

## **CITY OF BELLECHESTER ORDINANCES**

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## **ORDINANCE NO. 1**

### **AN ORDINANCE REGULATING THE USE OF HIGHWAYS WITHIN THE VILLAGE OF BELLECHESTER, MINNESOTA INCORPORATING PROVISIONS OF THE STATE HIGHWAY TRAFFIC REGULATION ACT BY REFERENCE AND IMPOSING A PENALTY FOR VIOLATION THEREOF.**

The Council of the Village of Bellechester, do ordain as follows:

**SECTION. 1** Highway Traffic Regulation Act Incorporated by reference. The regulatory provisions of Minnesota Statutes 1945 C169 as amended by laws of 1947 and laws of 1949 are hereby adopted as a traffic ordinance regulating the use of highways, streets and alleys within the Village of Bellechester, Minnesota and are hereby incorporated in and made a part of this ordinance as completely as if set out in full.

**SECTION 2.** Penalty: Any violation of the statutes by reference in Section 1 is a violation of this ordinance when it occurs within the Village of Bellechester, Minnesota. Any person thus violating any provision of this ordinance shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$100.00 or by imprisonment in the village or county jail for a period not to exceed 90 days, but if a minimum fine or imprisonment is prescribed by the State Highway Safety Act for an offense, such penalty shall apply to a person convicted of the same offense under this ordinance.

**SECTION 3.** The following streets are designated as heavily traveled streets:  
Great Western Avenue  
Red Wing Avenue  
Main Street  
Second Street

No vehicle driven by motor power shall exceed 20 miles per hour on said streets. First Street the limit shall be 30 miles per hour.

This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this 14<sup>th</sup> day of March 1957.

Attest: W. N. Majerus, Clerk

Adam Poncelet, Mayor

## **ORDINANCE NO 2**

### **ORDINANCE LICENSING AND REGULATING THE SALE AND COMSUMPTION OF INTOXICATING LIQUOR, AND PROVIDING A PENALTY FOR VIOLATION.**

The Council of the Village of Bellechester do ordain:

**SECTION 1. Provisions of State Law Adopted.** The provisions of Minnesota Statutes, Chapter 340, with reference to the definition of terms, applications for license, granting of license, restrictions on consumption, provision on sales, conditions of bonds of licensee, hours of sale, and all other matters pertaining to the retail sale, distribution, and consumption of intoxicating liquor are hereby adopted and made a part of this ordinance as if fully set out herein.

#### **SECTION 2. License Required.**

**Subdivision 1.** No person except wholesalers or manufacturers to the extent authorized under state license, shall directly or indirectly deal in, sell or keep for sale any intoxicating liquor without first having received a license to do so as provided in this ordinance. Licenses shall be of three kinds: “on sale”, “off sale”, and club licenses.

**Subdivision 2.** “On sale” licenses shall be issued only to two individuals and shall permit “on sales” of liquor only. Not more than two “on sale” licenses shall be granted at any one time.

**Subdivision 3.** “Off Sale” licenses shall be issued only to two individuals and shall permit “off sales” of liquor only.

**Subdivision 4.** Special licenses shall be issued only to duly incorporated clubs which have been in existence for 20 years.

#### **SECTION 3. Application for License.**

**Subdivision 1.** Every application for a license to sell liquor shall be verified and filed with the village clerk. It shall state the name of the applicant, his age, representations as to his character, with such references as may be required, his citizenship, whether the application is for “on sales” or “off sales”, the business in connection with which the proposed license will operate and its location, whether applicant is owner and operator of the business, how long he has been in that business at that place, and such other information as the council may require from time to time. In addition to containing such information, each application for a license shall be in the form prescribed by the liquor control commissioner. No person shall make a false statement in an application.

**Subdivision 2.** Each applicant for a license shall be accompanied by a surety bond, liability insurance policy, or in lieu thereof, cash or United States Government bonds of equivalent market value as provided in Minnesota Statutes 1945, Sec. 340.12. Such surety bond or other security shall be in the sum of \$300,000.00 for an applicant for an on-sale license and \$300,000.00 for an applicant for an off-sale license.

**Subdivision 3.** The security offered under Subdivision 2 shall be approved by the Village council and in the case of applicants for off-sale licenses by the state liquor control commissioner. Surety bonds and liability insurance policies shall be approved as to form by the village attorney. The operation of such off-sale or on-sale liquor business without having on file at all times with the municipality an effective bond, insurance policy or other security required in Subdivision 2 shall be grounds for immediate revocation of the license.

#### **SECTION 4. License Fees.**

**Subdivision 1.** Each application for a license shall be accompanied by a receipt from the village treasurer for payment in full of the required fee for the license. All fees shall be paid into the general fund of the municipality. Upon rejection of any application for a license, the treasurer shall refund the amount paid.

**Subdivision 2.** All licenses shall expire on the last day of June of each year. Each license shall be issued for a period of one year except that if a portion of the license year has elapsed when the application is made, a license may be issued for the remainder of the year for a pro rata fee. In computing such fee, any unexpired fraction of a month shall be counted as one month.

**Subdivision 3.** The annual fee for an “on sale” license shall be \$1500.00. The annual fee for an “off sale” license shall be \$100.00. The annual fee for a “Sunday” license shall be \$50.00.

**Subdivision 4.** No refund of any fee shall be permitted except as authorized under Minnesota Statutes, Section 340.112.

#### **SECTION 5. Granting of Licenses.**

**Subdivision 1.** The village council shall investigate all facts set out in the application. Opportunity shall be given to any person to be heard for or against the granting of the license. After such investigation and hearing the village Council shall grant or refuse the application in its discretion. No “off-sale” license shall become effective until it, together with the bond furnished by the applicant, has been approved by the liquor control commissioner.

**Subdivision 2.** Each license shall be issued to the applicant only. Each license shall be issued only for the premises described in the application. No license may be transferred to another place without the approval of the village council.

## **SECTION 6. Persons Ineligible for License.**

No license shall be granted to or held by any person made ineligible for such a license by state law. No license shall be issued to an individual who is a non-resident of the village.

## **SECTION 7. Places Ineligible for License.**

**Subdivision 1.** No license shall be issued for any place or any business ineligible for such a license under state law.

**Subdivision 2.** No license shall be issued to any business, except an exclusive liquor store, until it has been in operation continuously for six months.

**Subdivision 3.** No license shall be granted to an operation on any premises on which taxes, assessments or other financial claims of the village are delinquent and unpaid.

**Subdivision 4.** No license shall be granted within 1,000 feet of any church.

## **SECTION 8. Conditions of License.**

**Subdivision 1.** Every license shall be granted subject to the conditions in the following subdivisions and all other provisions of this ordinance and any other applicable ordinance of the village or state law.

**Subdivision 2.** Every licensee shall be responsible for the conduct of his place of business and the conditions of sobriety and order in it.

**Subdivision 3.** No sale of liquor shall be made to anyone on credit.

**Subdivision 4.** Any peace officer, health officer, or any properly designated officer or employee of the village shall have the unqualified right to enter, inspect, and search the premises of the licensee during business hours without a warrant.

## **SECTION 9. Restrictions on Purchase and Consumption.**

**Subdivision 1.** No minor shall misrepresent his age for the purpose of purchasing intoxicating liquor.

**Subdivision 2.** No person shall induce a minor to purchase or procure liquor.

**Subdivision 3.** No person shall mix or prepare liquor for consumption in any public place or place of business not licensed to sell liquor "on-sale" and no person shall consume liquor in any such place.

**Subdivision 4.** No liquor shall be consumed or served at bars or counters except counters where food is regularly served and consumed and which counters are equipped with chairs and stools.

**Subdivision 5.** No liquor shall be sold or consumed on a public highway or in an automobile.

**Subdivision 6.** Hours of sale. "On sale" licensees may open their establishments at 8:00 AM and remain open until 12:00 PM Monday through Saturday. No such sales, however, shall be made on any Sunday nor any election day until 8:00 PM, nor on any Memorial Day, May 30<sup>th</sup> until after 3:00 PM.

"Off sale" liquor licenses in the Village of Bellechester may open for business at 8:00 AM and remain open and sell alcoholic beverages until 10:00 PM Monday through Saturday. No such sales, however, shall be made on any Sunday or election day until 8:00 PM nor any New Year's Day, January 1<sup>st</sup>; Memorial Day May 30<sup>th</sup>; Independence Day, July 4<sup>th</sup>; Thanksgiving Day, and Christmas Day, December 25<sup>th</sup>. No such sale shall be made on Christmas Eve, December 24<sup>th</sup> after 8:00 PM.

**SECTION 10. Revocation.** The council may suspend or revoke any liquor license for violation of any provisions or conditions of the ordinance or any state law regulating the sale of intoxicating and shall revoke such license if the licensee willfully violates any provision of Minnesota Statutes, Sections 340.07 to 340.40. Except in the case of a suspension pending a hearing on revocation, revocation or suspension by the council shall be preceded by written notice to the grantee and a public hearing. The notice shall give at least eight days notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The council may, without any advance notice, suspend any license pending a hearing on for a period not exceeding 30 days.

**SECTION 11. Penalty.** Any person violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$100.00 or imprisonment in the village, county jail for not more than ninety days plus costs of prosecution in either case.

**SECTION 12. Effective Date.** This ordinance shall be in full force and effect from and after October 1, 1957, and its passage and publication according to law.

Passed by the council this 8<sup>th</sup> day of August, 1957

Amended by the council this 9<sup>th</sup> day of June, 2010

Attest: Jill Buxengard~City Clerk

Richard Heppelmann, Mayor

## **ORDINANCE NO 3**

**AN ORDINANCE OF THE VILLAGE OF BELLECHESTER, MINNESOTA, GRANTING TO BELLECHESTER WATER WORKS, INC., A MINNESOTA CORPORATION, ITS LEESEES, SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE AUTHORITY FOR A PERIOD OF 50 YEARS TO ERECT AND MAINTAIN A WATER SUPPLY AND DISTRIBUTION SYSTEM AND ANY AND ALL NECESSARY MAIN, PIPES AND OTHER APPLIANCES THEREUNTO PERTAINING TO, UPON, OVER, ACROSS AND ALONG STREETS, ALLEYS AND PUBLIC PLACES OF THE VILLAGE OF BELLECHESTER, MINNESOTA, FOR THE TRANSMISSION, DISTRIBUTION AND SALE OF WATER IN SAID VILLAGE AND PERSCRIBING THE TERMS AND CONDITIONS UNDER WHICH SAID COMPANY SHALL OPERATE.**

**THE VILLAGE COUNCIL OF THE VILLAGE OF BELLECHESTER DO ORDAIN AS FOLLOWS:**

**SECTION 1.** That Bellechester Water Works, Inc. a Minnesota Corporation, its lessees, successors and assigns, hereinafter referred to as grantee, be and are hereby granted a non-exclusive authority for a period of 50 years, to erect and maintain a water supply distribution system and any and all necessary mains, pipes, and other appliances thereunto appertaining in, upon, over, across the streets, alleys, and public places of the Village of Bellechester, Minnesota, for the transmission, distribution and sale of water in said Village.

**SECTION 2.** Whenever the grantee, in the construction or maintenance of its system or in the installation of any extension thereto, shall cut into or take up any pavement or shall make any excavation in any street, avenue, alley or public places within the corporate limits of the village, the said grantee shall replace all streets, avenues, alleys or public places in as good order and condition as the same were before the doing of such work.

**SECTION 3.** Grantee agrees for and behalf of itself, its lessees, successors and assigns that all authority and rights in this ordinance contained, shall at all times be subject to all the rights, power and authority now or hereafter possessed by said Village of Bellechester, Minnesota, to regulate rates, control and direct or otherwise by ordinance or resolution legislate concerning the franchise herein granted and concerning the manner in which grantee shall use the streets, alleys and public places of said Village and concerning the manner in which grantee shall use and enjoy the franchise herein granted.

**SECTION 4.** The grantee shall at all times protect and save harmless the Village of Bellechester from all damage and loss from or arising out of or by reason of construction or maintenance of said water supply and distribution system.

Adopted this 12<sup>th</sup> day of November, 1959.

Attest: W. N. Majerus, Clerk

Adam Poncelet, Mayor

## **ORDINANCE NO. 4**

### **VILLAGE OF BELLECHESTER, MINNESOTA**

**AN ORDINANCE GRANTING PERMISSION TO NORTHERN STATES POWER COMPANY, A MINNESOTA CORPORATION, ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, OPERATE, REPAIR AND MAINTAIN, IN THE VILLAGE OF BELLECHESTER, MINNESOTA, AN ELECTRIC DISTRIBUTION SYSTEM AND TRANSMISSION LINES, INCLUDING NECESSARY POLES, POLE LINES, AND FIXTURES AND APPURTANCES, FOR THE FURNISHING OF ELECTRIC ENERGY TO THE VILLAGE AND ITS INHABITANTS, AND OTHERS, AND TRANSMITTING ELECTRIC ENERGY INTO AND THROUGH THE VILLAGE AND TO USE THE STREETS, ALLEYS, AND PUBLIC GROUNDS OF SAID VILLAGE FOR SUCH PURPOSE.**

The Village Council of the Village of Bellechester, Minnesota, ordains as follows:

**SECTION 1.** There be and hereby is granted to Northern States Power Company, a Minnesota corporation, its successors and assigns, herein after referred to as “Company”, during the period of 20 years from the date hereof, the right and privilege of constructing, operating, repairing, and maintaining, on, over, and across the streets, alleys, and public grounds of said Village, an electric distribution system and electric transmission lines, including poles, pole lines, and fixtures and appurtenances, usually, conveniently, or necessarily used in connection therewith, for the purpose of transmitting and furnishing electric energy for light, heat, power, and other purposes for public and private use in and to said Village and the inhabitants thereof, and others, and for the purpose of transmitting into and through said Village such electric energy, provided that such electric distribution system and transmission lines shall be so located as to in no way interfere with the safety and convenience of ordinary travel along and over said streets, alleys, and public grounds, and provided that Company, in the construction, operation, repair, and maintenance of such pole, pole lines, and fixtures and appurtenances, shall be subject to such reasonable regulation as may be imposed by the Village Council.

**SECTION 2.** The rates to be charged by Company for the electric energy sold within said Village shall be reasonable and shall not exceed Company’s standard schedule of rates and minimum charges effective for and in communities of like size in adjoining territory which are similarly served and situated.

**SECTION 3.** There is also granted to Company, during the term hereof, permission and authority to trim all trees and shrubs in the streets, alleys, and public grounds of said Village interfering with the proper construction, operation, repair, and maintenance of any poles, pole lines, and fixtures or appurtenances, installed in pursuance of the authority hereby granted, provided that Company shall save said Village harmless from any liability in the premises.

**SECTION 4.** Nothing in this Ordinance contained shall be construed as giving to Company any exclusive privileges in, on, over, or across the streets, alleys, or public grounds of said Village.



**SECTION 5.** Company shall have full right and authority to assign to any person, persons, firm, or corporation all the rights conferred upon it by this Ordinance, provided that the assignee of such rights, by accepting such assignment, shall become subject to the terms and provisions of this Ordinance.

**SECTION 6.** Company shall, if it accepts this Ordinance and the rights hereby granted, file a written acceptance of the rights hereby granted with the Village Clerk within 90 days from the date of the publication of this Ordinance.

**SECTION 7.** This Ordinance shall be in full force and effect from and after its passage and publication, as provided by law.

**SECTION 8.** All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Passed and approved: October 8, 1964

ATTEST: W. N. Majerus, Village Clerk

Adam Poncelet, Mayor

## **ORDINANCE NO. 5**

### **AN ORDINANCE RELATING TO A SEWAGE DISPOSAL PLANT AND THE NECESSARY INTERCEPTOR AND OUTLET SEWERS: PRESCRIBING RULES, REGULATIONS, AND RATES TO BE FOLLOWED AND PAID BY THE OWNERS OR OCCUPANTS OF PROPERTY NOW CONNECTED OR HEREAFTER CONNECTED WITH THE SEWAGE SYSTEM OF THE VILLAGE OF BELLECHESTER, MINNESOTA; PRESCRIBING PENALTIES FOR DELIQUENT CHARGES AND METHOD OF COLLECTION THEREOF, AND PUNISHMENT FOR VIOLATION.**

#### **THE VILLAGE OF BELLECHESTER, MINNESOTA ORDAINS:**

**SECTION 1. Definitions.** As used in this ordinance, unless the context otherwise requires.

- a. "Village means the Village of Bellechester or its officers or employees authorized to perform the functions to which there is reference.
- b. "Sewage" means water-carried wastes from residences, institutions, business buildings and other establishments.
- c. "Sewer" means a pipe or conduit for carrying sewage.
- d. "Public sewer" means a sewer common to the public and which is controlled by public authority.
- e. "Municipal sewage disposal system" means the entire sewage disposal system of the Village for the collection and disposition of sewage and industrial wastes, including but not limited to, the sewers and disposal plant.
- f. "Sanitary sewer" means a sewer carrying sewage and to which storm, surface and ground water is not intentionally admitted.
- g. "Industrial waste" means the liquid wastes resulting from any commercial, manufacturing, or industrial operation as distinct from sewage.
- h. "Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the building and conveys it outside to the building sewer which begins feet (5) feet outside the inner face of the building wall.
- i. "Building sewer" means the extension from the building drain to the public sewer or other place of disposal.
- j. "Person" means any individual, corporation (public or private), partnership or association.

- k. “User” means the owner, lessee or occupant of the premises connected to the municipal sewage disposal system.
- l. “Service” means connection to the municipal sewage disposal system and the right to the use of its facilities whether or not the facilities are in fact used.
- m. “Notice” means a notice in writing directed to the owner or other person affected for the time specified by this ordinance, stating briefly the condition which is the reason for the notice and the consequences which would result upon failure to comply with the terms of the notice. A notice shall be deemed given when either it is personally served on the person to whom it is directed or is mailed to him at his last known address. If the owner cannot be reached by mail so addressed, service may be made upon the occupant.

**SECTION 2. Public interest and necessity declared.** This Council does hereby find it necessary, advisable and expedient to build and construct a Sewage Disposal Facility for public convenience from which a revenue may be derived and as a part hereof, construct all necessary interceptor and outlet sewers together with the acquisition of such land as may reasonably be necessary for the proper construction, operation and maintenance thereof. In accordance with law, for the purposes of implementing this system, and the regulations for use and operation of such system, the Village Council shall have authority to contract with the owners of any private water system now serving the Village of Bellechester.

**SECTION 3. Use of Municipal sewer system required.**

- a. It shall be unlawful for any person to place or deposit or permit to be deposited in an unsanitary manner upon public or private property within the Village of Bellechester, Minnesota, or in any area under its jurisdiction, any sewage or industrial wastes.
- b. It shall be unlawful to discharge to any natural outlet within the Village of Bellechester, Minnesota, or any area under its jurisdiction any sewage or industrial waste unless it has been suitably treated as provided hereinafter.
- c. Except as provided in paragraph (e) of this section, it shall be unlawful to construct or maintain any privy, septic tank, cesspool or such facility intended or used for the disposal of sewage. Any prior ordinance of the Village relating to construction or maintenance of any privy, septic tank, cesspool or similar facility, to the extent inconsistent herewith, is hereby superseded.
- d. The owner of every residence, business or industrial building in this Village abutting upon any street or alley in which sewer and water mains (public or private) are maintained, shall install at his own expense a toilet in the building and connect it with the public sewer and water mains (now or hereafter publicly owned) within THIRTY (30) days after notice to do so, provided the public sewer and the water main is within 100 feet of the property line. If such owner fails to provide such toilet after notice to do so, the Village shall

provide for the installation of such toilet and charge the cost against the property as a special assessment.

- e. So long as a public sewer and water main is not available under paragraph (d) above, the building sewer shall be connected to a private disposal system complying with other ordinances of the Village and with all requirements of the Minnesota Pollution Agency. At such time as a public sewer becomes available to the property, the building sewer shall be connected to it and the use of any septic tank, cesspool or other private disposal shall cease.
- f. Any privy, septic tank, cesspool or other such facility intended for the disposal of sewage which is constructed or maintained in violation of any provisions of this section of the ordinance is declared to be a public nuisance and the Village may abate the same in the manner provided by law.

**SECTION 4. Building sewer and connections and street excavations relating thereto.**

- a. No building sewer shall be built, repaired, extended or connected with the public sewer without a permit.
- b. No building sewer shall be built, repaired, extended or connected with the public sewer except by a plumber duly licensed by the State of Minnesota to perform the work or by any other qualified person; a permit shall be issued only to the person doing the work.
- c. All applications for sewer permits shall be made to the Village Clerk by the person employed to do the work. The application shall be accompanied by a plan and drawing the proposed work.
- d. Before a permit is given on the application, the Village may inspect the premises and the proposed installation to ascertain if the installation is proper and in compliance with the local and state laws, ordinances and regulations, and that the statements in the application are true. All plumbing installations shall comply with the state plumbing code. After the application has been approved by the Village Council, and the applicant has paid to the Village Clerk such permit fee as the Village Council may set by resolution from time to time, the Clerk shall issue the permit.
- e. Upon issuance of the permit, the person to who it is granted may proceed with the work in accordance with the permit granted. The applicant shall notify the Village Clerk of the progress of the work at such stages during construction as the Village may direct and in particular shall notify the Clerk when the building sewer is complete and ready for connection with the public sewer. The Village shall be given an opportunity to inspect the work after it is completed and shall require the work to be done satisfactorily and in compliance with the law before excavations are filled.

- f. All connections with the public sewer shall be made with cast iron, vitrified stoneware, P. V. C. or A. B. S., plastic pipe, and shall comply with all current state plumbing code standards. All joints and connections shall be gas and water tight. The size, slope and depth of the building sewer shall be subject to the approval of the Village, but in no event shall the internal diameter be less than FOUR (4) inches, and a slope of one-quarter inch to the foot shall be used wherever practical. Pipe shall be inspected by the Village before laid and be subject to its approval. The connections of the building sewer with the public sewer shall be made at the "Y" branch designated for the property, if suitable; any other location for the connection shall be only as directed by the Village.
- g. Every building shall be separately and independently connected with the public sewer.
- h. The Village Council may from time to time by resolution adopt regulations not inconsistent with this ordinance governing construction of the building sewers and connections to the public sewer.
- i. All excavations for building sewer installations shall be adequately guarded with barricades and lights and other appropriate warning devices so as to protect the public from hazard. Streets, alleys, sidewalks and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.
- j. The applicant shall indemnify and save harmless the Village from any claims of injury. Loss or damage to third parties arising out of the construction work, this provision being a condition to the issuance of the permit. The Village may, as a condition to issuance of the permit, require the applicant to file a corporate surety bond for faithful performance of the work and to indemnify and save harmless the Village from any negligence in performance, the bond to be for a period of two years.

#### **SECTION 5. Service charges and rates.**

Sewerage service charges are hereby imposed upon each lot, parcel of land, buildings or premises served by the sewerage system, or otherwise discharging sewage (including industrial wastes) into the sewage system. Such sewerage service charges shall be payable as hereinafter provided as follows:

##### **a. Hookup charges**

- (1) A minimum charge of \$750.00 shall be made, and shall be due and payable at the time the user's connection is made to the public sewage system, for those units having toilet facilities, bathroom and/or shower facilities, and that type of sewer and water use incidental to and normally associated with residential occupancy.

- (2) A minimum charge of \$250.00 shall be made, and shall be due and payable at the time the user's unit connection is made to the public sewage system, for all other unit connection is made to the public sewage system, for all other units where the use is less demanding on the municipal sewage disposal system.

b. **Residential users – rates.**

The minimum rate for each residential family or unit shall be \$19.00 per month. Where more than one family occupies the same building and each have usual household facilities involving water and sewage, at least the minimum rate shall apply to each family. An additional 50 cents per month shall be charged for each child or occupant, excluding, however, the head of the household and spouse in the residential unit not to exceed a total charge of an additional \$2.00 per month.

c. **Business users.**

The minimum rate for each business user shall be \$19.00 per month.

d. **Special Commercial Users.**

Sewerage service charges for those users which place high loads on the sewerage system due to the high discharge rate and/or type of discharge into the system shall be set by the Village council according to the individual loads and discharge rates. Included in the "special user" section shall be: users engaged in the slaughter of livestock or poultry; users which receive and process cream or milk; exceptionally high users of water and sewage facilities such as schools or industry.

e. **Miscellaneous**

In the event any land, building or premises discharging sanitary sewage, industrial wastes or other liquids into the sewer system of the Village is not supplied with water from the water works of said Village, or by a water works system to be acquired by said Village, and/or the water used thereon is not metered by the water department, then in each case the sewer service charge shall be fixed by the Village Council in such method as they may find just, equitable and practical.

f. **Collection of Charges**

It is hereby found and determined that the sewage disposal plant prevents pollution of the water supply and where the premises are connected to the municipal water system, now owned or acquired hereafter, the charge may be a surcharge on and collected with the regular periodic water bill. In case of non-payment of such sewer surcharge within thirty (30) days the village Council or its designee shall promptly discontinue water service to the premises. In the event of the discontinuance of water service the same shall not be resumed until payment of all past due water and sewer charges, including penalties thereon and a charge of \$1.00 for the resumption of service. All sewer service charges and all hookup charges shall be a charge against the owner, lessee, or other occupant of the premises, and against any

or all of them, and such claim for such unpaid charges which have been properly billed to the occupant may be collected in a civil action in any court of competent jurisdiction, or in the discretion of the Village Council, be certified to the county auditor of Goodhue County or Wabasha County, as appropriate, with the taxes against such property served, and shall be collected as other taxes are collected. Payment of delinquent sewage service charges thus collected shall be credited to the same fund in the same manner as current service charges, deducting therefrom any costs of collection accruing to the Village.

g. **Rate adjustments.**

Sewer service charges may be adjusted from time to time by the Village Council, either by ordinance or resolution.

h. **Records.**

An account for services will be kept for each user and a separate account for separate premises. Each user will be liable for service to his premises. Bills for service will be rendered monthly and will be due within thirty (30) days of their date, but failure of the Village to render a bill or of the user to receive a bill will not excuse payment. Bills will be mailed to users at the addresses shown on applications on the day of their date. The charge for sewer service may be included on the water bill, but if so shall be separately stated thereon. The Village Clerk will keep accounts and render the bills; he will receive payment of bills and give receipts therefore.

i. **Application of Funds.**

The monies received from charges or rentals collected under this ordinance shall be placed in a separate sewage treatment fund of the Village of Bellechester. Also, any monies received from the sale of any by-product arising out of sewage treatment or disposal or from the sale of any sewer facilities or equipment shall be credited to this fund. The other monies so received shall be recorded, deposited, secured, and paid out as are other funds of the Village to meet the cost of operating and maintaining the facilities, and any additional sums collected shall be applied to the Village of Bellechester, provided, however, that such receipts shall be used first for capital charges represented by bonds, certificates of indebtedness, or otherwise, and to the reasonable replacement and obsolescence, and as provided by law.

i. **Effective Date.**

The rates established by this ordinance shall be effective as of the date the project manager shall first certify the municipal sewage disposal system completed and ready for public use.

## **SECTION 6. Use of the public sewers.**

- a. No person shall discharge or cause to be discharged any of the following described waters or wastes into any municipal sewer:
  - (a) Storm water, surface water, ground water, roof run-off, subsurface drainage, cooling water or unpolluted industrial waste waters.
  - (b) Any liquid or vapor having a temperature higher than 160 degrees F.
  - (c) Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil or grease.
  - (d) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
  - (e) Any garbage except properly shredded garbage.
  - (f) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or fiscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage system.
  - (g) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or to create any hazard in the waters of the sewage disposal plant.
  - (h) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage disposal plant.
  - (i) Any noxious of malodorous gas or substance capable of creating a public nuisance.
- b. No person shall damage, break or remove any portion of any catch basin, covering flag, gully grating, flush tank or manhole, or any part of the municipal sewage disposal system, or in any way interfere with the use of the public sewer or the flow of sewage through it.
- c. Grease, oil and sand interceptors shall be provided when, in the opinion of the Village Council, or its designee, they are necessary for the proper handling of liquid wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Village Council or its designee, and shall be located so as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes of temperature. They shall be of substantial construction, water-tight, and equipped with easily removable covers which when bolted in place shall be gas-tight and water-tight. All grease, oil and sand interceptors shall be maintained by owner, at his expense, in continuously efficient operation at all times.



## **SECTION 7. Other provisions.**

- a. Any duty or authority herein imposed on or given to the Village Clerk, except in Section 5, may be performed and exercised by any employee of the Village other than an elected official, designated by resolution of the Council, which resolution shall specify the duties and authority of the employee and to that extent the Clerk will be relieved of his obligations herein.
- b. The Clerk, inspector, and other duly authorized employees and agents of the Village shall be permitted to enter upon any premises at any reasonable time for the purpose of inspection, measurement and testing and performing such other functions as may be required under the provisions of this ordinance.
- c. Except as expressly provided for, nothing in this ordinance shall contractually bind the Village.

## **SECTION 8. Penalties for Violation.**

Violation of any of the provisions of Sections Three (3), Four (4), and Six (6) of this ordinance shall be penal offences. Upon conviction for any of such offenses the penalty shall be a fine not in excess of \$300.00 or imprisonment in the county jail for not exceeding ninety (90) days or both. Conviction shall not preclude civil liability to the Village for any damage caused the Village by the illegal act.

**Passed by the Village Council this 11<sup>th</sup> day of June, 1970.**

Attested: W. N. Majerus, Clerk

Quentin J. Majerus, Mayor

Published in the Goodhue County Tribune, Goodhue, Minnesota on July 9, 1970.

## **ORDINANCE NO 6**

### **AN ORDINANCE REGULATING THE OPERATION OF SNOWMOBILES AND OTHER SIMILAR TYPE VEHICLES WITHIN THE VILLAGE OF BELLECHESTER, MINNESOTA**

The village council of the Village of Bellechester, Minnesota do ordain as follows:

#### **SECTION 1. REGULATIONS**

1. Maximum speed limit for snowmobiles and other similar type vehicles shall be 10 miles per hour or less in accordance with street conditions, visibility and hazardous street conditions.
2. This type of vehicle shall give the right of way at all intersections and cross walks.
3. After 10 PM any such vehicle becoming a nuisance by continuous use within the village limits shall be prohibited.
4. Vehicle must have proper lights and regulation equipment equivalent to state standards.
5. This type of vehicle shall keep off private and public property such as yards, sidewalks, skating rinks etc. unless permission has been granted.

#### **SECTION 2. PENALTY**

Any person violating any provision of this ordinance shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$300.00 or 90 days in the county jail or both.

This Ordinance shall be in full force and effect from and after its passage and publication as required by Law.

Passed this 22 day of January 1972.

Attest: Barbara Heppelmann, Clerk

Quentin J. Majerus, Mayor

Published in the Goodhue County Tribune on the 27<sup>th</sup> day of January 1972.

## **ORDINANCE NO 7**

### **AN ORDINANCE REGULATING THE USE AND SUBDIVISION OF LAND AND THE USE AND LOCATION OF BUILDINGS WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF BELLECHESTER, MINNESOTA, AND REGULATING THE SUBDIVISION AND ZONING OF LAND WITHIN THE AREA EXTENDING TWO MILES BEYOND THE CORPORATE LIMITS.**

**The Village Council of Bellechester, Minnesota ordains:**

#### **SECTION I. General Provisions.**

**A. Title**

This Ordinance from the date of its passage shall be known as:

#### **ZONING ORDINANCE BELLECHESTER, MINNESOTA**

**B. Purpose**

The purpose of this Ordinance is to promote the public health, safety, comfort and general welfare of the people of the Village.

**C. Legal Authority**

This Ordinance is enacted pursuant to “An Act Relating to Municipal Planning and Development and Provided for Zoning, Subdivision Regulations and Other Official Controls, MSA 1965 Section 462.357.

**D. Compliance**

No structure located in the Village shall be erected or altered which does not comply with the regulations of this Ordinance, nor shall any structure or premises be used for any purpose other than a use permitted by this Ordinance.

#### **SECTION II. Definitions**

For the purpose of this Ordinance certain terms and words are herein defined as follows:

--Words used in the present tense shall include the future; and words used in the singular number shall include the plural and the plural the singular.

--The word “Shall” is mandatory and not discretionary.

--The word “May” is permissive.

- Agriculture: The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses for packing, treating, and storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.
- Agricultural Building: Any structure existing or erected and used principally for agricultural purposes, with the exception of dwelling units.
- Mobile Home: Any trailer or semi-trailer which is designed, constructed, and equipped for the use as a human dwelling place, living abode or living quarters except house trailers.
- House Trailer: Any trailer or semi-trailer which is not more than 35 feet in length and which is designed, constructed and equipped for the use as a human dwelling place, living abode or living quarters.
- Mobile Home Court: A parcel of land which has been planned and improved for the placement of mobile homes for non-transient use.
- Sign: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devises, designs, trade names or trade marks by which anything is publicized and such as are commonly used to designate an individual, a firm, an association, a corporation, a profession, a business or a commodity or products and which is visible from any street and used to attract the attention of the public.
- Structure: Anything constructed or erected with a fixed location on or under the ground. Structure is not meant to include certain fences and utility facilities as specified in Section V. of this ordinance, but is intended to include private sewage treatment facilities and wells.
- Yard: A required open space along all sides of a piece of property which shall not be used to support or entomb any structure.
- Yard, front: A yard extending across the front line of the lot between the inner side yard lines and lying between the front line of the lot and the nearest line of the building.
- Yard, rear: A yard extending the full width of the lot and lying between the rear line of the lot and the nearest line of the building.
- Yard, side: A yard between the side line of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard.

- Subdivision: The division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development, or if a new street is involved, any subdivision of a parcel of land in which the parcel transferred is less than five acres in area or is less than 300 feet in width, unless:
- a. Such parcel is co-existent with a separate parcel of record at the effective date of the ordinance, or
  - b. An agreement to convey such a parcel has been entered into prior to such time and the instrument showing the agreement to convey is recorded in the office of the register of deed within one year, thereafter, or
  - c. Such parcel is co-existent with a lot unit or units described with reference to a plat or auditor's subdivision duly filed and of record in the office of the register of deeds prior to the effective date of this ordinance, or,
  - d. Such parcel is co-extensive with a lot or units described with reference to a plat duly approved by the Village Council pursuant to the provisions of this ordinance and duly filed and of record in the office of the register of deeds subsequent to the effective date of this ordinance.

### **SECTION III. Zoning Use Districts.**

#### **A. Definition**

For the purpose of this Ordinance the following Zoning Use Districts are hereby established.

1. Agricultural (A)
2. Residential (R)
3. Commercial (C)
4. Industrial (I)

#### **B. Boundaries**

The boundaries of the Zoning Use Districts identified above are hereby established as indicated on a map entitled, "Zoning Use Districts, Bellechester, Minnesota," which accompanies and is made a part of this Ordinance. All notations, dimensions and designations shown thereon shall be made a part of this Ordinance as if the same were all fully described herein. The map shall be duly authenticated by the Village: it shall be kept and maintained by the Village Clerk, which copy shall be the final authority: distances not specifically indicated on the map be determined by the scale of the map: and where physical or cultural features existing on the ground are at a variance with those on the map, the Village Planning Commission shall interpret the district boundaries.

### **SECTION IV. District Requirements**

- A. The Zoning Use Districts defined in the Ordinance shall provide for the following permitted uses.

1. (A) Agricultural

- a. All uses herein defined as agricultural, with no restrictions as to operation of such vehicles or machinery as are incidental to such uses, provided that poultry and livestock shall be adequately housed and not be allowed to roam at large.
- b. One or two family year-round or seasonal dwellings and their normal accessory buildings.

2. (R) Residential

- a. Single family dwellings and normal accessory buildings.
- b. Two family dwellings
- c. Churches and other religious structures and their accessory buildings.
- d. Parks, playgrounds and elementary schools.
- e. The offices of members of recognized professions provided such professions are carried on in their respective dwellings.

3. (C) Commercial

All uses of a legitimate commercial nature, such as: retail, wholesale, service, office, financial, recreational, professional, and lodging; provided that no industry, manufacturing or killing of poultry or livestock shall be permitted.

4. (I) Industrial

Any production, processing, cleaning, servicing, testing, repair or storage of materials, goods, or products.

**B. Special Uses**

No special use shall be recommended by the Planning Commission unless said Commission shall find:

--That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the general vicinity.

--That the establishment of the special use will not impede the normal and orderly development improvement of surrounding vacant property for uses predominate in the area.

--That adequate utilities, access roads, drainage and other necessary facilities have been, or can be provided.

--That adequate measures have been, or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration so that none of these will constitute a nuisance and to control lighted signs and other lights in such a manner that no disturbance to neighboring residents will result.

1. (A) Agricultural

- a. Churches and other religious structures and their accessory buildings.
- b. Parks, playgrounds and elementary schools.
- c. The offices of members of recognized professions, provided professions are carried on in their respective dwellings.
- d. Federal, state or local government buildings and facilities.
- e. Nursing homes, hospitals or sanatoria.
- f. Resorts, campgrounds, and other recreation-oriented commercial uses.
- g. Mobile home courts. The individual parking of house trailers and mobile homes outside the trailer court shall be permitted only after the granting of a permit for such parking by the Village Council.
- h. Cemeteries
- i. Such other uses and structures as may from time to time be approved by the Village Council upon proper application.

2. (R) Residential

- a. Accessory buildings other than private garages, which may from time to time be approved by the Village Council upon proper application.
- b. Nursing homes, hospitals or sanatoria, philanthropic or eleemosynary (not for profit) institutions except correctional institutions and animal hospitals. The appearance of the building shall be in appropriate harmony with the residential character of the area.
- c. Multi-family dwellings (apartments)
- d. Poultry and livestock providing they are adequately housed and are not allowed to roam at large and become a public nuisance and providing that a special use permit is applied for and a yearly fee of one dollar paid.

**C. Yard Areas and Setback Requirements**

- 1. Lot area and setback requirements for various zoning use districts are hereby established in Table 1.
- 2. All lots shall front on and have egress and ingress by means of a public right of way.

3. In cases when an accessory structure is attached to the main building, it shall comply in all respects with the requirements of the Ordinance applicable to the main building. An accessory building, unless attached to and made a part of the main building as above provided, shall not be closer than five (5) feet to the main building and no closer than three (3) feet to any lot line or public right of way, except that such accessory buildings shall not encroach upon front yards.

## **SECTION V. General Requirements**

Pursuant to the purposes of this Ordinance there are certain general requirements that are not provided for in Section VI. District Requirements. It is the purpose of this section to set forth these requirements.

### **A. Residential Yard Storage**

In the (A) and (R) Zoning Use Districts, all materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following: Laundry drying and recreational equipment, equipment temporarily being used on the premises, agricultural equipment and materials if these are used or intended for use on the premises, off-street parking or passenger automobiles and trucks.

### **B. Refuse**

In all zoning use districts, all waste, debris, refuse or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse.

### **C. Screening**

Where any business or industrial use (i.e. structure, parking or storage) is adjacent to property zoned for residential use, that business or industry shall provide appropriate screening along the boundary of the residential zone, but not on that side of a business or industry considered to be a front as determined by the Planning Commission.

### **D. Landscaping**

In all zoning use districts, developed uses shall provide a landscaped yard along all streets. Except for driveways and access walks, the yard shall extend along the entire frontage of the lot and along both sides of the streets in the case of a corner lot.



## **E. Non-Conforming Uses**

Any lawful use existing at the time of the adoption of this Ordinance may be continued after the adoption of this Ordinance except as follows:

1. No non-conforming use shall be renovated, expanded or reconstructed, except that it may be restored to its original use and size if damaged by any cause not to exceed fifty (50) percent of its replacement cost as satisfactorily demonstrated to the Planning Commission and the Village Council.
2. If a non-conforming use ceases to be used and properly maintained for a period of twelve (12) consecutive months, or is changed to a conforming use, any subsequent use shall meet the requirements of the zoning use district wherein located.
3. A non-conforming use shall not be moved to any other part of its site or to another site where it would constitute a non-conforming use.

## **F. Mobile Home Courts**

No mobile home court shall be permitted within the Village unless it has been approved and licensed by the State of Minnesota and granted a special use permit under the terms of this Ordinance. The minimum size of a mobile home court shall be two acres.

## **G. Mobile Homes**

1. Except as provided in paragraphs 2 and 3 of this subdivision, no mobile home or other prefabricated unit shall be located within the area regulated by this ordinance unless it is so installed to conform with the provisions of this ordinance provided however, the council may grant a variance from the minimum gross floor area requirement upon such conditions as it may stipulate.
2. Except as provided in paragraph 1 of this subdivision, at such time that a mobile home is established within the Village of Bellechester, all future mobile homes shall be located within such mobile home court, provided the facility is duly permitted, designed and maintained according to the regulations of this ordinance and to the laws and regulations of the State of Minnesota.
3. The location of such mobile home court should be the periphery of a residential area and should be directly accessible from a major street.

## **H. Camp Sites**

No camp site shall be permitted within the Village unless it has been approved and licensed by the State of Minnesota and granted a special use permit under the terms of this ordinance.

## **I. Abandonments**

1. No use, structure, sign, vehicle, machine or any other piece or article or real estate or personal property may be abandoned or permitted, in any public or private place, because of disuse or neglect, to become unsightly or offensive to the public.
2. Any use authorized by this Ordinance, when abandoned or discontinued shall be removed or restored to as near its original state as practicable. Non-use for a period of twelve (12) months shall be presumptive evidence of intention to abandon or discontinue.
3. Any citizen may make complaint to the appropriate District Court for an order of compliance to this section.
4. The penalty for such offense shall be the obligation to remove or to correct such unsightly or offensive thing or condition or remove or restore such abandoned or discontinued use within a time to be fixed by the court, or, in the discretion of the court, the same may be ordered removed or corrected and the cost thereof assessed against the owner of such property or the real estate on which the same is found to exist, together with all costs of prosecution.

#### **J. Junk Yards**

Junk yards, salvage yards, or automobile reduction yards shall be permitted only within the Industrial (I) district, and in no case shall they be located so as to be plainly visible from any arterial street or highway. Such junk yards shall be effectively screened on all sides by fencing, hedging or similar means so that the storage and operation is not visible from adjacent properties and streets. Non-conforming junk yards in existence at the time of adoption of this ordinance shall be made to comply with the regulations of this ordinance within two years of the date of Ordinance passage.

#### **K. Signs**

1. The following signs shall be permitted within the Village of Bellechester:
  - a. Signs, that be reason of position, shape or color, would interfere with the proper functioning of a traffic sign or signal.
  - b. Signs that resemble any official marker erected by a governmental agency or that display the words "Stop" or "Danger".
  - c. Flashing signs.
  - d. Signs or sign structures that obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress, or egress for any building structure. Signs painted on windows and doors are excepted.
  - e. Billboards
  - f. Roof signs

## **2. Miscellaneous Requirements**

- a. The owner, lessee or manager of any ground sign or the owner of the land on which the same is located, shall keep grass or weeds and other growth cut, and debris and rubbish cleaned up and removed from the lot on which the sign is located.
- b. Any sign or sign structure which may be, or hereafter become, rotted, unsafe or unsightly shall be repaired or removed by the licensee, owner or manager of the property upon which the sign stands upon written notice of the Zoning Official.

### **L. Farm Operation**

Farm operations in existence at the time of passage of the Ordinance shall be permitted to continue.

### **M. Dwelling Below Ground Level**

No interior space below ground level shall be occupied for more than one year unless such space is part of the structure having at least one full story above ground level and having its exterior portion in a structurally finished state.

### **N. Construction Within Flood Plain**

No structure shall be permitted on any land that is subject to flooding except for park or recreation structures such as picnic tables, shelters and barbeque pits.

### **O. Digging in Village Streets**

Digging in village streets shall be allowed only after issuance of a permit. All disrupted property shall be restored as close as is possible to its former condition.

### **P. Exemptions**

1. The following uses, being essential for the operation of any zoning use district are exempt from all provisions of this Ordinance and are permitted in any district; poles, towers, wires, cables, conduits, vaults, pipelines, laterals, or any other similar distributing equipment of a public utility; and provided further that fences walls, hedges, or shrubbery may be erected, placed, maintained, or grown to a height not exceeding five (5) feet unless as otherwise specified in this Ordinance.
2. A structure may be erected on a lot having less than the established minimum area and width provided it existed under one ownership by virtue of a recorded plat or deed at the time of the passage of this Ordinance.

## **SECTION VI. Subdivision Requirements**

Unless waived by the Village Council, no real property within the corporate limits of the Village of Bellechester and within the area extending two miles beyond such corporate limits shall be subdivided and offered for sale or a plat recorded until a Preliminary Plat and a Final Plat have been reviewed and approved by the Village Council as having fulfilled the requirements of this Ordinance.

#### **A. Plat Presentation Procedure**

1. A preliminary plat of the area to be subdivided shall be prepared in sketch form and presented by the subdivider or his agent to the Village Council for review.
2. Upon approval or conditional approval, a final plat shall be prepared by a registered land surveyor or engineer and presented by the subdivider or his agent to the Village Council for review. Such final plat may constitute only that portion of the preliminary plat which is to be recorded and developed at the time.
3. The Village Council shall hold a public hearing as required by State law and shall act upon the final plat.
4. If approved, the subdivider or his agent shall file the final plat with the Village Clerk and shall record the final plat with the Goodhue County Register of Deeds within 30 days of final plat approval; otherwise such approval shall be considered void.

### **SECTION VII. Administration**

#### **A. Administrator**

It shall be the duty of the Village Clerk acting as zoning administrator to cause the provisions of this Ordinance to be properly enforced and to administer the same. The Village Clerk shall have the authority to delegate these responsibilities upon approval of the Village Council.

#### **B. Building Permits**

1. A building permit shall be obtained prior to erecting, moving, installing, altering, converting, or remodeling any structure or part thereof if the estimated cost of such action exceeds five hundred (\$500) dollars.
2. Before a building permit is issued the terms of this ordinance shall be met. If a building permit is needed in between council meeting, call the city clerk to make arrangements to get the proper approval from the city council. If approval by email or verbal is granted the city clerk will submit the building permit request to the county for their approval. At which time the county may issue the building permit. City approval will be made at the following council meeting.
3. A fee of two (\$2.00) dollars payable to the Village shall be required for each

building permit on all buildings valued at ten thousand (\$10,000) dollars of estimated construction cost. The fee shall be increased one (\$1.00) for each additional ten (\$10,000) thousand dollars of estimated construction cost.

4. The Village Clerk shall refer the application for a building permit to the Planning Commission for their review prior to issuance. The Planning Commission shall, in their review, consider these points outlined in Section III, Subdivision B. of this ordinance.

### **C. Appeals**

1. An appeal from the ruling of the Zoning Administrator may be taken by the lot owner or his agent within 30 days after the making of the order appealed from.

2. The procedure for making an appeal shall be as follows:

- a. The lot owner or his agent shall file with the Village Clerk a notice of appeal stating the specific grounds upon which the appeal is made.
- b. The Village clerk shall transmit the appeal to the Planning Commission acting as the Board of Appeals, for study and recommendation at its next regular meeting.
- c. The Planning Commission shall make its recommendation within 60 days and shall transmit it to the Village Council for its official action.
- d. The Village Council shall make its decision by resolution within 60 days and a copy of the resolution shall be mailed to the applicant by the Village Clerk.
- e. A further appeal may be taken by the aggrieved parties to the District Court of the State of Minnesota having jurisdiction of the issue.

### **D. Interpretations**

Interpretation and administration of the provisions of this Ordinance shall conform to such requirements as are reasonably necessary for the promotion of public safety, health, convenience, comfort, prosperity and general welfare of the Village and its residents thereof and the community surrounding the Village. It is not the intention of this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of structures or premises or upon height, or requires larger open spaces than are imposed or required by Ordinance, or by easements, covenants or agreements, the provisions of this Ordinance shall govern.

### **E. Special Use Permits**

A special use is one that may or may not be compatible with the other uses in the district within which it is located. The compatibility must be judged on the basis of the particular circumstances and may require the imposing of conditions. The procedure for issuance of special use permits as provided for in this Ordinance is as follows:

1. The applicant for a special use permit shall file an application in writing in the office of the village clerk and pay a fee of five (\$5.00) dollars when the application is filed. Said fee shall be payable to the Village.
2. The village clerk shall refer the application to the planning commission. Property owners within 300 feet of the property in question shall be given not less than ten (10) days notice of pendency of same and when the same shall be considered, although failure of any property owner to receive such notification shall not invalidate the proceedings.
3. The planning commission shall consider the application at its next regular meeting after compliance with the provisions of notice above specified.
4. The applicant or his representative shall appear before the planning commission and answer any questions concerning the proposed special use.
5. The planning commission shall consider all possible adverse effects on the proposed special use and what additional requirements may be necessary to prevent such adverse effects.
6. The report of the planning commission shall be referred to the village council and be placed on the agenda of the council at its next regular meeting following referral from the planning commission.
7. The village council shall take action on the application within sixty (60) days after receiving the report of the planning commission. If it grants the special use permit, the village council may impose any special condition it considers necessary to promote the public health, safety and welfare.

#### **F. Variances and Exceptions**

Where there are particular difficulties or unusual hardships in the way of carrying out the strict letter of the provisions of this ordinance, the village council shall have the power upon recommendation of the planning commission to vary from any such provision in harmony with the general purpose and intent thereof and may impose such conditions as it considers necessary so that the public health, safety and general welfare may be secured, and substantial justice done.

## **G. Amendments**

1. An amendment to this ordinance may be initiated by the village council, the planning commission or be petition of affected property owners. An amendment not initiated by the planning commission shall be referred to the planning commission for study, report and recommendation and may not be acted upon by the village council until it has received the report of the planning commission on the proposed amendment or until sixty (60) days have elapsed from the date of reference of the amendment without a report from the planning commission. No amendment shall be adopted until a public hearing has been held thereon by the village council. A notice of the time, place and purpose of the hearing shall be published in the official newspaper of the village at least ten (10) days prior to the date of the hearing. When an amendment involves changes in district boundaries affecting an area of five (5) acres or less, a similar notice shall be mailed at least ten (10) days before the day of the hearing to each owner of affected property and property situated wholly or partly within three hundred (300) feet of the property to which the amendment relates. For the purpose of given mailed notice, the person responsible for mailing may use any appropriate records to determine the names and addresses of the owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, providing a bona fide attempt to comply with this subdivision has been made.
2. Any affected property owner petitioning for an amendment to this ordinance shall make application in writing to the village clerk. The application shall be accompanied by a fee of \$25.00 payable to the village.

## **H. Enforcement and Penalties**

1. The violation of any of the terms and provisions of this ordinance shall constitute a misdemeanor, punishable by a fine of not more than three hundred (\$300) dollars or by imprisonment not exceeding ninety (90) days or both. All fines and violations shall be credited to the village.
2. In the event of a violation or a threatened violation of this ordinance, the village council or member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of village attorney to institute such action.
3. Any taxpayer or taxpayers of the Village may institute mandamus proceedings in District Court to compel specific performance by the proper official or officials of any duty required by this Ordinance.

## SECTION VIII. Provisions Severable

Should a court of competent jurisdiction declare any part of this Ordinance to be invalid such decision shall not affect the validity of the remainder.

## SECTION IX. Effective Date

**This Ordinance shall be in full force and effect upon the passage and publication in the manner provided by law.**

**Passed by the Village Council this 10<sup>th</sup> day of May, 1973.**

Attest: Barbara Heppelmann, Clerk

Quentin J. Majerus, Mayor

Published in the Goodhue County Tribune Thursday, June 14, 1973.

**Table 1**

### MINIMUM LOT AREA AND SETBACK REQUIREMENTS FOR MAIN BUILDINGS

<b>Zoning Use District</b>	<b>Lot Size</b>	<b>Lot Width or Lot Depth</b>	<b>Front</b>	<b>Side</b>	<b>Rear</b>
<b>(A)</b> Farm Dwelling	None	None	40'	30' interior 40' corner**	none
Non-Farm Dwelling		100'	120'	30'	15' interior 30'
<b>(R)</b> Single family Dwelling		75'	120'	30'	15' interior 25'
Two Family Dwelling		100'	120'	30'	30' corner 25'
Apartment Dwelling		75'	120'	30'	20'
<b>(C)</b>	None	None	None	40' #* None, except 10' when abutting another zone	
<b>(I)</b>	None	None	None	40' #* Same as C	10'
<b>Hedges</b>				5' setback	5' setback 5' 5' corner lot
<b>Trees</b>				10' setback	5' setback 10' corner lot

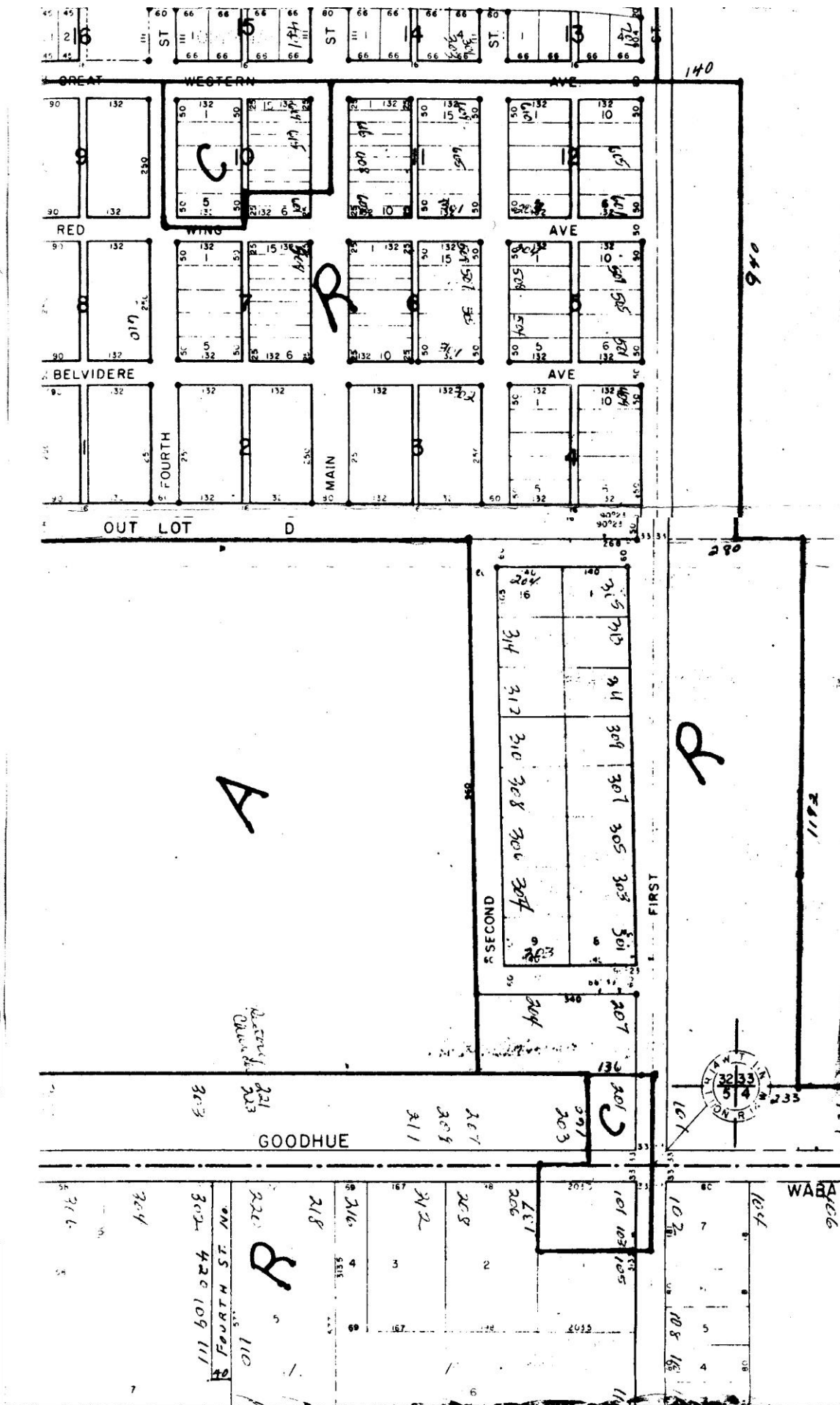
\* Measured from edge of right-of-way

\*\* Corner setbacks are measured the same as front yards.

# Except as may be granted by the Village Council



Note: Lot width, lot depth, front yard, side yard and rear yard requirements shall apply to



## **ORDINANCE NO 8**

### **ORDINANCE TO JOINTLY PROVIDE FIRE APPARTUS WITH THE NEIGHBORING TOWNS**

THE CITY COUNCIL OF BELLECHESTER, MINNESOTA, ORDAINS THE CITY  
OF BELLECHESTER SHALL ENTER INTO THE ATTACHED AGREEMENT.

The Cities of Goodhue and Bellechester, Town of Belvidere, Belle Creek,  
Chester, Hay Creek, Featherstone, Vasa, Zumbrota, and Goodhue agree to jointly provide  
and maintain fire fighting apparatus for the protection of the several communities.

Said municipalities agree that in the exercise of their power to protect their  
communities from fire, there shall be established an Association in the attached  
memorandum.

The powers of such Association are set out in the By-Laws of such Association  
in the attached memorandum.

This agreement shall be and continue in effect until such agreement is rescinded  
by the town or city which is a member hereof. If a member to this agreement rescinds its  
participation, all apparatus and equipment, money, supplies, etc. shall remain and be the  
property of the remaining members. Upon termination of this agreement by all parties,  
the assets of the Association shall be equally divided among the municipalities.

This agreement shall run for ten (10) years, and may be extended at the option of  
the several municipalities.

**Passed the City Council of Bellechester, Minnesota this 14<sup>th</sup> day of October, 1976**

Attest: Barbara Heppelmann, Clerk

Quentin J. Majerus, Mayor

## **ORDINANCE NO 9**

### **AMENDMENT TO BELLECHESTER ORDINANCE NO 2**

#### **An Ordinance Licensing and Regulating the Sale and Consumption of Intoxicating Liquor**

The Council of the Village of Bellechester do ordain that the following Sections and Subdivisions of Ordinance No 2 be amended to read as follows:

#### **SECTION 2. License Required**

**Subdivision 1.** No person except the wholesalers and manufacturers to the extent authorized under state license, shall directly or indirectly deal in, sell, or keep for for sale any intoxicating liquor without first having received a license to do so as provided in this Ordinance. Licenses shall be of four (4) kinds: “on sale”, “off sale”, club and Special Sunday On Sale licenses.

**Subdivision 5.** Special on sale licenses for the sale of intoxicating liquor on Sunday shall be issued only to places as defined in Minnesota Statutes 340.07

**Subdivision 14.** All sales to such establishments shall be in accordance with MSA 340.14 Subdivision 5.

#### **SECTION 4. License Fees**

**Subdivision 3.** The annual fee for an “on sale” license shall be \$1500.00. The annual fee for an “off sale” license shall be \$100.00. The annual fee for a “special Sunday On Sale” shall be \$50.00

#### **SECTION 6. Persons Ineligible of License**

No license shall be granted to or held by any person made ineligible for such license by state law.

#### **SECTION 9. Restrictions on Purchase and Consumption.**

##### **Subdivision 6. Hours of Sale.**

No sale of intoxicating liquor shall be made after one AM on Sunday nor until until eight AM (8:00 AM) on Monday except those places having “Special Sunday On Sale” Liquor licenses may serve intoxicating liquor between the hours of 12:00 noon and 12:00 midnight on Sunday. No sale of intoxicating shall be made between the of one AM (1:00 AM) and eight (8:00 PM) on the day of any State wide election. No “on sale” shall be made between the hours of one (1:00 AM) and eight (8:00 AM) on any weekday. No “off sale” shall be made before eight (8:00 AM) on any day or after ten (10:00) o’clock PM on any day. No “off sale shall be made on New Year’s Day, January 1; Independence Day, July 4; or Thanksgiving Day, or Christmas Day, December 25;

but on the evenings preceding such days if the sale of liquor is not otherwise prohibited on such evenings, "off sale" may be made until ten (10:00 PM except that no "off sale" shall be made on December 24 after eight (8:00) PM.

### **SECTION 13. Effective Date**

This Ordinance as amended shall be in full force and effect from and after November 9, 1972 and its passage and publication according to law.

Passed by the council this 9<sup>th</sup> day of November, 1972.

Attest: Barbara Heppelmann, Clerk

Quentin J. Majerus, Mayor

Published in the Goodhue County Tribune November 16, 1972.

**ORDINANCE NO. 10**

**AN ORDINANCE AMENDING SECTION 3 OF ORDINANCE NO. 7 ADOPTED  
JUNE 14, 1973, and entitled "ZONING ORDINANCE, BELLECHESTER,  
MINNESOTA".**

The City Council of Bellechester ordains:

**SECTION 1.** Ordinance No. 7, Section 3, adopted June 14, 1973, and entitled ZONING ORDINANCE, BELLECHESTER, MINNESOTA, is amended by changing the official map of the Zoning Use Districts, as originally adopted, in the following particulars:

- A. The following portions of Blocks 10 and 11, North Bellechester, shall be rezoned from a Zoning Use District Classification of {R} to a classification of (C),

The East Half {E ½} of Block 10,  
All of Block 11, EXCEPT Lots 11 and 12

- B. The following portion of Block 10 North Bellechester shall be rezoned from a Zoning Use District Classification of {C}, to a classification of {R}.

The West Half {W ½} of Block 10

**SECTION 2.** This Ordinance becomes effective from and after its passage and publication.

Passed by the Council this 30<sup>th</sup> day of August 1973.

ATTEST: Barbara Heppelmann, Clerk

Quentin J. Majerus, Mayor

Published in the Goodhue County Tribune on the 21<sup>st</sup> day of November 1974.

## **ORDINANCE NO 11**

### **AN ORDINANCE PROVIDING FOR THE COMBINATION OF THE OFFICES OF CITY CLERK AND CITY TREASURER AND PROVIDING FOR ANNUAL CITY AUDITS**

**The City Council of Bellechester ordains:**

**SECTION 1.** Pursuant to the authority granted by Laws 1961, Chapter 230, the offices of clerk and treasurer in the City of Bellechester, Goodhue and Wabasha County, Minnesota, are hereby combined in the office of clerk-treasurer.

**SECTION 2.** Beginning with the year in which this ordinance becomes effective and each year thereafter, there shall be an audit of the city's financial affairs in accordance with minimum auditing procedures prescribed by the State Auditor.

**SECTION 3.** This ordinance is effective Jan. 1, 1979

**Adopted by the council this 14<sup>th</sup> day of November, 1978.**

Attest: Barbara Heppelmann, Clerk

Quentin J. Majerus, Mayor

## ORDINANCE NO. 12

### AN ORDINANCE LICENSING AND REGULATING THE CONDUCT OF GAMBLING, AND PROVIDING A PENALTY FOR VIOLATION.

The City Council of the City of Bellechester ordains:

**SECTION 1. Purpose.** The purpose of this ordinance is to regulate and control the conduct of gambling.

**SECTION 2. Provisions of State Law adopted.** The provisions of Minnesota Statutes, Chapter 349, and Laws of Minnesota, 1978, Chapter 507 {M.S. 349.26}, relating to the definition of terms, licensing, and restrictions of gambling are hereby adopted and made a part of this ordinance as if set out in full, excepting as such provisions are modified and changed by subsequent sections herein.

**SECTION 3. License requirement.** No person shall directly or indirectly operate a gambling device or conduct a raffle without a license to do so provided in this ordinance; said license to be issued by the Bellechester City Council.

**SECTION 4. Persons eligible for a license.** A license shall be issued only to fraternal, religious, and veterans' organizations, or any non-profit corporation, trust, or association organized for exclusively scientific, literary, charitable, educational, or artistic purposes, or any non-profit club which is organized and operated exclusively for pleasure or recreation. Such organization must have been in existence for at least three years and shall have at least 30 active members.

**SECTION 5. License fees. Subdivision 1. Fees.** The annual fee for gambling by using a paddle wheel shall be \$5.00; and the annual fee for a raffle or raffles shall be \$5.00. License shall expire December 31<sup>st</sup> of each calendar year.

**Subdivision 2. Application procedure.** Application for a license shall be made upon a form proscribed by the City Council. No person shall make a false representation in an application. The City Council shall act upon said application within 180 days from the date of application, but shall not issue a license until at least 30 days after the date of application.

**SECTION 6. Profits.** Profits from the operation of gambling devices or the conduct of raffles shall be used for lawful purposes. Lawful purposes are defined as:

1. One or more of the following:
  - A. Benefiting persons by enhancing their opportunity for religious or educational advancement, by relieving or protecting them from disease, suffering, or distress, by contributing to their physical well-being or, by assisting them in establishing themselves in life as worthy and useful citizens, or by increasing their comprehension and devotion to the principles upon which this nation was founded.
  - B. Initiating, performing, or fostering worthy public works or enabling or furthering the erection or maintenance of public structures.



- C. Lessening the burdens borne by government or voluntarily supporting, augmenting or supplementing services which government would normally render to the people.
- D. The improving, expanding, maintaining or repairing real property owned or leased by an organization; or
- E. The erection or acquisition of any real property as specifically authorized by the City Council that said real property will be used exclusively for one or more of the purposes above-mentioned.

**SECTION 7. Conduct of gambling. Subdivision 1. Gambling Manager.**

All operation of gambling devices and the conduct of raffles shall be under the supervision of a single gambling manager to be designated by the organization. The gambling manager shall be responsible for gross receipts and profits from gambling devices and raffles and for their operation. The gambling manager shall be responsible for using the profits for a lawful purpose.

**Subdivision 2. Bond**

The gambling manager shall provide a fidelity bond in the sum of \$10,000.00 in favor of the organization conditioned on the faithful performance of his duties, except the City Council may, by unanimous vote, waive the bond requirement by including a bond waiver in the gambling license.

**Subdivision 3. Qualifications of a gambling manager.**

The gambling manager shall be an active member of the organization and shall qualify under state law.

**SECTION 8. Compensation.**

No compensation shall be paid to any person in connection with the operation of a gambling device or the conduct of a raffle by a licensed organization. No person who is not a member may participate in the organization's operation of a gambling device or conduct of a raffle.

**SECTION 9. Reporting requirements. Subdivision 1. Gross Receipts.**

Each organization licensed to operate gambling devices shall keep records of its gross receipts, expenses and profits for each single gathering or occasion at which gambling devices or a raffle is conducted. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction and the recipient. The distribution of profits shall be itemized as to payee, purpose, amount and date of payment.

**Subdivision 2. Separation of Funds.**

Gross receipts from the operation of gambling devices and the conduct of raffles shall be segregated from other revenues of the organization and placed in a separate account. The person who accounts for gross receipts, expenses and profits from the operation of gambling devices or the conduct of raffles shall not be the same person who accounts for other revenues of the organization.

**Subdivision 3. Monthly reports.**

Each organization licensed to operate gambling devices or to conduct raffles shall report monthly to its membership and to the City Clerk, its gross receipts, expenses and profits from gambling devices or raffles and the distribution of profits. The licensee shall preserve such records for three years.

**SECTION 10. Eligible Premises.**

Gambling devices shall be operated and raffles conducted by a licensed organization only upon premises which it owns or leases, except that tickets for raffles may be sold off the premises. Leases of premises wherein the organization has its normal operations shall be in writing and shall be for a term of at least twelve (12) months. Leases authorized in another location need not be in writing nor for a minimum period of time. No lease shall provide that rental payments be based on a percentage of receipts. A copy of the lease, when required, shall be filed with the City Clerk.

**SECTION 11. Prizes.**

Total prizes from the operation of paddle wheels and tipboards awarded in any single day in which they are operated shall not exceed \$500.00. Total prizes resulting from any single spin of a paddle wheel or from any single tipboard shall not exceed \$100.00. Total prizes from the operation of a raffle shall not exceed \$15,000.00. Total prizes awarded in any calendar year by any organization shall not exceed \$15,000.00

**SECTION. 12. Bingo**

Nothing in this ordinance shall be construed to authorize the conduct of bingo without acquiring a separate bingo license.

**SECTION. 13. Penalties. Subdivision 1. Criminal Penalty.**

Violation of any provision of this ordinance shall be a misdemeanor. A person convicted of violating any provision of this ordinance shall be subject to a fine of not more than \$500.00 or imprisonment for a term not to exceed 90 days or both, plus in either case the costs of prosecution.

**Subdivision 2. Suspension and Revocation.**

Any license may be suspended or revoked for any violation of this ordinance. A license shall not be suspended or revoked until the procedural requirements of subdivision 3 have been complied with, provided that in cases where probable cause exists as to an ordinance violation, the City may temporarily suspend upon service of notice of the hearing provided for in Subdivision 3, below. Such temporary suspension shall not extend for more than 4 weeks.

**Subdivision 3. Procedure.**

A license shall not be revoked under subdivision 2 until notice and an opportunity for a hearing have first been given to the licensee. The notice shall be personally served and shall state that the licensee may demand a hearing on the matter. If the licensee requests a hearing, one shall be held on the matter by the City Council at least three weeks after the date on which the request is made. If, as a result of the hearing, the City Council finds that an ordinance violation exists, then the City Council may suspend or terminate the license.

**SECTION 14. Effective date.** This ordinance becomes effective upon its passage according to law.

Passed by the City Council this 18<sup>th</sup> day of April, 1979.

ATTEST: Barbara Heppelmann, City Clerk

Quentin J. Majerus, Mayor

**ORDINANCE NO 13  
CITY OF BELLECHESTER**

**AN ORDINANCE REGULATING THE OPERATION OF VEHICLES, MOTOR  
VEHICLES, MOTORCYCLES AND SNOWMOBILES WITHIN THE CITY OF  
BELLECHESTER, MINNESOTA**

**The City Council of the City of Bellechester do ordain as follows:**

**SECTION 1. Definitions**

**Subdivision 1. Vehicle.**

“Vehicle” means every device in, upon, or which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon rails or tracks.

**Subdivision 2. Motor Vehicle**

“Motor Vehicle” means every vehicle which is self-propelled and not deriving its power from overhead wires.

**Subdivision 3. Motorcycle**

“Motorcycle” means every vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including motor scooters and bicycles with motor attached, but excluding a tractor.

**Subdivision 4. Snowmobile**

“Snowmobile” means a self-propelled vehicle designed for travel on snow or ice steered by skies or runners.

**SECTION 2. Operation of Vehicles, Motor Vehicles, Motorcycles and Snowmobiles  
On Private or Public Property**

No person shall operate a vehicle, motor vehicle, motorcycle, or snowmobile on private or public property within the City without advance permission of the property owner, unless otherwise permitted by law, except public highways, streets and roadways.

**SECTION 3. Operation of Vehicles, Motor Vehicles, Motorcycles and Snowmobiles  
On Publicly Leased Land Prohibited**

No person shall operate a vehicle, motor vehicle, motorcycle or snowmobile on publicly-leased land, including but not limited to parks, skating rinks, ball diamonds, except public highways, streets and roadways.

#### **SECTION 4. Reckless Driving**

Any person who operates any vehicle, motor vehicle, motorcycle or snowmobile within the City in such a manner as to indicate either a willful or wanton disregard for the safety of others or property is guilty of reckless driving.

#### **SECTION 5. Careless Driving**

Any person who operates any vehicle, motor vehicle, motorcycle or snowmobile within the City in such a manner as to carelessly or heedlessly be in disregard of the rights or the safety of others is guilty of careless driving.

#### **SECTION 6. Exhibition Driving Prohibited**

No person shall turn, accelerate, decelerate, or otherwise operate a vehicle, motor vehicle, motorcycle or snowmobile within the City in a manner which causes unnecessary engine noise or backfire, squealing tires, skidding, sliding, swaying, throwing sand or gravel, or in a manner simulating a race. Unreasonable squealing or screeching sounds emitted by tires, or throwing sand or gravel is prima facie evidence of a violation of this Section.

#### **SECTION 7. Peace Officers**

The Mayor and all other members of the City Council are designated peace officers pursuant to Minnesota Statutes Section 412.101 for purposes of this Ordinance. The Council, pursuant to said Statute, may designate by resolution one or more of its members as a process officer who shall all the powers and duties of town constable.

#### **SECTION 8. Penalty**

Any person violating any provision of this Ordinance shall be guilty of a misdemeanor and may be fined up to \$500.00 or ninety (90) days imprisonment or both to which court costs of prosecution may be added.

#### **SECTION 9. Severability**

The several provisions of his Ordinance shall be deemed severable, and a finding of invalidity of any section hereof shall not have the effect of invalidating any other section.

#### **SECTION 10. Effective Date**

**This Ordinance shall be effective upon its passage and publication.**

**Passed this 12<sup>th</sup> day of March, 1981.**

Attest: Barbara Heppelmann, Clerk

Quentin J. Majerus, Mayor

Published in the Goodhue County Tribune on the 9<sup>th</sup> day of April, 1981



## **ORDINANCE NO 14**

### **AN ORDINANCE TO PREVENT THE CARRYING AND DISCHARGING OF FIREARMS, THE USE OF SLING SHOTS, WRIST ROCKETS, AIR RIFLES, BB GUNS AND BOW AND ARROWS WITHIN THE CITY LIMITS OF BELLECHESTER, MINNESOTA.**

The City Council of the City of Bellechester do ordain as follows:

#### **SECTION I.**

No person or persons shall carry or discharge any gun, pistol or firearms of any description, within the corporate limits of the City of Bellechester.

#### **SECTION II.**

No person or persons shall carry any gun, pistol or firearms of any description within the corporate limits of the City of Bellechester unless said gun, pistol, or firearm is dismounted or broken apart, or carried in a case in such a manner that it cannot be discharged.

#### **SECTION III**

The terms of this Ordinance shall not prohibit the use of firearms by a duly authorized policeman and law enforcement officers within the City of Bellechester, and nothing in this Ordinance shall be construed to embrace any use of said firearms when done in the lawful defense of persons or property or family, or the necessary enforcement of the law.

#### **SECTION IV**

No person or persons shall use or discharge any rifle, BB gun, sling shot, wrist rocket or bow and arrow within the City of Bellechester.

#### **SECTION V.**

No person or persons shall carry any rifle, BB gun, sling shot, wrist rocket or bow and arrow within the City of Bellechester unless cased, broken down or unstrung.

#### **SECTION VI.**

No person or persons shall discharge any gun, pistol or firearms of any description or air rifle, BB gun, sling shot, wrist rocket or bow and arrow in any part of said City without a written permit from the Council.

## **SECTION VII.**

It shall be unlawful for a parent or guardian of any child under the age of eighteen years knowingly to permit such child to carry or discharge any air rifle, air gun, sling shot, wrist rocket or bow and arrow in the City of Bellechester.

## **SECTION VIII.**

Any person or persons violating any provisions of this Ordinance shall, upon conviction thereof, be punished by a fine of not more than fifty (\$50.00) dollars, or, in default thereof, by imprisonment for a term not exceeding twenty days.

## **SECTION IX.**

All provisions of previous ordinances that are not consistent with this Ordinance are hereby repealed.

## **SECTION X.**

This Ordinance shall go into effect immediately after its passage, approval and publication.

**Passed and approved by the City Council this 9<sup>th</sup> day of April 1981.**

ATTEST: Barbara Heppelmann, Clerk

Quentin J. Majerus, Mayor

Published in the Goodhue County Tribune on the 23<sup>rd</sup> day of April, 1981.



**ORDINANCE NO 15**

**AN ORDINANCE PROVIDING THAT THE STATE BUILDING CODE SHALL  
NOT APPLY WITHIN THE CITY OF BELLECHESTER.**

**The City Council of the City of Bellechester ordains:**

Pursuant to Chapter 306 of the 1981 Session Laws, the state building code, except the requirements for handicapped persons, shall not apply within the City of Bellechester.

**Passed and adopted this 17<sup>th</sup> day of September, 1981.**

Attest: Barbara Heppelmann, City Clerk

Quentin J. Majerus, Mayor

## **ORDINANCE NO 16**

**AN ORDINANCE GRANTING TO NORTHERN STATES POWER COMPANY, A MINNESOTA CORPORATION, ITS SUCCESSORS AND ASSIGNS, PERMISSION TO CONSTRUCT, OPERATE, REPAIR AND MAINTAIN IN THE CITY OF BELLECHESTER, MINNESOTA AN ELECTRIC DISTRIBUTION SYSTEM AND TRANSMISSION LINES, INCLUDING NECESSARY POLES, POLE LINES AND FIXTURES AND APPURTENCES, FOR THE FURNISHING OF ELECTRIC ENERGY TO THE CITY AND ITS INHABITANTS, AND OTHERS, AND TO USE THE PUBLIC RIGHT OF WAYS AND PUBLIC GROUNDS OF SAID CITY FOR SUCH PURPOSES.**

**The City Council of the City of Bellechester do ordain as follows:**

### **SECTION 1. Definitions**

**Subdivision 1.** In this Ordinance “City” means the City of Bellechester, County of Goodhue, State of Minnesota.

**Subdivision 2.** “City Utility Systems” refers to the facilities used for providing public utility service owned or operated by the City or agency thereof, including sewer and water service.

**Subdivision 3.** “Company” means Northern States Power Company, a Minnesota Corporation, its successors and assigns.

**Subdivision 4.** “Notice” means a writing served by any party or parties on any other party or parties. Notice to Company shall be mailed to any officer thereof at 414 Nicollet Mall, Minneapolis, Minnesota. Notice to the City shall be mailed to the City Clerk.

**Subdivision 5.** “Public Grounds” means city parks and squares as well as land held by the City for the purpose of open space.

**Subdivision 6.** “Public Ways” means streets, avenues, alleys, parkways, walkways and other public rights within the City.

### **SECTION 2. Grant of Franchise**

City hereby grants company, for a period of 20 years from the date hereof, the right to transmit and furnish electric energy for light, heat, power and other purposes for public and private use within and through the limits of City as its boundaries now exist or as they may be extended in the future. For these purposes, Company may construct, operate, repair and maintain an electric distribution system and electric transmission lines, including poles, pole lines, duct lines, fixtures, and any other necessary appurtenances in, on, over, under and across the public ways and public grounds of City. Company may do all reasonable things necessary or customary to accomplish these purposes, subject, however, to the further provisions of this franchise.

### **SECTION 3. Restrictions**

**Subdivision 1.** Company facilities included in such electric distribution system, transmission lines and appurtenances thereto, shall be located and constructed so as not to interfere with the safety and convenience of ordinary travel along and over such public ways. Company's construction, operation, repair, maintenance and location of such facilities shall be subject to such reasonable regulations as may be imposed by City pursuant to charter, ordinance or statute.

**Subdivision 2.** Company shall not construct any new installations within or upon any public grounds without receiving the prior written consent of an authorized representative of City for each new installation.

**Subdivision 3.** Company shall provide field locations for all its underground facilities when requested by the City within a reasonable period of time. The period of time will be considered reasonable if it compares favorably with the average time required by the cities in the County to locate municipal underground facilities for Company. ("County" refers to the County in which the City is located.)

### **SECTION 4. Tree Trimming**

Company is also granted the permission and authority to trim all trees and shrubs in the public ways and public grounds of City interfering with the proper construction, operation, repair or maintenance of any poles, pole lines, and fixtures or appurtenances installed in pursuance of the authority hereby granted, provided that Company shall save the City harmless from any liability in the premises.

### **SECTION 5. Service Rates**

The service to be provided and the rates charged by Company for electric service in City are subject to the jurisdiction of the Public Utilities Commission of this State or its successor agency.

### **SECTION 6. Relocating**

**Subdivision 1.** Whenever City shall grade, regrade or change the line of any public right of way, or construct or reconstruct any City utility system therein and shall, in the proper exercise of its police power, and with due regard to seasonable working conditions, when necessary order Company to relocate permanently its lines, services and other property located in said public way, Company shall relocate its facilities at its own expense. City shall give Company reasonable notice of plans to grade, upgrade or change the line of any public way or to construct or reconstruct any City utility system therein. However, after Company has so relocated, if a subsequent relocation or relocations shall be ordered within ten (10) years from and after first relocation, City shall reimburse Company for such non-betterment location expense which Company may incur on a time and material basis; provided, if subsequent relocations are required

because of the extension of City utilities to previously unserved areas, Company may be required to relocate at its own expense at any time.

**Subdivision 2.** Nothing contained in this franchise shall require Company to relocate, remove, replace or reconnect at its own expense its facilities where such relocation, removal, replacement or reconnection is for convenience and not of necessity in the construction or reconstruction of a City utility system or extension thereof.

**Subdivision 3.** Any relocation, removal, or rearrangement of any Company facilities made necessary because of the extension into or through City of a federally aided highway project shall be governed by the provisions of Minnesota Statutes Section 161.46 as supplemental or amended; and further, it is expressly understood, that the right herein granted to Company is a valuable property right and City shall not order Company to remove or relocate its facilities without compensation when a public way is vacated, improved or re-aligned because of a renewal or a redevelopment plan which is financially subsidized in whole or in part by the Federal Government or any agency thereof, unless the reasonable non-betterment costs of such relocation and the loss and expense resulting therefrom are first paid to Company.

**Subdivision 4.** Nothing contained herein shall relieve and person, persons or corporations from liability arising out of failure to exercise reasonable care to avoid injuring Company's facilities while performing any work connected with grading, regarding, or changing the line of any public way, or with the construction or reconstruction of any utility system.

## **SECTION 7. Indemnification**

Company shall indemnify, keep and hold the City free and harmless from any and all liability on account of injury to persons or damage to property occasioned by the construction, maintenance, repair or operation of Company's electric facilities located in, on, over, under or across the public ways and public grounds of City, unless such injury or damage grows out of the negligence of City, its employees, or agents, or results from the performance in a proper manner of acts reasonably deemed hazardous by Company, but such performance is nevertheless ordered or directed by City after notice of Company's determination. In the event a suit shall be brought against City under circumstances where the above agreement to indemnify applies, Company at its sole cost and expense shall defend City in such suit if written notice thereof is promptly given to Company within a period wherein Company is not prejudiced by lack of such notice. If such notice is not reasonably given as herein before provided, Company shall have no duty to indemnify nor defend. If company is required to indemnify and defend, it will thereafter have complete control of such litigation, but Company may not settle such litigation without the consent of City, which consent shall not be reasonably withheld. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to Company; and Company, in defending any action of behalf of City shall be entitled to assert in any action every defense or immunity that City would assert in its own behalf.

## **SECTION 8. Vacation of Public Ways.**

Except where required solely for a City improvement project, the vacation of any public way or public ground, after the installation of electric facilities, shall not operate to deprive Company of its rights to operate and maintain such electrical facilities, until the reasonable cost of relocating the same and the loss and expense resulting from such relocation are first paid to Company.

## **SECTION 9. Written Acceptance**

Company shall, if it accepts this Ordinance and the rights and obligations hereby granted, file a written acceptance of the rights hereby granted with the City Clerk within ninety (90) days after the final passage and any required publication of this Ordinance.

## **SECTION 10. Provisions of Ordinance**

Every section, provision or part of this ordinance is declared separate from every other section, provision or part; and if any section, provision or part shall be held invalid, it shall not affect any other section, provision or part. Where a provision of any other City ordinance conflicts with the provisions of this ordinance, the provisions of this ordinance shall prevail.

## **SECTION 11. Publication Expense.**

The expense of any publication of this Franchise Ordinance required by law shall be paid by Company.

## **SECTION 12. Effective Date**

This Ordinance is effective as provided by statute or charter, and upon acceptance by Company as provided in Section 9.

**Passed and approved September 13, 1984.**

ATTEST: Barbara Heppelmann, City Clerk

Quentin J. Majerus, Mayor

**ORDINANCE NO 17  
CITY OF BELLECHESTER  
CABLE TELEVISION FRANCHISE ORDINANCE**

**AN ORDINANCE GRANTING UNTO KOHRT COMMUNICATIONS INC., ROCHESTER, MINNESOTA, A CORPORATION ORGANIZED UNDER THE LAWS OF THE STATE OF MINNESOTA, ITS HEIRS, SUCCESSORS OR ASSIGNS, THE RIGHT, FRANCHISE, AND AUTHORITY FOR A PERIOD OF 15 YEARS, FROM AND AFTER THE ADOPTION HEREOF, TO ACQUIRE, CONSTRUCT, AND OPERATE A CATV SYSTEM WITHIN THE CITY OF BELLECHESTER, MINNESOTA, TO INCLUDE A COMMUNITY ANTENNA TELEVISION SYSTEM, AND TO SELL AND SUPPLY INDIVIDUALS, FIRMS, AND CORPORATIONS, PUBLIC AND PRIVATE, AT ANY AND ALL PLACES, WITHIN THE CORPORATE LIMITS OF THE CITY OF BELLECHESTER, AS SAID LIMITS NOW ARE OR HEREAFTER AT ANY TIME BE ESTABLISHED, AUDIOVISUAL SERVICES; PRESCRIBING THE TERMS AND CONDITIONS THEREOF.**

**I. GENERAL PROVISIONS**

1. The City of Bellechester, hereafter referred to as the City, hereby grants Kohrt Communications hereinafter referred to as the grantee, and its successors and assigns, the right and authority to install, maintain, and operate a transmitting and distribution for television, radio, audiovisual, and other electrical signals in, over, on, and under the streets, alleys, and public highways of the City: to maintain and use the same for the purpose of construction and operating a transmitting and distribution system for television, radio, audiovisual, all in strict accordance with the laws, ordinances, and regulations of the United States of America, the State of Minnesota and the City of Bellechester, as now existing or hereafter adopted or amended. Any modifications of the provisions of F.C.C. rules Subpart C Section 76.31 shall be included in this franchise either within one (1) year of the adoption thereof by the Federal Communication Commission or at franchise renewal, whichever is sooner.

2. The grantee shall at all times during the life of this franchise be subject to all lawful exercise of the police power of the City and to such reasonable regulations as the City shall hereinafter provide and shall comply with all applicable state and federal regulations.

3. This franchise and the rights, privileges and authority hereby granted shall take effect and be in full force from and after final passage and election hereof, as provided by law, and shall continue in force and effect for a term of 15 years, provided that within 30 days after the date of passage of this Ordinance the grantee shall:

- a. file with the City Clerk its unconditional acceptance of this franchise and promise to comply with and abide by all its provisions, terms and conditions. Such acceptance and promise shall be in writing, duly executed and sworn to, by or on behalf of the grantee, before a Notary Public or other officer authorized by law to administer oaths.

- b.** file with the City Clerk, prior to construction of any kind, insurance certificates provided for herein which shall be approved by the City.

Should grantee fail to comply with the above terms of this subsection, it shall acquire no rights, privileges or authority under this franchise whatsoever

- 4.** This franchise shall not be exclusive and shall not restrict in any manner the City Council, or any other governing body of the City of any regulatory power which it now has or which may hereafter be authorized or permitted by the laws of the State of Minnesota.

## **II. LIABILITY AND INDEMNIFICATION.**

Grantee shall indemnify and hold the City harmless at all times during the terms of this franchise and specifically agrees that it will pay all damages and penalties which the City may legally be required to pay as a result of granting this franchise. Such damages and penalties shall include, but not be limited to, damages arising out of copyright infringements and other damages arising out of installation, operation, or maintenance of the **CATV** system authorized, allowed, or prohibited by this franchise. The grantee shall, at all times during the terms of this franchise, carry and require their contractors to carry:

- 1.** insurance in such forms and in such companies as shall be approved by the City to protect the City and grantee from and against any and all claims, injury or damage of persons or property, both real and personal, caused by construction, erection, operation, and maintenance of any structure, equipment, or appliance. The amount of such insurance shall not be less than \$500,000.00 as to any one person and \$1,000,000.00 as to any one accident or injury or death to persons and \$250,000.00 for damage to property.
- 2.** Workmen's Compensation Insurance as provided by the laws of the State of Minnesota as amended.
- 3.** Insurance with limits of not less than \$500,000.00/\$1,000,000.00 of public liability coverage and property damage insurance with a limit of not less than \$250,000.00.

All of said insurance coverage shall provide a ten (10) day notice to the City Clerk in the event of material alteration or cancellation of any coverage in said policies prior to the date of said material alteration or cancellation shall become effective.

## **III. RATES**

Grantee shall have the right to charge and collect compensation from all subscribers to whom it shall furnish service. The rate schedule to be charged customers shall be kept on file with the City Clerk at all times and no change in such schedule shall be made without first filing the changed schedule with the City Clerk more than thirty (30) days prior to the effective date thereof. The City Clerk shall present changes filed to the City Council at its next regular meeting after receipt of said changes by the City Clerk. The grantee shall file no more than one rate schedule during any period of twelve (12) months. The

grantee shall not, as to rates, charges, services, facilities, rule, regulations or in any other respects, make or grant any prejudice or advantage to any person, or subject any person to any prejudice or disadvantage; provided, however, that this provision shall not be deemed to prohibit the establishment of a graduated scale of charges and classified rate schedules to which any customer coming within such classification shall be entitled.

### **Standard Rates and Charges for the Basic Service**

#### **A. Installation charges:**

- |  |         |
|--|---------|
| (1) Initial tap-in and connection charges (TV and/or radio, residential or commercial) | \$29.95 |
| (2) Additional installation at same location , each                                    | \$15.00 |
| (3) Reconnect charge   | \$19.95 |

#### **B. Monthly Rates**

- |   |         |
|---|---------|
| (1) First TV outlet, residential, basic service | \$14.95 |
| (2) Additional TV outlets, each                 | \$ 2.95 |

## **IV. SYSTEM REQUIREMENTS**

1. The grantee shall construct a distribution system capable of carrying a minimum of thirty (30) television channels.
2. The grantee shall maintain its cable system in a manner consistent with the current technical operational requirements of the F.C.C.
3. The grantee shall at all times comply with the rules and regulations of the Federal Communications Commission, the State of Minnesota, and the City of Bellechester.
4. The construction and maintenance of the grantee's distribution system shall comply with any and all adopted electrical codes.
5. The City hereby grants the right, privilege, and authority to grantee to use public easements, to lease, rent, or in any other manner obtain the use of poles with overhead lines, conduits, trenches, ducts, lines, cables, and other equipment and facilities from any and all holders of public licenses mad franchises within he corporate limits of the City, and to use such poles, conduits, trenches, ducts, lines, and cables in the course of its business. Grantee shall be allowed to erect its own poles upon receiving the written permission of the City to do so.



## **IV. CONSTRUCTION PERIOD**

As a condition of the grant of franchise the grantee shall:

- 1.** As soon as possible, and in no event later than ninety (90) days following the grant of this franchise by the City, the grantee shall make application to the Federal Communications Commission for the "Certificate of Compliance" covering the construction and operation of the **CATV** system authorized by this franchise.
- 2.** Extend energized cable to areas averaging forty (40) dwelling units or more to a strand mile of cable, within and adjacent to the City of Bellechester and/or extending from the City of Bellechester and shall thereafter reasonably extend its energized cable throughout the franchised area.
- 3.** Begin construction within three (3) months from the date of the F.C.C. approval of the "Certificate of Compliance" and accomplish significant construction within six (6) months after approval of the "Certificate of Compliance".
- 4.** The grant shall provide a toll-free telephone number for subscriber complaints and shall maintain service capable of corresponding to subscriber complaints or requests for service within twenty-four hours after receipt of the complaint or request.

Whenever it is necessary to shut off or interrupt services for the purpose of making repairs, adjustments or installation, the grantee shall do so during periods of minimum use by subscribers. Unless such interruption is unforeseen, the grantee shall give reasonable notice thereof to the subscribers affected. All cost incurred in making such repairs, adjustments, or installation shall be borne by the grantee unless otherwise provided for in this ordinance.

All complaints by the City, subscribers or other citizens regarding the quality of service, equipment malfunction, billing disputes, and any other matters relative to the cable television system shall be investigated by the grantee within twenty-four hours. The grantee shall rectify the cause of the complaint if reasonably possible. If a subscriber or citizen complaint cannot be resolved within thirty (30) days, the complainant may then file a complaint with the City Clerk who shall inform the City Council that the grantee and complainant have been unable to resolve the complaint.

- 5.** During the construction period the grantee shall report the construction status of the system to the City at such times or period as the City shall determine.
- 6.** Should taxes be assessed by the State of Minnesota or the City on a subscriber basis (similar to utility taxes) the grantee shall without further approval of the City pass such tax on to subscribers.

## **VI. FORFEITURE**

In the event of grantee's failure to comply with any provisions of this franchise, the City shall issue a notice to the grantee requesting compliance within sixty (60) days from the date of notice. Should the grantee fail to comply, or fail to provide a satisfactory

explanation, the City may upon its option hold a hearing to determine facts and as a result thereof, may cancel the grantee's franchise.

## **VII. RENEWAL**

Prior to expiration of the term of the franchise, the grantee shall have the privilege, providing the performance of the grantee has been satisfactory to negotiate with the City for an additional fifteen (15) year term of the franchise and/or changes in the terms or conditions; provided, however, the renewal of the franchise will be granted only after the qualifications and past performance of the grantee have been considered and approved by the City in a public proceeding in accordance with the laws of the State of Minnesota.

## **VIII. NECESSITY OF FRANCHISE**

No person shall own or operate a community antenna television system in the City of Bellechester except by franchise issued by the City granting such power to grantee.

## **IX. ACCESS CHANNELS**

1. The grantee shall provide to each of its subscribers who receive all or part of the total services offered on the system, reception on at least one specially designated access channel. The specially designated access channel may be used by local educational authorities and local government on a first come, non-discriminatory basis. During those hours that the specially designated access channel is not being used by the local educational authorities or local government, the grantee shall lease time to commercial or non-commercial users on a first-come, non-discriminatory basis of the demand for such time arises. The grantee may also use this specially designated access channel for local origination during those hours when the channel is not in use by local educational authorities, local government, or commercial or non-commercial users who have leased time on the special access channel.

2. The grantee shall establish rules pertaining to the administration of the specially designated access channel.

3. Nothing in this standard shall be construed so as to preclude the installation of converters by the system on a voluntary basis, or as a result of an agreement arrived at through negotiation between the parties to a franchise, or by a potential access user who wishes to install converters in order to make use of an additional channel or channels.

## **X. DISCRIMINATORY PRACTICES PROHIBITED**

The grantee shall not deny service, access to cable television services or otherwise discriminate against any person on the basis of race, color, religion, national origin, or sex. Grantee shall establish, maintain, and carry out a positive continuing program of specific practices designed to assure equal opportunity in every aspect of its employment policy and practices and shall adhere to the equal employment opportunity requirements set forth in the rules of the Federal Communications Commission.

## **XI. PUBLIC IMPROVEMENTS**

Whenever the City shall undertake any public improvement which affects cable communications equipment it shall, with due respect to reasonable working conditions, direct the grantee to remove or relocate its wires, conduits, cable, and other property located in said streets, right-of-way or public places. The grantee shall relocate or protect its facilities at its own expense. The City shall give the grantee reasonable notice of the undertaking of public improvements which effect grantee's cable communications equipment.

## **XII. MODIFICATION TO CONFORM TO RULES AND REGULATIONS OF THE F.C.C.**

All of the rules and regulations of the F.C.C. relating to cable television systems as promulgated and amended from time to time, shall be and hereby are incorporated herein by reference and made a part hereof; in any event any modifications of such rules and regulations shall be automatically incorporated herein as of their effective date.

## **XIII. TRANSFER AND ASSIGNMENT**

The grantee shall not sell, or transfer its system to another, or alter the composition of its individual partners and stockholders, nor transfer any rights of this charter to another without written notice and approval by the City; provided, that such approval shall not be unreasonably withheld if the vendee, assignee, or lessee has filed with the appropriate official of the City, an instrument duly executed reciting the fact of such sale, assignment or lease accepting the terms of this chapter and agrees to perform all conditions thereof. However, the grantee has the right to assign this franchise to a proper lending institution.

## **XIV. SEVERABILITY**

1. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not effect the validity of the remaining portion hereof.

2. This chapter does not cease to be effective upon expiration of the franchise or change in the identity of the grantee.

**This Ordinance shall therefore take effect and be in force upon its passage. Enacted by the City Council of Bellechester, Goodhue County, Minnesota, on the 9<sup>th</sup> day of November, 1989.**

Attest: Barbara Heppelmann, Clerk

Quentin J. Majerus, Mayor City of  
Bellechester

Kohrt Communications Inc. by Forrest W. Kohrt

**ORDINANCE NO. 18**

**DANCE ORDINANCE  
AN ORDINANCE TO REGULATE PUBLIC DANCES**

The City Council of the City of Bellechester ordains:

**SECTION 1.** Anyone desiring to hold a public dance within the city limits of the City of Bellechester must apply in person to the City Council for a dance permit.

**SECTION 2.** Anyone receiving a dance permit for a public dance must have a bouncer acceptable to the City Council present at the dance.

**SECTION 3.** Any person not complying with said ordinance will be subject to a maximum fine of \$700.00 or 90 days in jail or both.

This Ordinance shall therefore take effect and be in full force upon it's passage and publication.

Enacted by the City of Bellechester on the 11<sup>th</sup> day of January 1990.

Printed in the Goodhue County Tribune on Wednesday, January 31, 1990.

Attest: Barbara Heppelmann, Clerk

Quentin J. Majerus, Mayor

## **ORDINANCE 19**

### **AN ORDINANCE DEFINING AND PROHIBITING NUISANCES AND PROVIDING A PENALTY FOR VIOLATION**

**The City Council of the City of Bellechester do ordain as follows:**

#### **SECTION 1. Public Nuisance Defined.**

Whoever by his 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:

1. Maintain 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; or
2. Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or
3. Is guilty of any other act or omission declared by law or this ordinance to be a public nuisance and for which no sentence is specifically provided.

#### **SECTION 2. Public Nuisance Affecting Health.**

The following are hereby declared to be nuisances affecting health.

1. Exposed accumulation of decayed or unwholesome food or vegetable matter;
2. All diseased animals running at large;
3. All ponds or pools of stagnant water;
4. Carcasses of animals not buried or destroyed within 24 hours after death;
5. Accumulations of manure, refuse, or other debris;
6. 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;
7. The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances.
8. All noxious weeds or other rank growths of vegetation upon public or private property;
9. Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities;
10. All public exposure of persons having a contagious disease;

### **SECTION 3. Public Nuisances Affecting Peace and Safety**

- 1.** All snow and ice not removed from public sidewalks 12 hours after the snow or other precipitation causing the condition has ceased to fall;
- 2.** All trees, hedges, billboards, or other obstructions which prevent persons from having a clear view of all traffic approaching an intersection;
- 3.** 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;
- 4.** All unnecessary noises or annoying vibrations;
- 5.** Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks, or public grounds except under conditions as are permitted by this code or other applicable law;
- 6.** Radio aerials or television antennae erected or maintained in a dangerous manner;
- 7.** Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large groups of people to gather, obstructing traffic and the free use of the street or sidewalk;
- 8.** All hanging signs, awnings, and other similar structures over street and sidewalks, or so situated so as to endanger public safety, or not constructed and maintained as provided by ordinance;
- 9.** 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;
- 10.** Any barbed wire fence less than six feet above the ground and within three feet of a public sidewalk or way.
- 11.** All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;
- 12.** Waste water cast to flow upon streets or other public property;
- 13.** 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 such accumulation.

14. Any well, hole, or similar excavation which is left uncovered or in such other condition as to constitute a hazard to any child or other person coming on the premises where it is located;
15. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials;
16. 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 such substance;
17. The depositing of garbage or refuse on a public right-of-way or on adjacent private property;
18. All other conditions or things which are likely to cause injury to the person or property of anyone.

#### **SECTION 4. Duties of City Officers.**

The City Council, police department or other designated official shall enforce the provisions of this ordinance relating to the nuisances affecting public safety. The Police department shall enforce provisions relating to other nuisances and shall assist the other designated officer(s) in the enforcement of provisions relating to nuisances affecting public safety. Such officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

#### **SECTION 5. Abatement.**

Whenever the officer charged with enforcement determines that a public nuisance is being maintained or exists on premises in the city, the officer shall notify in writing the owner or occupant of the premises of such fact and order that such nuisance be terminated and abated. The notice shall be served in person or by certified or registered mail. If the premises are not occupied and the owner is unknown, the notice may be served by posting it on the premises. The notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding thirty (30) days, within which the nuisance is to be abated. If the notice is not complied with within the time specified, the enforcing officer shall report the fact forthwith to the council. Thereafter, the council may, after notice to the owner or occupant and an opportunity to be heard, provide for abating the nuisance by the City. The notice shall be served in the same manner as notice by the enforcing officer is served and shall be given at least ten (10) days before the date stated in the notice when the council will consider the matter. If the notice is given by posting, at least thirty (30) days shall elapse between the day of posting and hearing.

#### **SECTION 6. Recovery of Cost.**

##### **Subdivision 1. 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 clerk or other official designated by the council shall prepare a bill for the cost and mail it to the owner. Thereupon the upon the amount shall be immediately due and payable to the city clerk.

**Subdivision 2. Assessment.**

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 clerk shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with other such charges as well as other charges for current services to be assessed under Minnesota Statutes, Section 429.101 against each separate lot or parcel to which the charges are attributable. The council may then spread the charges against such property under that statute and other pertinent statutes for certification to the county auditor and collection along with current taxes the following year or in annual installments, not exceeding ten, as the council may determine in each case.

**SECTION 7. Penalty.**

Any person convicted of violating any provisions of this ordinance is guilty of a misdemeanor and shall be punished by a fine not to exceed \$700.00 or imprisonment for not more than ninety (90) days, or both, plus the costs of prosecution in either case.

**Enacted by the City Council of the City of Bellechester this 11<sup>th</sup> day of January 1990 and effective upon its passage and publication.**

ATTEST : Barbara Heppelmann, Clerk

Quentin J. Majerus, Mayor

Published in the Goodhue County Tribune January 31, 1990.



## **ORDINANCE NO. 20**

### **An Ordinance amending and adding to Ordinance No. 7 adopted June 14, 1973 entitled “Zoning Ordinance, Bellechester, MN.”**

**The City Council of the City of Bellechester do ordain as follows:**

**ORDINANCE NO. 7, SECTION 4, SUBDIVISION 2, RESIDENTIAL, ADOPTED  
JUNE 14, 1973 ENTITLED ZONING ORDINANCE NO. 7, BELLECHESTER, MN IS  
AMENDED TO INCLUDE THE FOLLOWING REQUIREMENTS FOR  
RESIDENTIAL DWELLINGS.**

- A.** The Dwelling must have a permanent footing 48” deep of which a minimum of 44” is below grade and 4” above grade as provided by the Minnesota State building Code.
- B.** No house may be placed in a residential area unless it conforms in architectural design, construction and materials to existing homes so as not to devalue property or constitute blight.
- C.** No house shall be less than 24 feet wide when measured at its narrowest point and no less than 850 square feet on the main floor or split level excluding the basement.
- D.** A house shall have no less than a 3 ½ pitch roof and eaves that extend 6 inches or more beyond main outside walls.
- E.** All structures shall be permanent type structures and no non-conforming house may be continued to a new owner. The present owner of a non-conforming house may maintain his non-conforming house on his property as long as the house is liveable and maintained in a state of reasonable repair. This shall be determined by the City Council.
- F.** This amendment shall be in full force and effect upon due passage and publication in the manner provided by law.

Passed August 2, 1994

Attest: Barbara Heppelmann, Clerk

Quentin J. Majerus, Mayor

Published in the “News-Record” the 10<sup>th</sup> day of August, 1994.

Rescinded November 9, 1995.

## **ORDINANCE NO 21**

**AN ORDINANCE ADOPTING THE STATE BUILDING CODE; PROVIDING FOR ITS ADMINISTRATION AND ENFORCEMENT, REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA, AND MAINTENANCE OF ALL BUILDINGS AND/OR STRUCTURES IN THE CITY OF BELLECHESTER; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; REPEALING/AMENDING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH.**

**The City Council of the City of Bellechester do ordain as follows:**

### **SECTION 1. Building Code.**

The Minnesota State Building Code, established pursuant to MN Statutes 16B.59 to 16B.75, one copy of which is on file in the office of the County Auditor. Such code is hereby incorporated in the ordinance as completely as if set out in full.

#### **A. Administration Required.**

The following chapters of the code must be administered by the City of Bellechester.

1. Chapter 1300 – Code Administration
2. Chapter 1301 – Certification and Continuing Education of Building Officials.
3. Chapter 1302 – Building Construction and State Agency Construction Rules.
4. Chapter 1305 – Adoption of 1988 Uniform Building Code by Reference. The 1987 ANSI A17.1 Code for Elevators, and Related Devices is an amendment to Chapter 51 of the UBC and no longer found in SBC Rule 1320. Required provisions – UBC Appendix Chapter 35 Sound Transmission Control.
5. Chapter 1315 – Electrical Code.
6. Chapter 1325 – Solar Energy Systems.
7. Chapter 1330 – Technical Requirements for Fallout Shelters.
8. Chapter 1335 – Flood proofing Regulations.
9. Chapter 1340 – Facilities for the Handicapped.
10. Chapter 1346 – Minnesota Uniform Mechanical Code 1990 Edition.
11. Chapter 1350 – Manufactured Home Rules.
12. Chapter 1355 – Plumbing Code – Administrative Rule 4715.
13. Chapter 1360 – Prefabricated Structures.
14. Chapter 1365 – Variation of Snow Load
15. Chapter 1370 – Model Energy Code – Administrative Rule 7670.

## **SECTION 2. Organization and Enforcement.**

The Organization of the Building Department and enforcement of the Code shall be as established by Chapter 2 of the Uniform Building Code 1988 edition. The Code shall be enforced within the incorporated limits of the City.

The Building Inspection Department shall be the Building Code Department of the County. The Administrative Authority shall be a State Certified "Building Official".

The Appointing Authority shall designate the Building Official for the jurisdiction of the City of Bellechester.

## **SECTION 3.**

### **A. Permits, Inspections, and Fees.**

Permits, inspections, and collection of fees shall be provided in Chapter 3 of the Uniform Building Code, 1988 Edition except as amended by Rule 1305.0800. The method of establishing permit fees and the amounts of the permit fees for activities encompassed by the Code are a local option. Local fee schedules should include fees for the installation of prefabricated structures and manufactured homes. The schedule for all building permits shall be set by resolution of the City of Bellechester.

### **B. Surcharge.**

In addition to the permit fee required by Item A above, the applicant shall pay a surcharge to be remitted to the Minnesota Department of Administration as prescribed by Minnesota Statutes 1984, Section 16B.70

## **SECTION 4. Violations and Penalties.**

(The penalty described in the Uniform Building Code, 1988 Edition, Section 205 as amended shall be in keeping with Minnesota Statutes 609.033 to 609.34 which provides for a maximum fine of \$700.00.)

## **SECTION 5. Effective Date of Ordinance**

**The effective date of this Ordinance is January 1, 1984.**

ATTEST: Barbara Heppelmann, Clerk

Quentin J. Majerus, Mayor

Published in the New/Record Wednesday, August 10, 1994.

## **ORDINANCE NO 22**

### **AN ORDINANCE RELATING TO WATER SERVICE PRESCRIBING RULES, REGULATIONS, CONNECTION FEE AND PROCEDURES AND RATES FOR THE CITY OF BELLECHESTER, MINNESOTA.**

#### **SECTION 1. Water Department**

There is hereby established a water department, which shall exist under supervision of the City Council. The department shall be responsible for management, maintenance, care and operation of the City Water System.

#### **SECTION 2. Restricted Uses**

No person shall make use of any water service connected to the City water system except pursuant to regulatory provisions of this Ordinance and as permitted by this Ordinance.

#### **SECTION 3. Application for Service**

##### **Subdivision 1.**

Application for water service installation and water service shall be made to the City Clerk on the form prescribed by the City Council. By his/her signature, the applicant agrees to conform to the rules and regulations established by the City as a condition for use of the water.

##### **Subdivision 2.**

Applicant shall at the time of making application deposit funds with the City Clerk in the amount equal to fees for permit and assessment required for installation of main and service connection.

#### **SECTION 4. Charges for Service Connection**

##### **Subdivision 1.**

No connection shall be made to the city water system without a permit secured from the City Clerk. The fee for the permit shall be determined by the City Council.

##### **Subdivision 2.**

The city water system includes a service line from the main water line to applicants property line. For this construction and extension the applicant shall pay an assessment to the City hereinafter set forth which includes trenching, connection, taps, piping and appurtenances to provide the service and make necessary street repairs.

### **Subdivision 3.**

No permit shall be issued to connect with the City water system unless applicant agrees to the following:

1. That he/she shall pay to the City the sum of a \$900.00 assessment (or such sum as the City Council may set) per lot prior to connection with the water system.
2. That if an extension of the water main is required, all owners of lots between the applicant and the present water main will assume and agree to pay their individual assessments prior to construction of the water main extension. In the alternative, the citizen may petition the City Council for the improvement and the City Council shall, pursuant to state statutes, act on the petition.

## **SECTION 5. Account and Collection**

### **Subdivision 1.**

All accounts shall be carried in the owner and he/she shall be liable for water supplied to the property, whether he/she is occupying the property or not, and any unpaid charges shall be a lien on the property.

### **Subdivision 2.**

Water bills shall be computed and billed at least Monthly by the City Clerk in accordance with rates established by the City Council.

### **Subdivision 3.**

All charges for water must be paid with thirty (30 ) days after the billing date. Thereafter, where satisfactory have not been made, the City Clerk shall give the customer thirty (30) days to make a payment and if payment is not received within thirty (30) days the City may discontinue water service.

When service has been discontinued, service shall not be restored except upon payment of all delinquent bills and a fee of \$40.00.

Delinquent accounts shall be certified by the City Clerk who shall prepare an assessment roll each year providing for assessment of delinquent amounts against the respective properties served. The assessment roll shall be delivered to the City Council for adoption on or before November 15 of each year for certification to the County Auditor for collection along with the taxes. Such action is optional and may be subsequent to taking legal action to collect delinquent accounts.

#### **Subdivision 4.**

Water shall not be shut off under Subdivision 3 or for violation of rules and regulations affecting water service until notice and an opportunity for a hearing have first been given to the liable person(s) of the premises involved. The notice shall be served by registered mail and shall state that if payment is not made before a day stated in the notice but not less than 10 days after the date on which the notice was given, the water supply to the premises will be shut off. The notice shall also state that liable person(s) may, before such date, demand a hearing on the matter, in which case the supply will not be cut off until after the hearing. If the customer requests a hearing before the date specified, a hearing shall be held on the matter by the City Council at least one week after the date of the request. If as a result of the hearing, the City Council finds the amount claimed to be owing is actually due and unpaid and that there is no legal reason why the water supply of the delinquent customer may not be shut off in accordance with this Ordinance, the City may shut off the water supply.

### **SECTION 6. Water System**

#### **Subdivision 1.**

The City may discontinue service to any water customer without notice for necessary repairs and with notice for violation of rules and regulation affecting the water system.

#### **Subdivision 2.**

No person except an authorized City employee shall turn on any water supply fixture or appurtenance without City permission.

#### **Subdivision 3.**

No more than one family in one house or one building shall be supplied from one water service connection.

#### **Subdivision 4.**

The customer or owner shall be responsible for maintaining the service pipe from the lot line to the building served. If he/she fails to repair any leak in such service pipe within 24 hours after notice, the City may turn the water off. When a waste of water is great, the City may turn off the water immediately.

#### **Subdivision 5.**

Where a parcel of property in the City of Bellechester has connected to the City water system, or where the city water system is available to a parcel of property, no owner or occupant shall construct or make use of a private water supply or well on said property, except for such purposes as may be allowed by the City

Council.

### **SECTION 7. Hydrants**

No person other than authorized City employees or fire protection personnel shall operate a hydrant or interfere in any way with the City water system without first obtaining authority to do so from the City Council. Anyone found in violation of this section shall be guilty of a misdemeanor and subject to the applicable state fine for a misdemeanor offence.

### **SECTION 8. Water Rates.**

Each water user shall pay a service charge each month during the year. Water rates will be established by the City Council.

**Adopted this 12<sup>th</sup> Day of December, 1996 by the City Council of Bellechester, Minnesota.**

ATTEST: Barbara Heppelmann, Clerk

Quentin J. Majerus, Mayor

Printed in the News-Record Wednesday, December 25, 1996

**ORDINANCE 22, SECTION, SUBDIVISIONS 3 & 4**

**Are hereby amended to read as follows:**

**Subdivision 3.**

All charges for water must be paid within 30 days after the billing date. Water shall not be shut off until notice and an opportunity for a hearing have first been given to the liable person(s). The notice shall be served by mail and shall state that if payment is not made before a day stated in the notice, but not less than 10 days after the date on which notice was given, the water supply to the premises will be shut off. The notice shall also state that the person(s) may, before such date, demand a hearing on the matter in which case the supply will not be cut off until after the next regularly scheduled council meeting. If as a result of the hearing, the City Council finds that the amount claimed to be owing is actually due and unpaid and that there is no reason why the water supply of the delinquent customer may not be shut off, the City may shut off the water supply. When service has been discontinued, service shall not be restored except upon payment of all delinquent bills and a fee of \$40.00.

**Subdivision 4.**

Delinquent accounts shall be certified by the City Clerk, who shall prepare an assessment roll each year providing for assessments of delinquent amounts against the respective properties served. The assessment roll shall be delivered to the City Council for adoption on or before November 15 of each year for certification to the County Auditor for collection along with taxes. Such action is optional and may be subsequent to taking legal action to collect delinquent accounts.

ATTEST: Barbara Heppelmann, City Clerk      Edward T. Heppelmann, Mayor

Published in the News-Record Wednesday, November 18, 1998.



## **ORDINANCE NO. 23**

### **AN ORDINANCE AMENDING BELLECHESTER ORDINANCE NO. 2 ADDING SECTIONS 14, 15, AND 16 TO PROHIBIT NUDE DANCING IN ESTABLISHMENTS THAT ARE LICENSED FOR LIQUOR, WINE AND BEER SALES.**

**WHEREAS**, the City Council of the City of Bellechester believes it is in the best interests of the citizens of Bellechester to prohibit nude dancing in establishments licensed for liquor, beer, or wine sales:

NOW THEREFORE, IT IS ORDAINED BY THE CITY OF BELLECHESTER,  
MINNESOTA, AS FOLLOWS:

Bellechester Ordinance No. 2 is hereby amended to add Sections 14, 15, and 16 as follows:

#### **SECTION 14. PURPOSE**

The City of Bellechester does hereby ordain that it is in the best interests of the public health, safety, and general welfare of the people of the City of Bellechester that certain types of activities as set forth in this ordinance, are prohibited upon the premises of licensed liquor, wine, and beer establishments so as to best protect and assist owners and operators and employees of these premises, as well as patrons and the public in general. Further, that the City does ordain that the standards in this ordinance reflect the prevailing community standards in the City of Bellechester. This ordinance is intended to prevent harm stemming from the physical immediacy and combination of alcohol, nudity, and sex. We also desire to prevent any subliminal endorsement of sexual harassment or activities likely to lead to the possibility of various criminal conduct such as prostitution, sexual assault, and disorderly conduct.

#### **SECTION 15. CERTAIN ACTS PROHIBITED.**

It shall be unlawful for any licensee to permit or allow any person or persons upon the licensed premises when such person does not have his or her buttocks, anus, breast, and genitals covered with a non-transparent material.

**SECTION 16. VIOLATION.**

A violation of Section 15 is a misdemeanor and is justification for revocation or suspension of any liquor, wine, or beer license.

This ordinance shall take effect upon final passage and publication according to law.

ORDAINED THIS 12<sup>TH</sup> DAY OF DECEMBER, 1996.

**ATTEST: BARBARA HEPPELMANN, CLERK  
MAJERUS, MAYOR**

**QUENTIN J.**

**PUBLISHED IN THE NEWS-RECORD THE 26<sup>TH</sup> DAY OF DECEMBER 1976.**

**ORDINANCE NO 24**  
**DOG REGULATION AND LICENSING**

**Subdivision 1. Definition**

For the purpose of this section “owner” means a person who owns, harbors, feeds, boards or keeps an animal hereby regulated.

**Subdivision 2. Running at Large**

It is unlawful for the owner of any dog to permit such animal to run at large. Any dog shall be deemed running at large with the permission of the owner unless it is on a durable leash or chain secured to an object which it cannot move and on the premises of the owner, or on such leash or chain and under the control of an accompanying person of suitable age and discretion, or confined within a motor vehicle, or confined within a building or enclosure.

**Subdivision 3. License Required**

It is unlawful for the owner of any dog five months of age or more, to fail to obtain a license therefore from the City of Bellechester.

**Subdivision 4. Application**

Application for a dog license shall be upon a form supplied by the City of Bellechester Animal Control and accompanied by a certificate of a veterinarian duly licensed to practice medicine, which certificate shall state that the dog for which application for a license is made, has been inoculated against rabies for at least the period for which the license is applied. An application for license renewal, accompanied by such certificate, shall be at least thirty (30) days before the expiration of a license.

**Subdivision 5. Period**

All dog licenses shall expire when the rabies inoculation is due.

**Subdivision 6. Tag Required**

All licensed dogs shall wear a collar and have a tag firmly affixed thereto evidencing such license for the current year. A duplicate for a lost tag may be issued by the City Animal Control upon presentation of a receipt showing payment of the license fee for the current year. Tags shall not be transferable and no refund shall be made on any license fee because of leaving the city or the death of the dog before the expiration of the license.

### **Subdivision 7. Kennel License**

No owner may own, harbor, feed, board, or keep more than two (2) dogs over 4 months of age on their premises without obtaining a kennel license.

### **Subdivision 8. Notice of Impounding**

Upon the impounding of any dog, the owner shall be notified, or if the owner is unknown, written notice shall be posted for five days at the current Animal Control Agency describing the dog and the place and time of taking.

### **Subdivision 9. Release From Animal Pound.**

Dogs shall be released to their owners as follows;

- A.** If such dog is owned by a resident of the City, after purchase of a license as aforesaid, and payment of the impounding fees.
- B.** If such dog is owned by a person not a resident of the City, after immunization of any dog for rabies, and payment of the impounding fee for the period for which the dog was impounded.

### **Subdivision 10. Animal Pound**

Any dog found in the city without a tag, or dog running at large, shall be placed in the Animal Pound and an accurate record of the time of such placement shall be kept on each animal. Every dog so placed in the Animal Pound shall be held for redemption by the owner for a period of not less than five (5) business days. A "regular business day" is one during which the Pound is open for business for at least four (4) hours between 8:00 AM and 7:00 PM. Impoundment records shall be preserved for a minimum of six (6) months and shall show:

- 1.** The description of the animal by specie, breed, sex, approximate age, and other distinguishing traits;
- 2.** The location at which the animal was seized;
- 3.** The date of seizure.
- 4.** The name and address of the person from whom the animal was received;
- 5.** The name and address of the person to whom the animal was transferred.

If unclaimed, such animal may be humanely destroyed and the carcass disposed of, or may be placed or adopted into a home. Adoption of all animals is under the discretion of the Animal Control Agency and governed by the Agency's policies and procedures.

#### **Subdivision 11. Immobilization of Dogs**

For the purpose of enforcement of this section any peace officer, or other person assisting a peace officer or employee of the Animal Control Agency may use a so-called tranquilizer gun or other instrument for the purpose of immobilization and catching a dog.

#### **Subdivision 12. Other Unlawful Acts.**

It is unlawful for the owner of a dog to:

1. Fail to have the license tag issued by the Animal Control Agency firmly attached to a collar worn at all times by the licensed animal, or
2. Own or keep a dog which is dangerous (such animal which has caused injury to persons or property shall be deemed "dangerous") or
3. Interfere with any peace officer, or other animal control agency affiliated with the City of Bellechester Police, in the performance of his or her duty to enforce this section, or
4. Fail to keep his or her dog from barking, howling, or whining, or emitting other loud or unusual noises.

#### **Subdivision 13. Vicious Animals**

**A.** For the purpose of this Subdivision a "Vicious Animal" is a dog which has bitten, or is suspected of having bitten, a human being.

**B.** Upon receipt of a report of a vicious animal, it shall be impounded for the full incubation period by one of the following methods:

1. Owner impounds the animal in a building on his or her premises, or
2. The animal is impounded at the City Pound, or
3. The animal is impounded by the local veterinary Clinic.

The method of impoundment shall be determined by the Chief of Police or his or her representative, or the Animal Control Agency.

**C.** Peace officers, or other designated person shall, take up and impound vicious animals when it can be done safely; provided, that if a vicious animal

cannot be immobilized or caught without an immediate threat to human life or safety, such animal may be summarily and humanely destroyed.

#### **Subdivision 14. Fees and Charges**

All fees and charges under this Section including, but not limited to, license fees, impounding fees, and maintenance charges, shall be fixed, determined and categorized by the Animal Control Agency, upon presentment and approval by the Council, adopted by resolution and uniformly enforced. A copy of such resolution with the effective date thereof shall be kept on file in the office of the City Clerk/Treasurer and the Animal Control Agency and open to inspection during usual business hours.

#### **Subdivision 15. Dog Waste – Definition**

For the purpose of this section, the term “owner” means any person who harbors feeds, boards, possesses, keeps or has custody of a dog.

#### **Subdivision 16. Dog Waste - Unlawful Acts**

It is unlawful for any owner to:

- A.** Suffer or permit a dog to defecate upon public property, or private property of another, without immediately removing the excrement and disposing of it in a sanitary manner.
- B.** Suffer or permit a dog to be on public property, or private property of another unless such dog is in the custody of a person of suitable age and discretion having in his or her possession equipment and supplies for excrement removal.
- C.** Permit dog excrement to accumulate for a period in excess seven (7) days, or in excess of three (3) days if there are multiple dogs on the premises occupied by him or her without removal and sanitary disposal.

#### **Subdivision 17. Animal Control**

For the purposes of this Ordinance the “Animal Control Agency” and the Police Department shall be those so designated by the Bellechester City Council.

**THIS ORDINANCE SHALL BE IN FULL FORCE UPON ITS PASSAGE BY THE BELLECHESTER CITY COUNCIL AND ITS PUBLICATION AS REQUIRED.**

ATTEST: Barbara Heppelmann, City Clerk

Edward T. Heppelmann, Mayor

Published in the News/Record Wednesday, October 29, 1997.

## **AMENDMENT TO DOG ORDINANCE NO 24**

### **Subdivision 17. Penalty**

Any person found in violation of Dog Ordinance #24 shall be subject to a maximum penalty of a \$700.00 fine or 90 days imprisonment or both. The city may also impound the dog or dogs that are in violation of this Ordinance.

**PASSED AUGUST 13, 1998.**

ATTEST: Barbara Heppelmann, Clerk

Edward T. Heppelmann, Mayor

Published Wednesday, October 7, 1998 in the News/Record, Zumbrota, MN

## **ORDINANCE 25**

**The City Council of the City of Bellechester do ordain as follows:**

### **1. License**

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

**B.** The annual license for a retail tobacco license shall be \$30.00 per year. All retail tobacco licenses shall be valid for one calendar year from the date the license is issued.

**C.** Every license shall be conspicuously posted at the place for which the license was issued and shall be exhibited to any person upon request.

### **2. Sales Prohibited to Minors.**

No person shall sell or offer to sell any tobacco or tobacco product to any person under eighteen (18) years of age.

### **3. Administrative Penalties**

**A.** If a licensee sells tobacco to a person under the age of 18 years, or violates any other provision of this Ordinance, the licensee shall be charged an administrative penalty of \$75.00. An administrative penalty of \$200.00 must be imposed for a second violation at the same location within 24 hours after the initial violation. For a third violation at the same location within 24 months after the initial violation, an administrative penalty of \$250.00 must be imposed, and the licensee's authority to sell tobacco at that location must be suspended for not less than seven (7) days. No suspension or penalty may take effect until the licensee has received notice, served personally or by mail, of the alleged violation and an opportunity for a hearing before a person authorized by the City to conduct the hearing.

**B.** An individual who sells tobacco to a person under the age of eighteen (18) years must charged an administrative penalty of \$50.00. No penalty may be imposed until the individual has received notice, served personally or by mail, of the alleged violation and an opportunity for a hearing before a person authorized by the City to conduct the hearing.

**C.** It is an affirmative defense to the charge of selling tobacco to a person under the age of 18 years in violation of this Ordinance that the licensee or



individual making the sale relied in good faith upon proof of age as follows:

- a.** A valid drivers license or identification card issued by the State of Minnesota, another state, or a province of Canada, and including the photograph and date of birth of the licensed person; or
- b.** A valid military identification card issued by the United States Department of Defense; or
- c.** In the case of a foreign national, from a nation other than Canada, by a valid passport.

#### **4. Self-Service Sales.**

**A.** No licensee shall offer for sale single packages of cigarettes or smokeless tobacco in open displays which are accessible to the public without the intervention of a store employee.

**B.** Cartons and other multi-pack units may be offered and sold through open displays accessible to the public.

**C.** Section 4(B) of the ordinance will expire upon the effective date and implementation of Code of Federal Regulations Title 21, Part 897.16(c).

**D.** The self-service restrictions described in this Section 4 shall not apply to retail stores which derive at least 90% of their revenue from tobacco and tobacco-related products and which cannot be entered at any times by persons younger than 18 years of age.

#### **5. Vending Machines**

No person shall sell tobacco products from vending machines. This section does not apply to vending machines in facilities that cannot be entered by persons younger than 18 years of age.

#### **6. Compliance Checks**

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

**This Ordinance shall become effective after its passage and publication.**

**Dated January 8, 1998.**

ATTEST: Barbara Heppelmann, Clerk

Edward T. Heppelmann, Mayor

Published in the New/Record Wednesday, January 21, 1998.

**ORDINANCE NO 26**

**CITY OF BELLECHESTER, COUNTY OF GOODHUE, STATE OF  
MINNESOTA  
AMENDMENT TO ZONING ORDINANCE NO 7**

**Recitals:**

**WHEREAS**, a public hearing was held on September 18, 2000 in the City of Bellechester, to determine whether or not the City of Bellechester should amend the city Zoning Ordinance to change zoning use districts for the parcel of land in the City of Bellechester as described in the attached Exhibit "A".

**WHEREAS**, after much discussion and imput by the citizens of Bellechester, the City Council felt it in the best interest of the City of Bellechester to promote the orderly expansion and development of the City of Bellechester by changing the above referenced districts, which were previously zoned as Agricultural to R-1 Residential low density, pursuant to the City of Bellechester's Zoning Ordinance No.7 adopted on May 10, 1973.

**WHEREAS**, publication of the time, place and purpose of the hearing has been made at least ten days before the hearing as published in the News/Record and all parties have been notified pursuant to applicable law.

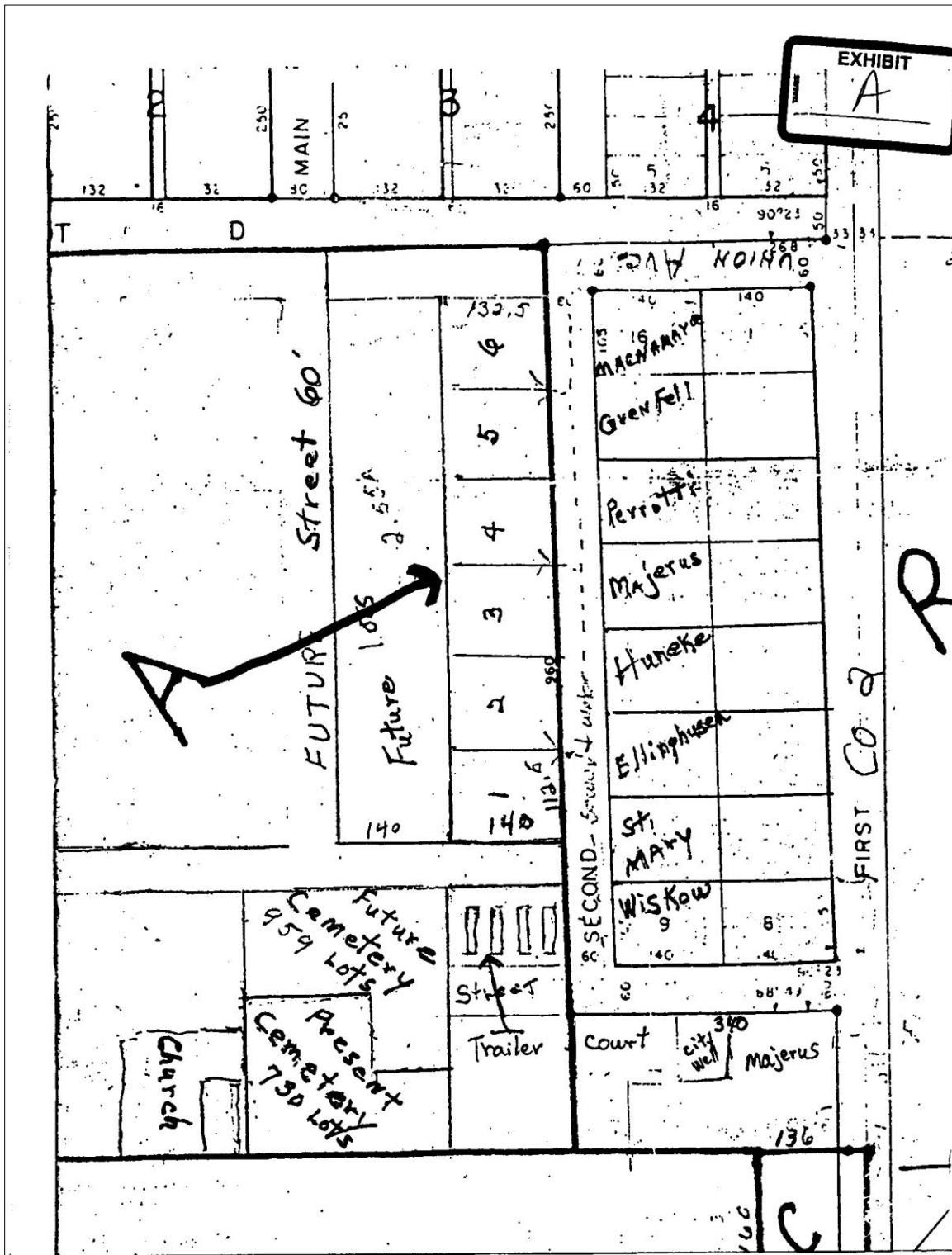
**NOW, THEREFORE**, the City Council adopts the following amendment to the zoning ordinance:

- 1.** The property identified in the attached Exhibit "A" is hereby rezoned from agricultural uses to **R-1** low-density uses.

ATTEST: Barbara Heppelmann, Clerk

Edward T. Heppelmann, Mayor

Published in the News/Record Wednesday, September 27, 2000.



**ORDINANCE 27**  
**CITY OF BELLECHESTER**  
**ORDINANCE REGARDING JUNK, INOPERABLE VEHICLES, AND**  
**PROHIBITED PARKING**

**SECTION 1.**

**Section 1001 – Unsheltered Storage of Junk and Inoperable or Abandoned Vehicles**

**Subdivision 1. Purpose.**

The purpose of this section is to declare the unsheltered storage of inoperable, abandoned or junked automobiles and any other vehicles, machinery, implements, equipment, junk or personal property of any kind which is no longer used for the purposes for which it was manufactured or made to be a danger to the public health and safety.

**Subdivision 2. Declaration.**

The unsheltered storage of these property items throughout the City tend to impede traffic in the streets, interfere with the enjoyment of, and reduce the value of public and private property, invite plundering, create fire hazards and other safety and health hazards to children as well as adults, interfere with the comfort and well being of the public, and create, extend and aggravate urban blight. The council declares that, in order to protect the public health, safety, and welfare from such conditions, these conditions must be regulated, abated.

**Section 1002. Prohibition of Unsheltered Storage**

**Subdivision 1.**

No person shall place, permit, store, allow, maintain or leave machinery, implements, equipment, junk, or personal property of any kind, which is no longer used for the purposes for which it was manufactured or made, upon an open space area of any premises located anywhere in the City.

**Subdivision 2. Definition of “Junk”.**

For the purposes of this Section “Junk” shall mean worn out or discarded material which is no longer used for the purposes for which it was manufactured or made, including but not limited to household appliances or parts thereof, tools, building materials, tin cans, glass, furniture, mattresses, box springs, crates, cardboard, tires or any other unsightly debris, brush or materials, the accumulation of which may have an adverse effect upon the neighborhood or property values, health, safety or general welfare of the public.

**Subdivision 3. Violations**

A person who creates, maintains or allows to continue a condition on property in violation of this Ordinance shall be deemed to have created a Nuisance subject to abatement as provided below and subject to the penalties described herein.

### **Section 1003. Notice: Abatement.**

In all cases of Nuisances described in this Ordinance, the City shall cause to be served upon the owner of the property who permits the Nuisance, by registered or certified mail, or by personal service, a notice ordering the owner to remove the Nuisance within ten (10) dates after the receipt of the notice. The notice shall also state that in the event the owner does not comply with the order, the necessary work may be performed or caused to be performed by the City at the expense of the owner, and that if the owner does not pay for the expense, the cost of the work will be assessed against the property benefited. If no owner of the property can be found, the notice will be posted on the property for a period of ten (10) days, after which period the City may perform any necessary work.

### **Section 1004. Performance of Work by City: Invoice.**

If the owner of any property fails to comply with the order set forth in any notice pursuant to the provisions of this Ordinance within the ten (10) day period, the city may perform or cause to be performed the work as is ordered by the notice. The City shall maintain a record showing the cost of the work attributable to each separate lot and parcel, including administrative costs, and shall prepare and mail an invoice to the owner setting forth the charge for such work, which shall be due thirty (30) days after notice of billing and payable at the office of the City.

### **Section 1005. Assessment.**

The City shall list the total unpaid charges for each type of work against each separate lot or parcel to which the charges are attributable pursuant to this Ordinance. The council may assess the charges against the property benefited as a special assessment, pursuant to statute, for certification to the County Auditor and collection together with current taxes payable the following year.

### **Section 1006. Prohibition of Inoperable or Abandoned Vehicle.**

#### **Subdivision 1.**

No person shall place, park, permit to remain, store, or leave upon an open space area of any premises located anywhere in the City any Inoperable or Abandoned Vehicle for more than seven (7) days.

#### **Subdivision 2. Definition of Inoperable or Abandoned Vehicles.**

For the purposes of this section, an “Inoperable” or “Abandoned” Vehicle shall be any of the following:

1. A vehicle which does not have a valid current vehicle license and registration; or
2. A vehicle which lacks essential parts that would render it operable; or
3. A vehicle which is in rusted, wrecked, extensively damaged, partially dismantled or junked condition.

### **Subdivision 3. Notice**

If a vehicle fails to meet any of the above requirements, the owner or possessor of the vehicle shall be responsible to remove the vehicle to a duly licensed junk yard or other authorized place of deposit or storage within ten (10) working days of receipt of a written demand by the City. In the event the owner or possessor of the vehicle cannot be located, then it shall be the responsibility of the owner of the premises to remove the Vehicle to a duly licensed junk yard or other authorized place of deposit or storage within ten (10) working days of written demand by the City.

### **Subdivision 4. Violation.**

A person who creates, maintains or allows to continue the storage of an Inoperable of Abandoned Vehicle, is subject to impoundment of the vehicle by the City as provided in this Ordinance.

### **Subdivision 5. Impoundment of Vehicles.**

The City may take into custody and impound any vehicles in violation of section of this Ordinance, following the expiration of the ten (10) day notice stated above.

### **Subdivision 6. Disposition of Impounded Vehicles.**

In all cases of impoundment the City shall give notice of taking within five (5) days of taking possession of the vehicle. In addition, the City shall cause to be served upon the owner of the property or lien holder upon which permits such Inoperable of Abandoned Vehicles, by registered or certified mail, or by personal service, a notice informing owner of the right to reclaim the vehicle within fifteen (15) days of the date of such notice, and stating in the event the owner does not reclaim the vehicle, the City may dispose or sell the vehicle. The owner or lien holder may reclaim the vehicle upon payment of all towing, storage and administrative costs by the City. If the vehicle is not reclaimed, it may be disposed of at auction or sale. The City shall be reimbursed for towing, storing and administrative costs from the proceeds of the sale, and with respect to any unpaid charges. Any remainder must be held for 90 days and then shall be deposited in the City's general fund. If the City is not reimbursed it may assess these charges in a manner similar to that described in paragraph 1004 or 1005 above.

## **Section 7. Parking Prohibited**

### **Declaration of snow emergency; parking prohibited.**

**A.** No motor vehicle shall be left parked on any street(s) or public way in the City, from Nov. 1 thru April 1 the hours of 2am until 6am.

**B.** During a snow emergency, any city official who finds a motor vehicle in violation of this section shall attempt to contact the owner of the motor vehicle and require the owner to immediately move the motor vehicle so as not to be in violation of this section. If the owner does not immediately remove the

motor vehicle or the owner can not be located, the police officer is authorized to have the motor vehicle removed at the owner's expense, and the owner shall be responsible for all towing charges.

**Section 8. Misdemeanor.**

A violation of any provision of this Ordinance is a misdemeanor, punishable up to 90 days in jail and/or a \$700.00 fine. Each day the violation exists may constitute a separate offense.

**SECTION 3. Effective Date.**

**This ordinance shall be in full force and effect from and after its passage and publication according to law.**

**Passed this 18<sup>th</sup> day of December, 2000.**

ATTEST: Barbara Heppelmann, Clerk

Edward T. Heppelmann, Mayor

Published in the News/Record Wednesday December 27, 2000

\*Additions we made this 10<sup>th</sup> day of November, 2010

Attest: Jill Buxengard, Clerk

Richard Heppelmann, Mayor

**ORDINANCE NO 28**  
**FORMERLY WAS NUMBERED ORDINANCE 25 WHICH WAS A DUPLICATE**  
**OF ORDINANCE 25, AN ORDINANCE GOVERNING TOBACCO SALES**

**The City Council of the City of Bellechester do ordain as follows:**

Notwithstanding any other ordinance to the contrary, the following requirements shall apply to all homes in the City of Bellechester.

- A.** The Dwelling must have a permanent footing 48" deep of which a minimum of 44" is below grade and 4" above grade as provided by the MN State Building Code.
- B.** No house may be placed in a residential area unless it conforms in architectural design, construction and materials to existing houses so as not to devalue property or constitute blight.
- C.** No house shall be less than 24 feet wide when measured at its narrowest point and not less than 850 square feet on the main floor or split level excluding the basement.
- D.** All structures shall be permanent type structures and no non-conforming house may be continued to a new owner. The present owner of a non-conforming house may maintain his non-conforming house on his property as long as the house is liveable and maintained in a state of reasonable repair. This shall be determined by the City Council.
- E.** Permanent wood or masonry foundations and building components complying with the Minnesota State Building Code will be required.
- F.** Garages and other accessory buildings shall have a design and appearance that will not detract from either the main building or adjacent buildings.
- G.** Any existing structure not meeting required standards will be a valid non-conforming use. Any additions or alterations will meet Section 2 requirements.
- H.** Any property owner or person violating any of the provisions of this ordinance shall be punished by a fine not exceeding \$300.00 or by imprisonment not exceeding 90 days. Each day of said violations shall be deemed a separate offense.

ATTEST: Barbara Heppelmann, Clerk  
Dated 1/13/2000

Edward T. Heppelmann, Mayor

Published in the News/Record Wednesday, January 19, 2000.



## **ORDINANCE NUMBER CHANGE**

**ORDINANCE NO 25** putting forth housing requirements had a duplicate number of Ordinance 25 dealing with tobacco products and the number is hereby changed to Ordinance 28 putting forth housing requirements as per motion of Greg Majerus and second of Todd Majerus at a regular council meeting March 15, 2001.

**Unnumbered Ordinance Regarding Junk and Inoperable Vehicles shall be numbered Ordinance 27.**

ATTEST: Barbara Heppelmann, Clerk

Dan Howard, Acting Mayor

**Printed in NewsRecord on March 21, 2001.**

## **ORDINANCE NO.29**

### **AN ORDINANCE PROVIDING FOR THE SEPERATION OF THE CITY CLERK /TREASURER TO BE SEPARATE POSITIONS AND TO DO WITHOUT THE ANNUAL AUDITS.**

**The City Council of Bellechester ordains:**

**SECTION 1.** The office of City Clerk-Treasurer is hereby separated to create the offices of city clerk and city treasurer.

**SECTION 2.** Ordinance No.11 adopted on November 14, 1978 and entitled “An Ordinance Providing For the Combination of the Offices of City Clerk and City Treasurer and Providing of annual city audits” is here by repealed.

**SECTION 3.** This ordinance becomes effective May1, 2004 and after its publication.

**Adopted by the council on April 13, 2004.**

**Attest: Robin Ferguson, Clerk**

**Greg Majerus, Mayor**

## **ORDINANCE NO. 30**

### **CITY OF BELLECHESTER, COUNTY OF GOODHUE, STATE OF MINNESOTA ADOPTING ORDINANCE NO 30 Noise Ordinance**

**WHEREAS**, a public meeting held on April 8, 2009 in the City of Bellechester, to determine that the city is adopting a noise ordinance.

**WHEREAS**, after much discussion and input by the citizens of Bellechester, the City Council felt it in the best interest of the City of Bellechester to adopt this ordinance to in force no nuisance noises after 9 pm until 6 am., Monday thru Friday. No nuisance noises after 4 pm on Saturday and no nuisance noises on Sundays.

**NOW, THEREFORE**, the City Council adopts the following ordinance this 8<sup>th</sup> day of April 2009

ATTEST: Jill Buxengard, Clerk

Richard Hepplemann, Mayor

## **ORDINANCE #31**

### **NON-DOMESTIC ANIMAL REGULATIONS ORDINANCE**

#### **SECTION 1. DEFINITIONS**

As used in this Ordinance, the following words shall have the following meaning(s):

##### **A. Animals-non-domestic**

1. Livestock and poultry commonly kept for productive purposes on a farm, such as cattle, swine (pigs), horses, donkeys, sheep, goats, chickens and other similar animals.

#### **SECTION 2. NON-DOMESTIC ANIMALS**

A. Non-domestic animals are not permitted within the City limits; with the exception of provisions for Ordinance number 32, which limits the number of chicken to 6 per household and the regulations listed below.

- B. On those lands that have non-domestic animals at the adoption of this Ordinance that are within the City limits can continue to be kept at the current intensity and type of animal, unless said property is sold, rented to another or the animals being kept expires, or for any reason, are no longer

on the property. In such case(s) non-domestic animals shall no longer be allowed.

### **SECTION 3. VIOLATIONS AND PENALTIES**

1. First time violators of this Ordinance shall receive a letter from the City Clerk along with a copy of the Ordinance.
2. Second time violators of this Ordinance will be issued a citation and a \$50.00 fine from the City Clerk's office to be sent by certified mail. The owner can request a hearing on the matter before the City Council if the owner contacts the Clerk's office within ten (10) days after receiving the citation. If so requested, the hearing will be held on the date of the next council meeting. If a hearing is not requested by owner, the fine must be paid within ten (10) days. Subsequent violations may be charged up to a \$300 per violation, per discretion of the City Council.

#### **Section 4 Regulations**

1. 6 Chickens per house hold
2. Hens only
3. Cooped at night
4. Fenced in area
5. 80% of neighbors within 150 feet must agree to this
6. Permit must be approved yearly and pay a fee of \$1 per chicken to the city of Bellechester
7. No person shall permit feces, urine, or food to remain on their property for a period that is no longer than reasonable and consistent with health and sanitation and the prevention of odors.

Passed and adopted by the City council of the City of Bellechester.

The effective date of this Ordinance is September 14, 2011

ATTEST: Keegan Quinn, Mayor

Jill Buxengard, City Clerk

## **CITY OF BELLECHESTER, MINNESOTA**

### **ORDINANCE #32**

### **ANIMAL REGULATIONS ORDINANCE**

#### **SECTION 1. DEFINITIONS**

As used in this Ordinance, the following words shall have the following meanings:

A. Animals – Domestic

1. Animals commonly kept for house pets including, but not limited to dogs, cats, pot bellied pigs, ferrets, birds, rabbits and other similar animals.

B. Animals – Exotic

1. Any skunk;
2. Any large cat of the family Felidae, such as lions, tigers, jaguars, leopards, cougars and ocelots, except commonly accepted domesticated house cats;
3. Any member of the family Canidea, such as wolves, foxes, coyotes, dingoes and jackals, except commonly accepted domestic dogs;
4. Any crossbreed, such as the crossbreeds between dogs and coyotes and coyotes or dogs and wolves, not including crossbred domesticated animals;
5. Any poisonous pit viper, such as a rattlesnake, coral snake, water moccasin or cobra;
6. Any raccoon;
7. Any other animal not listed above, but which is not naturally tame or gentle, but is of a wild nature or disposition and which, because of its size, vicious nature or other characteristics would constitute a danger to human life or property.
8. Any animal kept in captivity that is strictly prohibited by law.

C. Animal Kennel

1. A place, caged or boxed, where a domestic animal is kept from roaming freely.

D. Animal Shelter

1. Any premises designated by licensing from the State of Minnesota for the purpose of impounding and caring for animals held.

E. Animal Control Officer for the City of Bellechester

1. Any designated city official appointed by the Mayor and/or City Council of the City of Bellechester, such as the city clerk, etc.

F. At Large

1. A domestic animal that is off the premises of the owner and is:
  - a. Not on a leash held by a responsible person, or
  - b. Not accompanied by and under the direct control of a responsible person so as to be effectively restrained by command.
2. A domestic animal shall not be determined to be at large if:
  - a. Engaged in wild game, or animal hunting and is under the control of its owner or a responsible person, or

- b. When engage in obedience training and under the control of its owner or a responsible person, or
- c. Running loose on the owner's property, or property under the owner's control and under the control of a responsible party. If the animal is running loose on the owner's property and runs onto adjacent public or private property and does not respond to a person, then the animal is considered "at large".

#### G. Dangerous Animal

- 1. Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise endanger the safety of human beings or other animals, or any dog owned or harbored primarily or in part for the purpose of dog fighting, or any trained for dog fighting.
- 2. Any animal that attacks. "Attack" shall mean the deliberate action of an animal, whether or not in response to a command by a person, to bite, to seize with its teeth or to pursue any human, other animal or inanimate object, with the intent to destroy, kill, wound, injure or otherwise harm the object of its action.

#### H. Dog

- 1. Any animal of the canine species.

#### I. Owner, Custodian

- 1. Any person, persons, resident, firm or corporation owning, harboring or keeping animals.

## SECTION 2. DOMESTIC ANIMALS REGULATIONS

#### A. Licensing. Except as hereinafter provided;

- 1. All Dogs over six months of age are required to have a valid license. New residents to the City must license their animals within thirty (30) days after moving to the City. Licenses shall be issued upon payment of the license fee, which is set by the City Council from time to time, and upon receipt of a certification from a licensed veterinarian showing that the animal to be licensed has been given a vaccination against rabies. Licenses shall be for the whole or unexpired portion of the year for which same is issued and shall expire October 1st of each year.

#### B. Tag and Collar.

- 1. Upon receipt of required certificates and payment of the license fee, the City shall provided the owner of the new licensed animal, a tag upon which there shall be stamped or engraved the registered number of the animal.
- 2. Every owner shall be required to provide each animal with a collar to which the license tag must be affixed and shall see that the collar and tag are constantly worn. In the event a tag is lost or destroyed, a duplicate or new tag will be issued by the City, upon proof that such animal was licensed and

upon payment of the appropriate fee for such duplicate, which is established by the City Council from time to time.

3. No tags shall be transferable from one animal to another.
4. No refunds shall be made on any animal license fee under any circumstances.
5. No person, except the owner, authorized agent, or animal control officer is to remove a collar from an animal in the city, except under such circumstances where it is necessary to free an animal from an entanglement which threatens its health or life or by a licensed veterinarian to whom the animal has been brought for care and/or treatment.

C. Running at Large

1. It is unlawful for any person who is the owner, or other person in possession of a domestic animal (dog, cat, pot bellied pig, etc.), to permit such animal to run at large; provided, that such animal shall not be deemed to be running at large if it is on a leash and under control of an accompanying person.

D. Number of Domestic Animals Allowed Per Household.

1. No more than a total combination of 6 domesticated animals over six months of age allowed per household.

E. Certain Animals Declared Nuisances. It shall be the obligation and responsibility of the owner or custodian of any domestic animal in the City, whether permanently or temporarily therein, to prevent such animal from committing any act which constitutes a nuisance. Failure on the part of the owner or custodian to prevent its animal from committing an act of nuisance shall be subject to the penalty hereinafter provided. The following animals are hereby declared to be nuisances:

1. Any animal that snarls at persons, bites persons or other animals, or habitually exhibits vicious tendencies.
2. Any animal that chases vehicles or interferes with persons walking, persons horseback riding, or the driving of automobiles, bicycles, motorcycles, motorbikes, snowmobiles, or other vehicles on public grounds, streets or highways.
3. Any animal that barks, bays, cries, howls or makes any other noise continuously for a period of ten minutes.
4. Any animal running at large.

F. Impounding

1. A sheriff, city employee or any firm designated by the City Council, may impound any animal found in violation of this Ordinance in an animal shelter. An accurate record of the time of such placement shall be kept on each animal. All fees incurred are the responsibility of the owner upon reclamation of said animal.
2. The City may file citations and other legal complaints against the violators of this Ordinance.
3. If the owner of said animal be known, written notice of impounding shall be given the owner thereof; either by mail or personal service. The owner shall remain subject to all penalties contained in this Ordinance.

4. Every dog, cat, pot bellied pig, etc., placed in the Animal Shelter shall be held for redemption by the owner at your earliest convenience. A “regular business day” is one during which the Pound is open for business to the public for at least four hours between 8:00 a.m. and 7:00 p.m. Impounding records shall be preserved for a minimum of six (6) months and shall show the description of the animal by species, breed, sex, approximate age, and other distinguishing traits; the location where the animal was seized; the date of seizure; the name and address of the person from whom any animal three months of age or over was received; and the name and address of the person to whom any animal three months of age or over was transferred.
5. If the owner of the captured animal is unknown, the City will do it best to contact the owner, and post a notice, containing a description of the dog, for up to ten (10) days as well as the date of the hearing on which the disposition of the animal will be considered.
6. If the animal is unclaimed, such animal shall be humanely destroyed and the carcass disposed of, unless it is requested by a licensed education or scientific institution under authority of Minnesota Statutes, Section 35.71, or, such animal may be given to the local humane society or may be sold by the City to any person for reimbursement of the expenses incurred by the City; provided, however, that if a tag affixed to the animal, or a statement by the animal’s owner after seizure specifies that the animal should not be used for research, such animal shall not be made available to any such institution but may be destroyed in any other manner provided herein after the expiration of the five-day period.

G. Permissible Return of Unrestrained Animals.

1. If an animal is found unrestrained and its owner can be identified and located, such animal need not be impounded but may, instead, be taken to the owner. In such cases, however, proceedings may be taken against the owner for violation of this Ordinance.

### **SECTION 3. EXOTIC & DANGEROUS**

- A. Exotic and dangerous animals are expressly not permitted within the limits of the City.

### **SECTION 4. ANIMAL WELFARE**

- A. ANIMAL BITE. Whenever any animal owner in the City learns that his animal has bitten any human being, that owner shall immediately notify the City and Sheriff’s Department and such animal shall immediately be quarantined. The quarantine period shall be for a minimum period of ten (10) days.

1. The owner may keep said animal provided he/she:
  - a. Has shown proof that said animal is currently vaccinated against rabies;
  - b. Agrees to keep said animal separate from other animals; and
  - c. Said animal will be kept indoors at all times during the quarantine period.



After the termination of such time, examination shall be made by a designated veterinarian and a report filed with the Board of Health.

2. If the incident occurs at a location other than owner's premises, the animal shall be impounded at an Animal Shelter or Veterinary Clinic.
3. The animal is not currently vaccinated against rabies; such animal shall be quarantined in a Veterinary Hospital or at an Animal Shelter for a minimum period of ten (10) days.
4. If the owner cannot be advised of the animal bite within two (2) hours after the bite, or the owner fails to quarantine the animal as required by this section, an animal control officer or sheriff shall impound said animal.
5. If the animal is found dangerous and cannot be impounded it may be killed immediately.
6. If the animal is found to be rabid, it shall be destroyed.
7. If the animal is not found to be rabid, it shall be returned to its owner after the payment of the impoundment fee.
8. If the owner fails to pay such fee within five (5) days of notification to claim or retrieve the animal, said animal may be disposed of.
9. Any animal with a history of two or more bite cases is hereby declared to be a public nuisance and the Board of Health shall make its determination and findings as to whether or not such animal shall be disposed of, and the time and manner of disposal, per Goodhue or Wabasha County Ordinance.

#### B. Abuse of Animals

1. No person shall beat, treat cruelly, torment or otherwise abuse any animal, or cause or permit any dog fight.
2. Abandonment of any animal is prohibited.

#### C. Care of Animals

1. No owner shall fail to provide any animal with sufficient wholesome food and water, proper shelter and protection from the weather, veterinary care when needed and humane care and treatment.

#### D. Disposition of Certain Animals

1. If any animal in the City is diseased, rabid or exposed to rabies, is vicious or dangerous or believed to be mortally wounded and if such animal cannot be impounded without serious risk to the person attempting to impound such animal, it may immediately be killed by a City Officer or a Sheriff, without notice to the owner.

#### E. Animal Waste

1. It is unlawful for any person who owns, harbors, or has custody of a domestic animal to cause or permit such animal to defecate on any public property or, without the consent of the owner, to defecate on any private property unless such person immediately removes the excrement and properly disposes of it.
2. It is unlawful for such person to cause or permit their domestic animal to urinate on private property without the consent of the property owner.

3. No person shall permit feces, urine or food to remain in an enclosure for a period that is longer than reasonable and consistent with health and sanitation and the prevention of odors.

## SECTION 5. VIOLATIONS AND PENALTIES

If any such owner of a domesticated animal is found in violation of any part of the City of Bellechester Animal Ordinance a penalty will be executed. The penalty will be as follows as determined by the City Council and may be subject to change.

### A. Exception

1. No license fee shall be required for the owner or possessor of a dog, if such owner or possessor is sixty-five years of age or older, but such owner or possessor shall comply with all other provisions of this Ordinance, and shall present adequate proof of age.

### A. Violation a Misdemeanor

1. Every person who violates any portion of this Ordinance when he or she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished for a misdemeanor except as otherwise stated in specific provisions hereof.
2. First time violators of this Ordinance shall receive a letter from the City Clerk, along with a copy of the Ordinance. The City Clerk's letter will outline the process to follow should they be in violation. Two verbal complaints in a two month period will be considered a first complaint. Verbal complaints will be documented at the clerk's office. Any written complaint will be considered a first complaint. If it is discovered that a first time violators' animal is not licensed, the owner will have ten days to license at the regular fee. If the animal is not licensed within 10 days of violation notice, the fee will be \$100.00.
3. Second time violators of this Ordinance will be issued a citation from the City Clerk's office. Any complaint after the first complaint within a 2 month period to the same animal owner, whether verbal or written will be considered a second complaint. The citation will inform the animal owner(s) that their animal's license has been revoked. The owner can have a hearing on the matter before the City Council if you contact the Clerk's office within ten (10) days after receiving the citation. You will be fined a \$50.00 re-issue fee for licensing the animal. Should the Clerk's office discover that the animal is not currently licensed; the Clerk's office will issue a \$100.00 fee for issuance of the license. The animal's owner will have 30 days to comply with the licensing requirements. Should the owner not comply with the licensing requirements prosecution could occur.
4. Third time violators will have their violation handed over to the City Attorney's office for prosecution. **Any complaint will be counted against animal owners for a period of one (1) year, priority to most resent complaint.**

### F. Prior Ordinances Superseded

1. This Ordinance, as written, shall supersede all previous City Ordinances concerning the licensing and regulation of the keeping of animals.

Passed by the Bellechester City Council this 14<sup>th</sup> day of September, 2011.  
All council members in favor, JoLynn Grenfell and second by Paul Reding.

Keegan Quinn, Mayor

Jill Buxengard, City Clerk