

CHAPTER X - PUBLIC HEALTH.....	2
Section 1000 – Mobile homes and mobile home parks	2
1000.01. Purpose.	2
1000.03. Definitions.	2
1000.05. Restrictions.	2
1000.07. Construction permit.	3
1000.09. Design and environmental requirements for mobile parks.	5
1000.11. Areas for nonresident uses.	9
1000.13. Mobile home sale.	10
1000.15. Responsibilities of the park management.	10
1000.17. Responsibilities of park occupants.	10
1000.19. Enforcement.	10
1000.21. Inspection.	11
1000.23. Notices, hearings and orders.	11
Section 1005 – Noise	13
1005.01. Noise prohibited.	13
1005.03. Noise regulations.	13
1005.05. Enforcement.	13
Section 1010 – Dutch Elm Disease	14
1010.01. Nuisance declared.	14
1010.03. Nuisance prohibited.	14
1010.05. Inspections and investigations.	14
1010.07. Notice to abate.	15
1010.09. Abatement methods.	15
1010.11. Abatement by city.	15
1010.13. Transporting elm wood.	15
1010.15. Interference with enforcement.	16
Section 1015 - Recycling.....	17
1015.01. Purpose.	17
1015.03. Definitions.	17
1015.05. Recycling containers.	17
1015.07. Recycling collection and separation.	17
1015.09. Establishment of recycling service charge.	18
1015.11. Fines and charges.	18
Section 1020 – Air Pollution	19
1020.01. Definitions.	19
1020.03. Prohibition.	19
1020.05. Adoption of state law.	19

CHAPTER X - PUBLIC HEALTH

Section 1000 – Mobile homes and mobile home parks

1000.01. Purpose.

The city enacts this section recognizing the need for properly developed low-cost housing, but it does so mindful of the extraordinary problems associated with mobile homes if not properly regulated. This section attempts to mitigate the effects on the public health, safety and welfare from mobile homes and to encourage high quality and orderly development, placement and use of mobile homes for residential purposes, while recognizing that the public health, safety and welfare may require the restriction of both the type and number of mobile home parks within the city.

1000.03. Definitions.

The following words, terms and phrases, when used in this section, will have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Accessory service building means any structure erected or used for residential purposes ancillary to the mobile home.

Accessory structure means a structure attached to the main mobile home.

Mobile home means a transportable, single-family dwelling unit suitable for year-round occupancy at a permanent site, containing the same water supply, waste disposal and electrical conveniences as immobile housing.

Mobile home lot means a parcel of land within a mobile home park for the placement of a single mobile home and the exclusive use of its occupants.

Mobile home park means a parcel of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use.

Mobile home stand means that part of an individual lot which has been reserved for the placement of a mobile home and accessory structures.

Permit means a written permit issued by the city council permitting the construction, alteration and extension of a mobile home park pursuant to provisions of this section.

1000.05. Restrictions.

Subdivision 1. Location.

No person shall park or occupy any mobile home on the premises of any

occupied dwelling or any lot which is not a part of the premises of any occupied dwelling, either of which is situated outside of an approved mobile home park.

Subd. 2. Exception.

One and only one unoccupied mobile home may be parked in an accessory private garage building or in a rear yard in any district for a period not exceeding 30 days, providing no living quarters will be maintained or any business practiced in the mobile home while such mobile home is so parked or stored.

Subd. 3. Temporary permit.

A temporary special permit may be issued for the temporary use of a mobile home as an office for a period not to exceed 90 days in connection with legal construction of a continuing nature in accordance with a valid building permit on that site. Not more than two such permits will be issued for the same location or site, except upon a showing of good cause and upon special permission of the city council.

Subd. 4. Occupancy.

A mobile home must not be occupied for dwelling purposes unless it is properly placed on a mobile home stand and connected to water, sewerage and electrical utilities.

Subd. 5. Transient mobile homes and travel trailers.

It is unlawful for any person to operate or allow to exist any area for the use of transient mobile homes, travel trailers or campers.

1000.07. Construction permit.

Subdivision 1. Permit required.

It is unlawful for any person to construct, alter or extend any mobile home park within the city without a permit for the proposed activity issued by the city council.

Subd. 2. Application.

All applications for permits must be made to the city council and must contain the following:

- (a) Name and address of applicant;
- (b) Legal relationship of the applicant to the mobile home park, and the owner of the land which is the subject of the application;
- (c) Location and legal description of the mobile home park;

(d) Four copies of complete engineering plans and specifications of the proposed park approved by a registered professional engineer or architect or by a recognized designing firm showing:

- (1) Area and dimensions of the tract of land;
- (2) Number, location and size of all mobile home lots;
- (3) Location and width of roadways and walkways;
- (4) Location of service buildings and any other proposed structures;
- (5) Plans and specifications of the water supply, refuse and sewage disposal facilities;
- (6) Plans and specifications of all buildings constructed, or to be constructed, within the mobile home park;
- (7) Location and details of lighting and electrical systems;
- (8) Complete landscaping and drainage plans;
- (9) Approval of any governmental body with jurisdiction over any aspect of construction;
- (10) Such other information as may be required.

Subd. 3. Fee.

All applications for permits must be accompanied by the deposit in the amount established by resolution.

Subd. 4. Review.

Each application must be filed with the city clerk who will refer it to the planning commission. The planning commission will study and investigate the application, hold conferences and public hearings as may be necessary or as required to ascertain the suitability of the location and to develop a satisfactory plan. The planning commission must within 60 days after receipt of the application, make recommendations to the city council approving or disapproving the application in whole or in part, including detailed comments.

Subd. 5. Standards of review.

The following standards will be considered in reviewing the application:

- (a) Site planning should adapt to individual site conditions, reflect advances

in site planning techniques, and be adapted to the trends in design of the mobile home itself. An informal park type of site planning which conforms to existing terrain, existing trees, shrubs and rock formations is preferred and other natural site features will be preserved to the extent practical. Favorable views or outlooks should be emphasized by the plan;

- (b) Adoption of a stylized pattern should be avoided and this objective is achieved by variations in the street pattern, block shapes and location of mobile home stands. Excessive repetition of the principal elements of the plan is undesirable;
- (c) The site, including mobile home stands, patios, structures and all site improvements will be Harmoniously and efficiently organized in relation to topography, the shape of the plot and the shape, size and position of structures and common facilities and with full regard to use, appearance and livability. Special attention should be given to new mobile home designs and the common appurtenances that are available;
- (d) The city council must review the recommendation of the planning commission and must grant or deny the permit and may attach whatever conditions it deems necessary to the granting of such permit;
- (e) Any person whose application for a permit has been denied may request and must be granted a hearing on the matter under the procedure provided by subsection 1000.23.

1000.09. Design and environmental requirements for mobile parks.

Subdivision 1. General requirements.

Condition of soil, ground water level, drainage and topography must not create hazards to the property or the health or safety of the occupants. The site must not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to unpredictable or sudden flooding, subsidence or erosion will be used for any purpose which would expose persons or property to hazards.

Subd. 2. Site standards.

- (a) Density. There will be a maximum of five mobile homes per gross acre of mobile home park, or 5,500 square feet of land per acre covered by mobile homes including additions and accessory structures and accessory service buildings, whichever is less.
- (b) Area. There will be a minimum area requirement of 30 acres, with a minimum width of 600 feet for any mobile home park, and a maximum of 60 acres for any mobile home park. No mobile home park will be contiguous to or abutting another mobile home park.

Subd. 3. Setbacks, buffer strips and screening.

- (a) All mobile homes will be located at least 30 feet from any boundary line, including one abutting upon a public street or highway.
- (b) There will be a minimum distance of 30 feet between an individual mobile home and adjoining pavement of a park street, or common parking area or other common areas.
- (c) All mobile home parks must be provided with landscape screening such as fences or natural growth along any property boundary line sufficient to permit complete privacy for the residents of the park and to protect interests of adjacent landowners.

Subd. 4. Required separation between mobile homes.

- (a) Mobile homes must be separated from each other and from other buildings and structures by at least 20 feet or the sum of the height of the two buildings, whichever is greater; provided that mobile homes placed end-to-end may have a clearance of ten feet where opposing rear walls are staggered.
- (b) An accessory structure which has a horizontal area exceeding 25 square feet, is attached to a mobile home or located within ten feet of its window, and has an opaque top or roof that is higher than the nearest window sill, for purposes of all separating requirements, is considered to be part of the mobile home.

Subd. 5. Mobile home stands and lots.

- (a) The area of the mobile home stand must be improved to provide an adequate foundation for the placement and tie-down of the mobile home, thereby securing the superstructure against uplift, sliding, rotation and overturning. The mobile home stand must not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration or other forces acting on the superstructure.
- (b) The mobile home stand must be provided with anchors and tie-downs such as case-in-place concrete "dead men", eyelets imbedded in concrete foundations or runways, screw augers, arrowhead anchors or other devices securing the stability of the mobile home.
- (c) Anchors and tie-downs must comply with the requirements based upon 80 MPH winds, contained in TR-75 *Protecting Mobile Homes from High Winds*, published by the Department of Defense, June 1972, three copies of which publication will be kept on file with the city administrator.
- (d) At least one shade tree (minimum diameter two inches at time of planting) will

be placed and maintained near each stand.

- (e) Accessory service buildings, and enclosed storage lockers for garden tools and other such equipment must be provided by the mobile home park owner or operator adjacent to the mobile home or at such other place in the park as to be convenient to the unit for which it is provided. These lockers will be no larger than 48 square feet, and will be compatible with the surroundings and adjacent structures.
- (f) The location of each mobile home stand will have access to a street and will be at such elevation, distance and angle in relation to the access street that placement and removal of the mobile home is practical.

Subd. 6. Requirements for mobile home and accessory structures.

- (a) All mobile homes must meet the construction, plumbing, electrical and mechanical standards as prescribed by the state of Minnesota and by American Standards Association Code Provision A-119.1, as amended, and must be certified to these standards by manufacturers seal or certificate.
- (b) No mobile home may be inhabited by a greater number of occupants than that for which it was designed.
- (c) Accessory structures must be factory built and will be no larger than 80 square feet.
- (d) Skirting will be used and must be factory built metal or fiberglass compatible with the mobile home design.

Subd. 7. Soil and ground cover.

Exposed ground surfaces in all parts of every mobile home park must be paved, or covered with stone screenings, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.

Subd. 8. Site drainage.

The ground surface in all parts of every mobile home park must be graded and equipped to drain all surface water in a safe, efficient manner.

Subd. 9. Utilities.

- (a) All utilities will be provided through underground service, including water, electricity, telephone and fuel for heating. No outside tanks or overhead wiring will be permitted.

- (b) Water facilities and sewage disposal are required and will be installed and maintained by the licensee and must be constructed in accordance with the laws of the state of Minnesota, the recommendations of the state health department and the ordinances and requirements of the city.

Subd.10. Sewers.

All mobile home parks must have sanitary sewer facilities connected to a public sanitary sewer line. No drain field is permitted.

Subd. 11. Recreation areas.

- (a) In all parks accommodating or designed to accommodate 25 or more mobile homes, there must be constructed and maintained one or more recreation areas which will be easily accessible to all park residents.
- (b) The size of such recreation areas will be based upon a minimum of 500 square feet for each mobile home.
- (c) Recreation areas must be so located as to be free of traffic hazards and should, where the topography permits, be centrally located, must provide suitable recreation equipment and must be kept in good repair.

Subd. 12. Street system.

- (a) *General requirements.* All mobile home parks must be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Alignment and gradient must be properly adapted to topography. Intersections of more than two streets at one point must be avoided.
- (b) *Access.* Access to mobile home parks must be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic on adjacent streets. The entrance road connecting the park streets with a public street or road must have a minimum road pavement width of 50 feet where parking is permitted on both sides, or a minimum road pavement width of 30 feet where parking is limited to one side.
- (c) *Internal streets.* Surfaced roadways must be of adequate width to accommodate anticipated traffic, and in any case must meet the following minimum requirements:
 - (1) All streets must be at least 30 feet wide.
 - (2) Dead end streets must have a turn-around having an outside roadway diameter of at least 60 feet.

- (d) *Required illumination of park street systems.* All parks must be furnished with

lighting units so spaced and equipped with luminaries placed at such mounting heights as will provide for the safe movement of pedestrians and vehicles at night at potentially hazardous locations, such as major street intersections and steps or stepped ramps.

- (e) *Street construction and maintenance design standards.* All streets must be provided with a smooth, hard and dense surface which must be durable and well drained under normal use and weather conditions. Street surfaces must be maintained free of cracks, holes and other hazards.
- (f) *Compliance with other law.* All streets established in any mobile home park will be subject to the applicable traffic and safety statutes and ordinances of any governmental body having jurisdiction and will be subject to the control of the police enforcement power of the state, county and city.

Subd. 13. Required off-street parking areas.

- (a) Off-street parking areas must be provided in all mobile home parks for the use of park occupants and guests and required car parking spaces must be so located as to provide convenient access to the mobile home. Such areas must be furnished at the rate of at least two car spaces for each mobile home lot.
- (b) All boats, boat trailers, hauling trailers and all other equipment not stored within the mobile homes or the utility enclosure that may have been provided must be stored in a separate place provided by the park owner and not upon the lots occupied by mobile homes nor upon the streets within the mobile home park.

Subd. 14. Walk system.

A walk system must be provided and maintained between locations where pedestrian traffic is concentrated.

Subd. 15. Section not exclusive.

The requirements of this section are not exclusive and the planning commission and city council may apply, in addition to the terms of this section and other applicable ordinances and regulations, such other requirements as may be necessary to protect the public health, safety and welfare in consideration of an application for, or suspension of, any permit issued hereunder.

1000.11. Areas for nonresident uses.

No part of any mobile home park will be used for nonresidential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park.

1000.13. Mobile home sale.

Nothing contained in this section will be deemed as prohibiting the occasional sale of a mobile home located on a mobile home stand and connected to the pertinent utilities.

1000.15. Responsibilities of the park management.

- (a) The owner and/or operator of a mobile home park must operate the park in compliance with this section and must provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
- (b) The park management must notify park occupants of all applicable provisions of this section and inform them of their duties and responsibilities under this section.
- (c) The park management must supervise the placement of each mobile home on its mobile home stand which includes securing its stability and installing all utility connections.
- (d) The park management must maintain a register containing the names of all park occupants. Such register must be available to any authorized person inspecting the park.

1000.17. Responsibilities of park occupants.

- (a) Each mobile home park occupant must comply with all applicable requirements of this section and regulations issued in accordance with this section and must maintain their mobile home lot, its facilities and equipment in good repair and in a clean and sanitary condition.
- (b) The park occupant will be responsible for proper placement of their mobile home on its mobile home stand and proper installation of all utility connections in accordance with the instructions of the park management.
- (c) No owner or person in charge of a dog, cat or other animal pet will permit it to run at large or to commit any nuisance within the limits of any mobile home lot.

1000.19. Enforcement.

This section will be administered and enforced by the building inspector, who is hereby designated as enforcing officer and other city officials as may be designated by the city council. The building inspector may institute in the name of the city any appropriate actions or proceedings against a violator as provided by law.

1000.21. Inspection.

- (a) The building inspector or other authorized city officials are authorized to make such inspections as are necessary to determine satisfactory compliance with this section and regulations issued in accordance with this section and may enter at reasonable times upon any private or public property for that purpose.
- (b) It will be the duty of the mobile home parks owners and mobile home owners or occupants to give authorized city personnel free access to such premises at reasonable times for the purpose of inspection.
- (c) It will be the duty of every occupant of a mobile home park to give the mobile home park owner or owner's agent or employee access to any part of such mobile home park or its premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this section or with any lawful order issued pursuant to the provisions of this section.

1000.23. Notices, hearings and orders.

Subdivision 1. Notice.

Whenever upon inspection or complaint it is found that there are reasonable grounds to believe that there has been a violation of any provision of this section or other applicable laws, written notice of such alleged violation will be given to the person to whom the permit was issued. Such notice will include a statement of the reasons for its issuance, contain a description of necessary remedial action, allow a reasonable time for the performance of any act it requires, be served upon the owner or owner's agent by sending a copy of the notice to owner's last known address, or by personal or substituted service. At the end of such period, such mobile home park must be inspected and, if such conditions or practices have not been corrected, the license must be suspended with written notice of such suspension as provided herein. Upon receipt of notice of suspension, such person must cease operation of such mobile home park except as provided herein.

Subd. 2. Request for a hearing.

Any person affected by any notice issued in connection with the enforcement of this section or other applicable law may request and must be granted a hearing on the matter before the city council. Such person will file with the administrator a written petition requesting such hearing and setting forth a brief statement of the grounds within ten days after the day the notice was served. The filing of the request for a hearing will operate as a stay of the notice and of the suspension except in the case of an order issued under subdivisions 4 and 6 of this subsection. When no petition for such hearing is filed within ten days following the day on which notice of suspension was served, such license will be deemed to have been automatically revoked at the expiration of such ten-day period.

Subd. 3. Hearing.

Upon receipt of such petition, a time and place for hearing must be set and the petitioner must be given written notice of the hearing. At the hearing, petitioner must be given an opportunity to be heard and to show why the notice of an alleged violation should be modified or withdrawn. The hearing must be commenced no later than ten days after the day on which the petition was filed unless continued for good cause upon request of petitioner.

Subd. 4. Order.

After such hearing the city council will make findings as to compliance with the provisions of this section and must issue an order in writing sustaining, modifying or withdrawing the notice which will be served as provided in subdivision 1 of this subsection. Upon failure to comply with any order sustaining or modifying a notice, the license of the mobile home park affected by the order must be revoked.

Subd. 5. Appeal.

A summary of the proceedings at such a hearing, including the findings and decision of the city council, together with a copy of every notice and order related to it, must be entered as a matter of public record but a transcript of the proceedings need not be taken. Any person aggrieved by the decision may seek relief in any court of competent jurisdiction, as provided by the laws of this state.

Subd. 6. Emergency order.

Whenever it is found that an emergency exists which requires immediate action to protect the public health, the city council may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that action be taken as it may deem necessary to meet the emergency including the suspension of the permit or license. Notwithstanding any other provisions of this section, such order will be effective immediately. Any person to whom such an order is directed must comply immediately, but upon petition to the city council will be afforded a hearing as soon as possible. The other provisions of subdivisions 1 and 5 of this subsection will be applicable to such hearing and order.

Section 1005 – Noise

1005.01. Noise prohibited.

It is unlawful to make or cause to be made any noise that unreasonably annoys, injures or endangers the comfort, repose, health, peace, safety, or welfare of others or precludes their enjoyment of property or adversely affects the value of the property.

1005.03. Noise regulations.

Operation of earth moving or related construction equipment for which a building permit, grading permit or other city approval is required shall be restricted to the hours of 7:00a.m. through 7:00p.m. Monday through Friday and 8:00 a.m. through 6:00 p.m. on Saturday. No such equipment shall be operated on Sunday, New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day or Christmas Day unless otherwise approved by the city council.

1005.05. Enforcement.

Subdivision 1. Authorization..

This section may be enforced by a licensed peace officer or a code enforcement officer designated by the city in accordance with section 115.09.

Subd. 2. Notice.

For violations of section 1005.01, the enforcement officer must issue a warning to the owner or occupant of the premises where the noise originates and order such person to correct or remove each specified violation within the reasonable time. No such warning shall be necessary for violation.

Subd. 3. Citation.

If the violation of section 1005.01 is not corrected within the time prescribed in the warning, the enforcement officer may issue a citation. Each time a violation is confirmed by the police or city, it will constitute a separate violation

Subd. 4. Penalty.

Any person violating the provisions of this section will be guilty of a misdemeanor and upon conviction must be punished in accordance with the provisions in section 609.03 of Minnesota Statutes.

Subd. 5. Civil remedies.

This section may be enforced by injunction, action for abatement, or other appropriate civil remedy.

Section 1010 – Dutch Elm Disease

1010.01. Nuisance declared.

The following things are public nuisances whenever they may be found within the city:

- (a) Any living or standing elm tree or any of its part infected to any degree with the Dutch Elm disease fungus, *Ceratocystis ulmi* (*Busiman*) *mureau*, or which harbors any of the elm bark beetles, *Scolytus multistriatus* (*Eish.*) or *Hylurgopinus rufipes* (*Marsh.*).
- (b) Any dead elm tree or any of its part, including logs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle insecticide.

1010.03. Nuisance prohibited.

It is unlawful for any person to permit any public nuisance as defined in subsection 1010.01 above to remain on any premises owned or controlled by persons within the city. Such nuisance may be abated in the manner prescribed in subsection 1010.09.

1010.05. Inspections and investigations.

The city, its officers, employees or agents:

- (a) Must inspect all city premises and places within the city as often as practicable to determine whether any condition described in subsection 1010.01 exists. They must investigate all reported incidents of infestation by Dutch Elm fungus or elm bark beetles;
- (b) May enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned to them under this section;
- (c) Upon finding conditions indicating Dutch Elm infestation, must immediately take and send appropriate specimens or samples to the state commissioner of agriculture (bureau of plant industry) for analysis, or take such other steps for diagnosis as may be recommended by the

commissioner of agriculture. No action to remove infected trees or wood will be taken until positive diagnosis of the disease has been made;

- (d) Must notify the owner of the property from which the specimen was obtained of the result of the diagnosis by registered mail within five days of receipt of the diagnosis.

1010.07. Notice to abate.

Whenever the city, its officers, employees and agents, find with reasonable certainty that the infestation defined in subsection 1010.01 exists in any tree or wood, they must notify the owner or person in control of such property of the infestation and direct that the infestation must be abated in accordance with subsection 1010.09 within ten days after receipt of such notice. The notice must be sent by certified mail and must state that, if such nuisance is not abated within the time provided, the owner or person in charge of such property may be charged with a violation of this section for maintaining a nuisance and that the city may abate the nuisance and assess the costs of abatement against said property.

1010.09. Abatement methods.

In abating the nuisances defined in subsection 1010.01, the infected tree or wood must be removed and burned or otherwise effectively treated so as to destroy and prevent as fully as possible the spread of Dutch Elm disease fungus and elm bark beetles. Such abatement procedures must be carried out in accordance with the current technical and expert methods and plans as may be designated by the state commission of agriculture. The city may establish specification for tree removal and disposal methods.

1010.11. Abatement by city.

- (a) If the owner or person in control of such property fails to abate the nuisance in accordance with this section, the city, its officers, employees and agents, must proceed to have the nuisance abated, and any expense incurred by the city in so doing will be a charge and lien upon the property and will be collected as a special assessment in the same manner as other special assessments.
- (b) The cost of the abatement of any such nuisance paid by the city and not reimbursed by the owner on or before September 1 of each year will be assessed and levied as a special assessment upon and against the premises and property upon which the nuisance existed in like manner as such other special assessments. Such assessment must be payable in one sum.

1010.13. Transporting elm wood.

It will be unlawful for any person to transport within the city any bark bearing elm wood without having obtained a permit from the city administrator. The city administrator will grant such permits only when the purpose of this section will be served thereby.

1010.15. Interference with enforcement.

It is unlawful for any person to prevent, delay or interfere with the city, its officers, employees, or agents while they are engaged in the performance of duties imposed by this section.

Section 1015 - Recycling

1015.01. Purpose.

In the exercise of its governmental authority and in order to promote the public health, safety, convenience and general welfare, the city will facilitate the collection of recyclable materials in accordance with this section.

1015.03. Definitions.

The following words, terms and phrases, when used in this section, will have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Multiple-family dwelling means any building containing more than four dwelling units; but not including rooms in motels, hotels, nursing homes, or boarding houses.

Recyclable materials means materials that are separated from refuse for the purpose of recycling and include all items designated by the city as part of the authorized recycling program.

Recycling means the process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use.

Residential dwelling means any building or one or more portions thereof occupied or intended to be occupied for residence purposes; but not including rooms in motels, hotels, nursing homes, boarding houses, tents, recreation vehicles and trailers, or buildings containing more than four dwelling units.

1015.05. Recycling containers.

The city at no charge to each property will provide recycling bins one time only. Replacement bins may be purchased from the city at a cost established by the fee ordinance. These containers are provided for use for recyclables only and should be left with the property when owners move. Containers shall be provided by the owners of multiple-family dwelling units and shall be maintained in a clean and sanitary condition by owners. Owners shall be responsible for replacing and purchasing extra containers as needed.

1015.07. Recycling collection and separation.

The city will maintain a contractor to provide for the collection of recyclables from all residential dwellings. Collection, removal and disposal of recyclables shall be

supervised by the city, which shall have the power to establish a time, method and routes of service.

1015.09. Establishment of recycling service charge.

The city hereby establishes a recycling service charge and authorizes the imposition of just and reasonable charges for the use and availability of curbside recycling service to residential dwellings in the city.

1015.11. ates and charges.

Subd. 1. Charges.

Every residential dwelling in the city will be charged for recycling services. No exemptions will be offered to recycling fees and services. It is necessary and desirable to provide a method of recovering the costs of operating the recycling service through the imposition of charges as provided in this section. In imposing charges, the city will consider all reasonable and necessary costs incurred by the city as a result of providing recycling services. Recycling rate charges for each quarter are established by the fee ordinance as set forth annually by the city.

Subd. 2. Payment of charges.

Recycling charges will be placed on the utility account bills for those residents having other utility services. New utility bills shall be established for those residents who are not currently served by other utilities. All recycling charges shall be payable in the manner established for all utilities.

Subd. 3. Establishment of tax lien.

Any recycling service charges in excess of 90 days past due on October 1 of any year may be certified to the County Auditor for collection with real estate taxes as a special assessment. An administrative charge of \$25 will be added to each recycling service charge so certified. In addition, the city has the right to bring a civil action or to take other legal remedies to collect unpaid charges.

Section 1020 – Air Pollution

1020.01. Definitions.

The following words, terms and phrases, when used in this chapter, will have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Control equipment means any device approved by the state pollution control agency which has the function of controlling or abating the emission of air contaminants to the atmosphere.

Garbage means animal and vegetable matter such as that originating in homes, restaurants and food service, and processing establishments.

Natural products of the land means leaves, trees, brush, yard clippings, corn stalks, straw, plant matter grown on the land which is not garbage, and other natural products of similar nature.

Open fire means any fire except a recreational fire from which the products of combustion are emitted directly into the atmosphere without passing through any control equipment.

Recreational fire means a small fire started for cooking or other recreational purposes and not for the purpose of disposing of any refuse or other material.

Refuse means putrescible, and nonputrescible solid wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings and market and industrial solid wastes, and including sewage treatment wastes, which are in dry form.

1020.03. Prohibition.

No person will start or maintain any open fire, or cause, suffer, allow, or permit an open fire within the city for the purpose of disposing of garbage, refuse, plastics or other wastes of this nature, natural products of the land or wastes producing an unreasonable amount of air contaminants except as may be authorized by permit of any agency or governmental body having jurisdiction.

1020.05. Adoption of state law.

Air pollution control rules, regulations, and air quality standards as adopted by the state pollution control agency and all of its amendments to the extent applicable are adopted by reference in accordance with section 471.62 of Minnesota Statutes.