

(E) *Properly restrained in proper enclosure or outside of proper enclosure.* While on the owner=s property, an owner of a dangerous or potentially dangerous dog must keep it in a proper enclosure. Inside a residential home, there must be a secured area maintained where the dog will stay when persons other than family members are present. If the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash no longer than four feet and under the physical restraint of an adult. The muzzle must be made in a manner that will prevent the dog from biting any person or animal but that will not cause injury to the dog or interfere with its vision or respiration.

(F) *Notification requirements to city.*

(1) *Relocation or death.* The owner of a dog that has been declared dangerous or potentially dangerous must notify the city=s Administrator-Clerk in writing if the dog is to be relocated from its current address or if the dog has died. The notification must be given in writing within 30 days of the relocation or death. The notification must include the current owner=s name and address, and the new owner=s name and the relocation address. If the relocation address is outside of the city, the city may notify the local law enforcement agency of the transfer of the dog into its jurisdiction.

(2) *Renter=s obligations.* A person who owns or possess a dangerous or potentially dangerous dog and who will rent property from another where the dog will reside must disclose to the property owner prior to entering the lease agreement and at the time of any lease renewal periods that the person owns or possesses a dangerous or potentially dangerous dog that will reside at the property. A dog owner, who is currently renting property, must notify the property owner within 14 days of city notification if the owned dog is newly declared as dangerous or potentially dangerous and the owner keeps the dog on the property.

(3) *Transfer of ownership into the city.* No dog that has been previously determined to be dangerous or potentially dangerous by another jurisdiction shall be kept, owned or harbored in the city unless the dog=s owner complies with the requirements of this section prior to bringing the dog into the city. Dogs in violation of this division are subject to impoundment and destruction.

(G) *Seizure.* Animal control may immediately seize any dangerous or potentially dangerous dog if:

(1) After 14 days after the owner has notice that the dog is declared dangerous or potentially dangerous, the dog is not validly licensed and no appeal has been filed;

(2) After 14 days after the owner has notice that the dog is dangerous, the owner does not secure the proper liability insurance or surety coverage as required or such required insurance is cancelled;

(3) The dog is not maintained in a proper enclosure;

(4) The dog is outside the proper enclosure and not under proper restraint, as required by ' 90.13(E);

(5) After 30 days after the owner has notice that the dog is dangerous, the dog is not sterilized, as required by ' 90.13(D)(1)(d);

(6) The dog=s microchip has been removed.

(H) *Reclamation.* A dog seized under ' 90.13(G) may be reclaimed by the owner of the dog upon payment of maintenance costs, and presenting proof to animal control that the requirements of this section have been met. A dog not reclaimed under this division within seven days may be disposed of and the owner will be liable to the city for maintenance costs. A person claiming an interest in a seized dog may prevent disposition of the dog by posting a security in an amount sufficient to provide for the dog=s maintenance costs. The security must be posted with the city within seven days of the seizure inclusive of the date seized.

(I) *Subsequent offenses: seizure.* If a person has been convicted of violating a provision of this section, and the person is charged with a subsequent violation relating to the same dog, the dog may be seized. If the owner is convicted of the crime for which the dog was seized, the court may order that the dog be destroyed in a proper and humane manner and the owner pay the maintenance costs. If the owner is not convicted and the dog is not reclaimed by the owner within seven days after the owner has been

**Blooming Prairie - General Regulations**

notified that the dog may be reclaimed, the dog may be disposed of in manner permitted by law.

(J) *Notice, hearings.*

(1) *Notice.* After a dog has been declared dangerous or potentially dangerous or has been seized for destruction, the city shall give notice by delivering or mailing it to the owner of the dog, or by posting a copy of it at the place where the dog is kept, or by delivering it to a person residing on the property, and telephoning, if possible. The notice shall include:

(a) A description of the seized dog; the authority for and purpose of the declaration and seizure; the time, place, and circumstances under which the dog was declared; and the telephone number and contact person where the dog is kept;

(b) A statement that the owner of the dog may request a hearing concerning the declaration and that failure to do so within 14 days of the date of the notice will terminate the owner=s right to a hearing;

(c) A statement that if an appeal request is made within 14 days of the notice, the owner must immediately comply with the requirements of M.S. ' 347.52, paragraphs (a) and (c), as amended from time to time, regarding proper enclosures and notification to the city upon transfer or death of the dog, until such time as the hearing officer issues an opinion;

(d) A statement that if the hearing officer affirms the dangerous dog declaration, the owner will have 14 days from receipt of that decision to comply with all other requirements of M.S. ' ' 347.51, 347.515, and 347.52, as amended from time to time;

(e) A form to request a hearing; and

(f) A statement that if the dog has been seized, all maintenance costs of the care, keeping, and disposition of the dog pending the outcome of the hearing are the responsibility of the owner, unless a court or hearing officer finds that the seizure or impoundment was not reasonably justified by law.

(2) *Right to hearing.*

(a) After a dog has been declared dangerous, potentially dangerous or has been seized for destruction, the owner may appeal in writing to the city within 14 days after notice of the declaration or seizure. Failure to do so within 14 days of the date of the notice will terminate the owner=s right to a hearing. The owner must pay a \$100 fee for an appeal hearing.

(b) The appeal hearing will be held within 14 days of the request. The hearing officer must be an impartial employee of the city or an impartial person retained by the city to conduct the hearing.

(c) If the declaration or destruction is upheld by the hearing officer, actual expenses of the hearing up to a maximum of \$1,000, as well as all maintenance costs, will be the responsibility of the dog=s owner. The hearing officer shall issue a decision on the matter within ten days after the hearing. The decision shall be delivered to the dog=s owner by hand delivery or registered mail as soon as

practical and a copy shall be provided to the city. The decision of the hearing officer is final.

(K) *Destruction of certain dogs.* The Police Chief and/or hearing officer are authorized to order the destruction or other disposition of any dog, after proper notice is given pursuant to ' 90.13(J) and upon a finding that:

(1) The dog has habitually destroyed property or habitually trespassed in a damaging manner on property of persons other than the owner;

(2) The dog has been declared dangerous, the owner's right to appeal hereunder has been exhausted or expired, and the owner has failed to comply with the provisions of this section;

(3) It is determined that the dog is infected with rabies;

(4) The dog inflicted substantial or great bodily harm on a human on public or private property without provocation;

(5) The dog inflicted multiple bites on a human on public or private property without provocation;

(6) The dog bit multiple human victims on public or private property in the same attack without provocation;

(7) The dog bit a human on public or private property without provocation in an attack where more than one dog participated in the attack; or

(8) The dog poses a danger to the public=s health, safety or welfare. In determining whether the dog poses a danger to the public=s health, safety or welfare, the following factors may be considered:

(a) The dog weighs more than 20 pounds;

(b) The strength of the dog, including jaw strength;

(c) The dog=s tolerance for pain;

(d) The dog=s tendency to refuse to terminate an attack;

(e) The dog=s propensity to bite humans or other domestic animals;

(f) The dog=s potential for unpredictable behavior;

(g) The dog=s aggressiveness;

(h) The likelihood that a bite by the dog will result in serious injury.

(L) *Concealing of dogs.* No person may harbor, hide or conceal a dog that the city has the authority

**Blooming Prairie - General Regulations**

to seize or that has been ordered into custody for destruction or other proper disposition.

(M) *Dog ownership prohibited.*

(1) Except as provided below, a person shall not own a dog if the person has been:

(a) Convicted of a third or subsequent violation of ' 90.13(D), (E) or (F) or similar section in another jurisdiction, or M.S. ' ' 347.51, 347.515 or 347.52, as amended from time to time;

(b) Convicted of 2nd degree manslaughter due to negligent or intentional use of a dog under M.S. ' 609.205 (4); or

(c) Convicted of gross misdemeanor harm caused by a dog under M.S. ' 609.226, subd. 1, as amended from time to time.

(2) Any person who owns a dangerous or potentially dangerous dog and is found to be in violation of any of the provisions of this section or had owned a dangerous or potentially dangerous dog but never achieved compliance with this section may be prohibited from ownership or custody of another dog for a period of five years after the original declaration. Any dog found to be in violation, may be impounded until due process is completed, pursuant to ' 90.13(J).

(3) If any member of a household is prohibited from owning a dog in ' 90.13(M)(1) or (2), unless specifically approved with or without restrictions by the city, no person in the household is permitted to own a dog.

(N) *Dog ownership prohibition review.* Beginning three years after a conviction under ' 90.13(M)(1) that prohibits a person from owning a dog, and annually thereafter, the person may request in writing to the Police Chief that the city review the prohibition. The city may consider such facts as the seriousness of the violation or violations that led to the prohibition, any criminal convictions, or other facts that the city deems appropriate. The city may rescind the prohibition entirely or rescind it with limitations. The city also may establish conditions a person must meet before the prohibition is rescinded, including, but not limited to, successfully completing dog training or dog handling courses. If the city rescinds a person=s prohibition and the person subsequently fails to comply with any limitations imposed by the city or the person is convicted of any animal violation involving unprovoked bites or dog attacks, the city may permanently prohibit the person from owning a dog in this state.

(O) *Penalties.*

(1) Unless stated otherwise, any person who violates a provision of this section is guilty of a misdemeanor.

(2) Any person who is convicted of a second or subsequent violation of any provision of ' 91.11(D), (E), or (F) is guilty of a gross misdemeanor.

(3) Any person who violates ' 90.13(M), whether an owner or household member, is guilty of

a gross misdemeanor.

**' 90.99 PENALTY.**

Any person, firm or corporation violating the provisions of this chapter shall be guilty of a petty misdemeanor, as defined by state law, upon conviction thereof, shall be punished by a fine of not more than an amount as is provided for petty misdemeanors by state law from time to time.

(Ord. 08-1, passed 2-11-2008)



## CHAPTER 91: HEALTH AND SANITATION; NUISANCES

Section

### *General Provisions*

91.01 Weeds and common grasses

### *Public Nuisances*

91.15 Public nuisance prohibition  
91.16 Public nuisances affecting health  
91.17 Public nuisances affecting morals and decency  
91.18 Public nuisances affecting peace and safety  
91.19 Noise violations  
91.20 Nuisance parking and storage  
91.21 Inoperable motor vehicles  
91.22 Duties of city officers  
91.23 Abatement procedure  
91.24 Recovery of cost  
  
91.99 Penalty

### **GENERAL PROVISIONS**

#### **' 91.01 WEEDS AND COMMON GRASSES.**

(A) *Weed elimination.*

(1) Any weeds or common grass, whether noxious as defined by law or not, growing upon any lot or parcel of land outside the traveled portion of any street or alley in the city to a greater height than six inches or which have gone or about to go to seed are a nuisance. The owner and the occupant shall abate or prevent the nuisance on the property and on land outside the traveled portion of the street or alley abutting on the property.

## Blooming Prairie - General Regulations

(2) When the owner and occupant permit a weed or common grass nuisance to exist in violation of division (A) above, the Weed Inspector shall serve notice upon the owner of the property if he or she resides in the municipality and can be found or upon the occupant in other cases, by registered or certified mail or by personal service, ordering the owner or occupant to have the weeds cut and removed within ten days after receipt of the notice and also stating that, in case of non-compliance, the work will be done by the Street Commissioner at the expense of the owner and that if unpaid, the charge for the work will be made a special assessment against the property concerned. When no owner, occupant or agent of the owner or occupant can be found, the provision for notice shall not apply.

(3) If the owner or occupant fails to comply with the notice within ten days after receipt, or if no owner, occupant or agent of the owner can be found, the Street Commissioner shall cut and remove the weeds or common grass. He or she should keep a record showing the cost of the work attributable to each separate lot and parcel and shall deliver the information to the city's Administrator-Clerk.

(B) *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's Administrator-Clerk, 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's Administrator-Clerk.

(C) *Assessment.* On or before September 1 of each year, the Administrator-Clerk shall list the total unpaid charges for each type of current service against each separate lot or parcel to which they are attributable under this section. The Council may then spread the charges against property benefitted as a special assessment under M.S. ' 429.101, as it may be amended from time to time, and other pertinent statutes for certification by the County Auditor and collection the following year along with current taxes.

(Ord. 74-3, passed 8-1-1988) Penalty, see ' 91.99

### *PUBLIC NUISANCES*

#### **' 91.15 PUBLIC NUISANCE PROHIBITION.**

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

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

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

(C) Does any other act or omission declared by law or this chapter to be a public nuisance.

Penalty, see ' 91.99

**' 91.16 PUBLIC NUISANCES AFFECTING HEALTH.**

The following are hereby declared to be nuisances affecting health:

(A) The 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) Accumulation 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, soot, or cinders in unreasonable quantities;

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

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

**' 91.17 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 otherwise authorized and permitted by federal, state, or local law;

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

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

(D) All places where intoxicating or 3.2% malt 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 or 3.2% malt liquor, or where intoxicating or 3.2% malt liquor is kept for sale or other disposition in violation of law, and all liquor and other property used for maintaining that place; and

(E) Any vehicle used for the unlawful transportation of intoxicating or 3.2% malt liquor, or for promiscuous sexual intercourse, or any other immoral or illegal purpose.

**91.18 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.**

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

(A) All snow and ice that is not removed from public sidewalks within 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 that are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;

(D) Any person participating in any party or other gathering that causes the unreasonable disturbing of the peace, quiet, or repose of another person;

(E) All unnecessary and annoying vibrations;

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

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

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

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

(J) The allowing of rainwater, ice, or snow to fall from any building or structure upon any street or sidewalk or to follow across any sidewalk;

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

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

(M) Wastewater cast upon or permitted to flow upon streets or other public properties;

(N) Accumulations in the open of discarded or disused machinery, household appliances,

automobile bodies or other materials 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 other safety hazards from such accumulation;

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

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

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

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

(S) 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; and

(T) All other conditions or things that are likely to cause injury to the person or property of another.

**91.19 NOISE VIOLATIONS.**

(A) *Prohibited noises.* The following are declared to be nuisances affecting public health, safety, peace, or welfare:

(1) 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 any specific restrictions provided in this chapter);

(2) All obnoxious noises, motor vehicle or otherwise, in violation of Minn. Rules chapter 7030, as it may be amended from time to time, are hereby incorporated into this chapter by reference;

(3) The use of any vehicle so out of repair or so loaded as to create loud and unnecessary grating, grinding, rattling, or other noise;

(4) The discharging of the exhaust or permitting the discharge of the exhaust of any statutory internal combustion engine, motor boat, motor vehicle, motorcycle, all terrain vehicle (ATV), 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;

(5) Any loud or excessive noise in the loading, unloading, or unpacking of any vehicle; and

(6) The use or operation, or permitting the use or operation, of any radio receiving set,

## Blooming Prairie - General Regulations

television set, musical instrument, music device, 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.

(B) *Hourly restriction of certain operations.*

(1) *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 equipment, except between the hours of 7:00 a.m. and 10:00 p.m. on any weekday or between the hours of 8:00 a.m. and 9:00 p.m. on any weekend or holiday. Snow removal equipment is exempt from this provision.

(2) *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 8:00 a.m. and 9:00 p.m. on any weekend or holiday.

(3) *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 8:00 a.m. and 9:00 p.m. on any weekend or holiday.

(4) *Radios, music devices, paging systems, and the like.* The operation of any device referred to in subsection (A)(6) 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 a violation of this section.

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

Penalty, see ' 91.99

### ' 91.20 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:

- (1) Obstructs views on streets and private property;
- (2) Creates cluttered and otherwise unsightly areas;

(3) Prevents the full use of residential streets for residential parking;

(4) Introduces commercial advertising signs into areas where commercial advertising signs are otherwise prohibited;

(5) Decreases adjoining landowners= and occupants= use and enjoyment of their property and neighborhood; and

(6) 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 fishing houses, skateboard ramps, playhouses, or other similar non-permanent structures outside continuously for longer than 24 hours in the front yard area of residential property unless more than 100 feet back from the front property line.

(2) A person must not place, store, or allow the placement or storage of pipe, lumber, forms, steel, machinery, or similar materials, including all materials used in conjunction 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. The 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 areas must be on a paved or graveled parking surface or driveway area; and

(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 from school for periods of time but still claim the property as their legal residence will be considered residents on the property.

Penalty, see ' 91.99

**' 91.21 INOPERABLE MOTOR VEHICLES.**

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

(B) *Inoperable motor vehicles.* It shall be unlawful to keep, park, store, or abandon any motor vehicle that 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 within the state, pursuant to M.S. ' 168B.011, subd. 3, as it may be amended from time to time.

(C) *Screening.* 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. Privacy fencing is permissible.

Penalty, see ' 91.99

#### ' 91.22 DUTIES OF CITY OFFICERS.

City officials may apply and enforce any provision of this chapter relating to public nuisances within this jurisdiction. Any peace officer or other designated city official 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 peace officer or designated city official will enter private property for the purpose of inspecting or preventing public nuisances without the permission of the owner, resident, or other person in control of the property, unless the officer or person designated has obtained a warrant or order from a court of competent jurisdiction authorizing entry.

#### ' 91.23 ABATEMENT PROCEDURE.

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

(B) *Notice.* Written notice of the violation; notice of the time, date, place, and subject of any hearing before the City Council; notice of the City Council order; and notice of motion for summary enforcement hearing shall be served by a peace officer or designated official 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 if the owner of record or occupant refuses to accept notice, notice of the violation shall be served by positing it on the premises.

(C) *Emergency procedure; summary enforcement.* In cases of emergency, where delay in abatement required to complete the procedure and notice requirements as 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 peace officer or other designated official shall determine that a public nuisance exists or is being maintained on premises in the city and that delay in abatement will unreasonably endanger public health, safety, or welfare. The officer or designated official shall notify in writing the occupant or owner of the premises of the nature of the 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 that poses an imminent and serious hazard to human life or safety.

(E) *Unlawful parties or gatherings.* When law enforcement determines that a gathering is creating such a noise disturbance as prohibited under ' 91.18(D), 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 to do so by law enforcement. 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.

(F) *Judicial remedy.* Nothing in this section shall prevent the city from seeking a judicial remedy when no other adequate administrative remedy exists.

Penalty, see ' 91.99

#### **' 91.24 RECOVERY OF COST.**

(A) *Personal liability.* The owner of the premises on which a nuisance has been abated by the city, or a person who has caused a public nuisance on property not owned by that person, shall be personally liable for the cost to the city of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the city=s Administrator-Clerk or other city 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=s Administrator-Clerk.

(B) *Assessment.* After notice and hearing as provided in M.S. ' 429.061, as it may be amended from time to time, if the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect-infected trees, the city clerk shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed under M.S. ' 429.101, as it may be amended from time to time, against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against the property under that statute and any 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 ' 91.99

**' 91.99 PENALTY.**

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

(B) Any person convicted of violating any provision of ' ' 91.15 through 91.24 is guilty of a misdemeanor and shall be punished by a fine not to exceed \$1,000 or imprisonment for not more than 90 days, or both, plus the costs of prosecution in either case.

## CHAPTER 92: FIRE PREVENTION AND PROTECTION

Section

### *General Provisions*

- 92.01 Open burning; air pollution
- 92.02 Where to burn

### *External Biomass Burners and Boilers*

- 92.15 Purpose
- 92.16 Applicability
- 92.17 Definitions
- 92.18 Permit required
- 92.19 Other requirements
- 92.20 Fire suppression costs
  
- 92.99 Penalty

### **GENERAL PROVISIONS**

#### **92.01 OPEN BURNING; AIR POLLUTION.**

(A) Air Pollution Control Regulation 8, adopted by the state's Pollution Control Agency, as amended, is hereby adopted by reference pursuant to M.S. § 116.082, as it may be amended from time to time. Pursuant thereto, one copy of Regulation 8 shall be marked "Official Copy" and kept on file in the office of the Administrator-Clerk for use and examination by the public.

(B) From and after the effective date of this section, no person shall dispose of refuse by open burning, or cause, suffer, allow or permit open burning of refuse in the city.

## **Blooming Prairie - General Regulations**

(C) Between September 15 and December 1 of each year, the open burning of dry leaves is permitted within the city, subject to the restriction of law and this section, notwithstanding any other provision of this section. No open burning shall take place during an air pollution alert, warning or emergency declared by the state's Pollution Control Agency. No burning shall take place during a high wind or when a traffic hazard might be created thereby in any nearby street, nor shall any leaf burning take place without a responsible attendant.

(Ord. 72-5, passed 7-5-1972; Ord. 90-2, passed 6-4-1990; Ord. 92-2, passed 4-6-1992) Penalty, see ' 92.99

### **' 92.02 WHERE TO BURN.**

Burning must occur on the property owner's lot and not on the street, boulevard or alley.  
Penalty, see ' 92.99

## ***EXTERNAL BIOMASS BURNERS AND BOILERS***

### **' 92.15 PURPOSE.**

This subchapter is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the city by regulating the air pollution and fire hazards of external biomass burners/boilers.

(Ord. 2009-01, passed 3-9-2009)

### **' 92.16 APPLICABILITY.**

(A) This subchapter applies to all outdoor fire burners and boilers within the city.

(B) This subchapter does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.

(C) This subchapter does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.

(D) This subchapter does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

(E) This subchapter does not apply to campfires, small outdoor fires intended for recreation or cooking, but not including a fire intended for disposal of waste wood or refuse.

(Ord. 2009-01, passed 3-9-2009)

**' 92.17 DEFINITIONS.**

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

**EXTERNAL BIOMASS BURNER/BOILER.** A device designed for external solid fuel combustion so that usable heat is derived for the interior of a building, its domestic water supply, or a pool/spa, and includes solid fuel-fired stoves, solid fuel-fired cooking stoves and combination fuel furnaces or boilers which burn solid fuel. **EXTERNAL BIOMASS BURNER/BOILERS** shall include units that are placed in an accessory building. **EXTERNAL BIOMASS BURNER/BOILERS** do not include natural gas-fired fireplace logs or wood-burning fireplaces or wood stoves in the interior of a dwelling.

**PERSON.** An individual, partnership, corporation, company or other association.

**REFUSE or GARBAGE.** Any waste material, except trees, logs, brush, stumps, leaves, grass clippings and other vegetative matter. This includes, but is not limited to, food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes; asphalt and products containing asphalt; treated or painted wood including, but not limited to, plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives; any plastic material including, but not limited to, nylon, PVC, ABS, polystyrene or urethane foam and synthetic fabrics, plastic films and plastic containers; rubber including tires and synthetic rubber-like products.

**STACKS or CHIMNEYS.** Any vertical structure incorporated into a building and enclosing a flue or flues that carry off smoke or exhaust from an external biomass burner/boiler, especially the part of such a structure extending above a roof.

(Ord. 2009-01, passed 3-9-2009)

**' 92.18 PERMIT REQUIRED.**

(A) The city requires any person to obtain a building permit for the construction, installation and/or operation of any external biomass burner/boiler within the city limits.

(B) Installation should be made and inspected by a licensed contractor who is knowledgeable about the type of system being installed.

(Ord. 2009-01, passed 3-9-2009) Penalty, see ' 92.99

**' 92.19 OTHER REQUIREMENTS.**

(A) All external biomass burner/boilers constructed, installed or operated within the city limits shall meet emission standards currently required by the Environmental Protection Agency (EPA) and Underwriters Laboratories (UL) listing.

**Blooming Prairie - General Regulations**

(B) Any emissions from external biomass burner/boilers including, but not limited to, dense smoke, noxious fumes, gas, soot or cinders, or any use of an external biomass burner/boiler to burn solid fuels other than those solid fuels for which the external biomass burner/boiler is designed, is declared a public nuisance.

(C) (1) All external biomass burner/boilers must be located at least 20 feet from any structure. This set back may be reduced to ten feet; provided that, the unit is enclosed in a non-combustible building (steel or concrete). All external biomass burner/boilers shall be located at least 100 feet from any property line and shall not be located on any residentially zoned property.

(2) Persons should check with their individual insurance carriers for any required limits that do not comply with this division (C) and inform the city's Administrator-Clerk of individual policy requirements.

(D) All stacks or chimneys must be so constructed to withstand high winds or other related elements and according to the specifications of the manufacturer of the external biomass burner/boiler. The stack or chimney height shall be a minimum of 20 feet and a maximum 40 feet above ground level, but shall also extend at least as high as the height of the roofs of residents within 500 feet of the unit. All stacks or chimneys must be made of masonry or insulated metal with a minimum six-inch flue. A factory-built or masonry chimney with a spark arrester screen is also required.

(E) Only fuels designed for burning in an external biomass burner/boiler may be burned in such a unit. No garbage or refuse may be burned in an external biomass burner/boiler.

(F) Ashes removed from an external biomass burner/boiler must be placed in a metal container equipped with a lid or cover.

(G) All wood or other fuel, combustibles or wood chips, bark and debris must be kept at least ten feet away from any external biomass burner/boiler.  
(Ord. 2009-01, passed 3-9-2009) Penalty, see ' 92.99

**' 92.20 FIRE SUPPRESSION COSTS.**

Any person utilizing or operating an external biomass burner/boiler is responsible for all fire suppression costs.  
(Ord. 2009-01, passed 3-9-2009)

**' 92.99 PENALTY.**

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

(B) Any person, firm or corporation who violates any of the provisions of ' ' 92.01 of this chapter shall be subject to a fine not exceeding \$300 or to imprisonment for a period not to exceed 90 days, or both.

(C) (1) Any person violating ' ' 92.15 through 92.20 of this chapter, or any amendments thereto, shall be subject to a civil penalty not exceeding \$500 for each violation and for each day upon which any violation shall continue. The city=s Administrator-Clerk, or designee, shall be responsible for investigation of violations and for enforcement of the provisions of ' ' 92.15 through 92.20 of this chapter.

(2) Any person convicted of violating any provision of ' ' 92.15 through 92.20 of this chapter shall be guilty of a misdemeanor punishable by fine and/or jail as provided for by state law for misdemeanor violations.

(Ord. 72-5, passed 7-5-1992; Ord. 2009-01, passed 3-9-2009)



## CHAPTER 93: PARKS AND RECREATION

### Section

- 93.01 Hours of operation
- 93.02 Alcohol consumption
- 93.03 Destruction of property
- 93.04 Disorderly conduct
- 93.05 Animals
- 93.06 Motor vehicle operation
- 93.07 Park facilities; scheduling
  
- 93.99 Penalty

### ' 93.01 HOURS OF OPERATION.

All city parks shall be closed from sundown until sunup on the following day, with the exception that the following lighted facilities may be used until 10:00 p.m.: the ball diamond; the hockey rink; and tennis courts. Also picnic facilities may be used beyond normal hours with written approval from the City Administrator-Clerk=s office.

(Ord. 93-4, passed 10-4-1993) Penalty, see ' 93.99

### ' 93.02 ALCOHOL CONSUMPTION.

No person or persons shall display, consume or possess any intoxicating liquor, 3.2% malt beverage or intoxicating malt beverage within the park or sidewalks abutting the city parks, except as allowed by permits issued by the City Council.

(Ord. 93-4, passed 10-4-1993) Penalty, see ' 93.99

***Editor=s note:***

*This section was revised on 4-8-1996.*

### ' 93.03 DESTRUCTION OF PROPERTY.

(A) No person shall deface, destroy, diminish or impair the value of public property within any public park in the city, including buildings, structures or trees, shrubs or vegetation located thereon or growing thereon.

**Bloomington - General Regulations**

(B) No person shall litter or cast or allow to remain rubbish or trash of any kind or nature or having any glass containers in or about any city park.

(Ord. 93-4, passed 10-4-1993) Penalty, see ' 93.99

**' 93.04 DISORDERLY CONDUCT.**

(A) No person shall engage in any violent, loud or other disorderly conduct creating or tending to create a breach of the peace.

(B) It shall be unlawful for any person or groups of persons to conduct himself, herself or themselves in anyway that shall disturb or adversely affect any other persons peaceful enjoyment of city parks.

(Ord. 93-4, passed 10-4-1993) Penalty, see ' 93.99

**' 93.05 ANIMALS.**

No person shall bring a dog, cat or other pet into a city park.

(Ord. 93-4, passed 10-4-1993) Penalty, see ' 93.99

**' 93.06 MOTOR VEHICLE OPERATION.**

It shall be unlawful for any person to operate or park any motor vehicle within the city park, except upon roadways or other designated locations therefor.

(Ord. 93-4, passed 10-4-1993) Penalty, see ' 93.99

**' 93.07 PARK FACILITIES; SCHEDULING.**

The city=s Administrator-Clerk shall have authority to schedule the use of ball diamonds and picnic facilities in city parks and all groups desiring to use the facilities shall schedule their use with the city=s Administrator-Clerk.

(Ord. 93-4, passed 10-4-1993)

**' 93.99 PENALTY.**

Any person who violates any provision of this chapter shall be guilty of a petty misdemeanor and, upon conviction therefor, may be punished by a fine of not more than \$200 and shall be subject to removal from the park by city police.

(Ord. 93-4, passed 10-4-1993)