

TITLE XVII: LOCAL LEGISLATION FOR MABEL, MN

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Parallel Reference Table of Local Ordinances

CHAPTER 1701: GENERAL PROVISIONS

[Reserved for local legislation]

Editor's note:

See Title I of the Minnesota Basic Code of Ordinances

CHAPTER 1703: ADMINISTRATION

Editor's note:

The provisions of this chapter amend or replace corresponding sections of Title III of the Minnesota Basic Code of Ordinances.

Section

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1703.01 Ambulance Reserve Fund

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GENERAL PROVISIONS

§ 1703.01 AMBULANCE RESERVE FUND.

(A) There is created an Ambulance Reserve Fund, into which shall be deposited all monies donated or all funds levied pursuant to law to be used for the purchase of an emergency ambulance vehicle.

(B) All monies accumulated in the Ambulance Reserve Fund shall be used solely for the purpose of purchasing a replacement ambulance vehicle to be used by the city in its municipally run emergency and medical ambulance service. The fund shall not be used for any other purpose.
(Ord. 114, passed 9-13-89.)

§ 1703.02 COMPENSATION OF MAYOR AND COUNCIL MEMBERS.

(A) The compensation of Mayor and the compensation of each Council Member shall be established from time to time by City Council ordinance pursuant to M.S. § 415.11, as it may be amended from time to time. The compensation established by the ordinance shall not take effect until after the next city election after the ordinance was adopted and published.

(B) Commencing after the general election of November 4, 2008, the salary of the Mayor is fixed at \$1,200 per year, and the salary of each Council Member is fixed at \$1,000 per year. (Ord. 2008-2, passed 10-8-08.)

CHAPTER 1705: PUBLIC WORKS

[Reserved for local legislation]

Editor's note:

See Title V of the Minnesota Basic Code of Ordinances

CHAPTER 1707: TRAFFIC CODE

Editor's note:

The provisions of this chapter amend or replace corresponding sections of Title VII of the Minnesota Basic Code of Ordinances.

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TRAFFIC REGULATIONS

§ 1707.01 ILLEGAL OPERATION.

(A) It shall be illegal for any person who operates or halts a vehicle anywhere within the city limits to fail to maintain physical control of the vehicle so as to endanger the safety, life or property of another or of him or herself.

(B) Nothing in this section shall be construed to change or otherwise redefine the traffic statutes as they appear in Ch. 169, MN Gen. Statutes, as amended, and all definitions therein apply herein.

(C) A violation of this section shall be a petty misdemeanor, punishable by a fine of up to \$100. (Ord. 100, passed 1-13-81.)

§ 1707.02 SPEED LIMIT IN PUBLIC PARK.

(A) There is established a speed limit of 10 m.p.h. anywhere within an area designated, known as, or used as a city park or recreation area within the city. The speed limit shall be posted at each entrance to the areas.

(B) A violation of this section shall be a petty misdemeanor, punishable by a fine of up to \$100. (Ord. 100, passed 1-13-81.)

PARKING REGULATIONS

§ 1707.15 DEFINITIONS.

MOTOR VEHICLE. Includes all vehicles propelled by any means other than muscular power. (Ord. 96, passed 12-14-78.)

§ 1707.16 OWNER RESPONSIBLE.

The presence of a vehicle in or upon any public street, alley or highway in the city, stopped, standing or parked in violation of §§1707.17 - 1707.18 shall be prima facie evidence that the person in whose name the vehicle is registered as owner has committed or authorized the commission of such violation.

(Ord. 96, passed 12-14-78.)

§ 1707.17 PARKING TIME LIMITATION.

(A) No motor vehicle shall be stopped or parked for more than 48 consecutive hours on any street, alley or highway within the city. For purposes of this section, any vehicle moved a distance or less than one block of less than 400 feet on streets having blocks greater than 400 feet in length, during the limited parking period shall be deemed to have remained stationary. It shall be unlawful for any person to obliterate, erase or remove any mark or sign placed on a vehicle by a police officer for the purpose of measuring the length of time such vehicle was parked.

(B) Any person violating any provision of this section shall be guilty of a petty misdemeanor and shall be punished by a fine not to exceed \$100.
(Ord. 96, passed 12-14-78.)

§ 1707.18 PARKING DURING SNOW REMOVAL. (Replaces §71.04 of the MBC)

(A) Upon notice by any policeman, employee or official of the city, or when special signs declaring a snow removal emergency are posted along and/or on a street, highway or alley, no person shall park a motor vehicle on such street, highway or alley within the city until the snow removal has been completed. Notice shall mean a written warning ticket placed on the vehicle involved or actual personal notice to the registered owner of the vehicle. An unsuccessful attempt to locate the registered owner by telephone or personal contact of the need to move the vehicle, or informing a person of suitable age and discretion who is normally at the registered owner's place of business or residence of the need to move the vehicle, shall be deemed sufficient notice.

(B) Any person violating any provision of this section shall be guilty of a petty misdemeanor and shall be punished by a fine not to exceed \$100.
(Ord. 96, passed 12-14-78.)

§ 1707.19 IMPOUNDMENT. (Replaces §71.09 of the MBC)

Any vehicle which is left parked or standing on any public street, alley or highway in the city in violation of any of the provisions of this chapter is declared to be a nuisance, and the vehicle may be, by or under the direction of or at the request of a police officer, removed and impounded or stored in an appropriate place by means of towing or otherwise, and shall be surrendered to the duly identified owner thereof or his or her agent only upon payment of all necessary costs and expenses in towing, removing and storage thereof. The impounding of a vehicle pursuant to this section shall not prevent or preclude the institution and prosecution of proceedings for violation of this chapter against the owner or operator of such impounded vehicle. The city shall not be responsible for any damage to the vehicle removed and impounded in accordance with the provisions of this section.

(Ord. 96, passed 12-14-78.)

§ 1707.20 FIRE LANE.

(A) No parking of motor vehicles or of any other type of vehicle shall be allowed at any time in that certain area designated as a fire lane on the south side of Fillmore Avenue bounded by Oak Street and Cedar Street.

(B) Any person violating any provision of this section shall be guilty of a petty misdemeanor and shall be punished by a fine not to exceed \$200.

(Ord. 110, passed 9-9-87.)

CHAPTER 1709: GENERAL REGULATIONS

Editor's note:

The provisions of this chapter amend or replace corresponding sections of Title IX of the Minnesota Basic Code of Ordinances.

Section

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1709.01 Street address numbering

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GENERAL

§ 1709.01 STREET ADDRESS NUMBERING.

(A) Street address house numbers shall be assigned in the manner hereinafter provided to every house, mobile home and other building in the city except barns, garages and other buildings which are part of the same property with a numbered house or building and except mobile homes in a trailer court.

(B) It shall be the duty of the City Clerk to assign street address house numbers, as hereinafter provided, to every house, mobile home and other building in the city, and to report the numbers so assigned to the Council. The Council shall at once consider such report, and approve the same with such revision and amendments as it may deem necessary. It shall be the duty of the City Clerk at once to notify by mail the owners, agents, lessors or occupants of such houses, mobile homes or other buildings of the street address house numbers so assigned.

(C) When any house, mobile home or other building is erected or moved into the city, the City Clerk shall immediately assign a street address house number to such house, mobile home or other building and notify by mail the owner thereof of the number so assigned.
(Ord. 93, passed 10-12-76.)

§ 1709.02 METHOD OF ASSIGNMENT.

(A) All houses, mobile homes and other buildings located on streets running east and west shall be assigned numbers from Main Street as a base. Within the first block on either side of Main Street, numbers between 100 and 199, inclusive, shall be used; and thereafter in each succeeding block on either side of Main Street a series not exceeding 100 numbers per block, of which the hundred digit shall correspond with the numerical name of the street bounding such block which is nearest Main Street, shall be used.

(B) All houses, mobile homes and other buildings on streets running north and south shall be assigned numbers from Fillmore Avenue as a base. Within the first block on either side of Fillmore Avenue numbers between 100 and 199, inclusive, shall be used; and thereafter in each succeeding block on either side of Fillmore Avenue a series not exceeding 100 numbers per block, of which the hundreds digit shall correspond with the numerical name of the avenue bounding such block which is nearest Fillmore Avenue shall be used.

Provided, however, that long blocks lying between streets or avenues, the numerical names of which are not consecutive in number shall be divided for the purpose of numbering houses into as many blocks as there are intervening streets, so that the numbers on all north and south streets shall be so arranged as to be in the same series of hundred numbers at the crossing of any east and west street, and so that the numbers on all east and west streets shall be so arranged as to be in the same series of hundred numbers at the crossing of any north and south street. For this purpose, such long blocks shall be divided at the point where the center line of any intervening street, if extended, would intersect such long block, or into lengths of approximately 300 feet, whichever is the most practicable under the circumstances. For the purposes of this paragraph, Main Street and Fillmore Avenue shall be considered to have a numerical equivalent of zero.

(C) Odd numbers shall be used on the west and north sides of the streets. Even numbers shall be used on the east and south sides of the streets.

(D) In assigning numbers within a block, numbers shall be assigned in a uniform manner and so that the lowest numbers are allowed to provide for any future new building within the block.

(E) In any house in which an upstairs or other apartment is separately occupied and a separate entrance is provided therefor, such apartment shall be assigned a street address house number consisting of the number assigned to such house with the fraction “ $\frac{1}{2}$ ” added thereto.

(F) In any building in the business district in which an upstairs or other apartment or office is separately occupied and a separate entrance is provided therefor, such apartment or office shall be assigned a street address house number consisting of the number assigned to such building with the fraction “ $\frac{1}{2}$ ” added thereto, or a separate number, whichever is most practicable under the circumstances.

(G) Corner buildings shall be assigned one street address house number only, based upon the location of the main entrance, except that where such corner buildings are divided into apartments, offices or stores, or are otherwise separately occupied, one street address house number shall be assigned to each such division at its main entrance.

(Ord. 93, passed 10-12-76.)

§ 1709.03 DUTY OF OWNER.

(A) It shall be the duty of the owner of every house, mobile home, or other building, except barns, garages and other buildings which are part of the same property with a numbered house or building and except mobile homes in a trailer court, to place on every such house, mobile home and building, its street address house number. Such number shall be sufficient in size and so located that they are clearly visible from the street.

(B) Street address house numbers shall be placed on such houses, mobile homes and other buildings within 30 days from the time the owners thereof are notified by mail of the assignment of such number by the City Clerk.

(C) Whoever shall fail to comply with the provisions of this section, or whoever shall affix to or display upon any house, mobile home or other building, any such numbers other than those assigned to it, shall be guilty of a misdemeanor, and upon conviction therefor, shall be fined not less than \$10, nor more than \$25.

(Ord. 93, passed 10-12-76.)

FREE-STANDING FURNACES

§ 1709.10 DEFINITIONS.

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

FREESTANDING FURNACE. A furnace or burner designed and intended and/or used for the burning of wood, which is free-standing and is located outside of the structure for which it is intended to provide heat.

(Ord. 2006-01, passed 7-12-06.)

§ 1709.11 INTENT AND PURPOSE.

(A) It is recognized and found that smoke is hazardous to an individual's health and may affect the health of the general public when they are involuntarily exposed to the presence of wood smoke.

(B) Reliable scientific studies, including studies conducted by the Environmental Protection Agency (EPA), have shown that breathing wood smoke is a significant health hazard particularly to children, elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory functions, including asthmatics and those with obstructive airway disease.

(C) It is recognized that free-standing furnaces are designed and intended to be a primary heat source and therefore burn, and emit smoke, on a continual basis. A distinction is drawn between freestanding furnaces and indoor wood stoves and fireplaces that, by nature, provide supplemental heat and are generally used on a less-frequent basis.

(D) This section is adopted for the purpose of protecting the public health, safety, comfort, and the general welfare of the people of Mabel.

(Ord. 2006-01, passed 7-12-06.)

§ 1709.12 REQUIREMENTS.

(A) Permit required. No person shall install a freestanding furnace on property within the city without the owner of said property first having obtained a permit from the city. Application for a permit shall be made on a form approved by the City Council and available from the office of the City Clerk. All applications for a permit under this chapter shall be accompanied by the fee established in the ordinance establishing fees and charges, adopted pursuant to § 30.11, as it may be amended from time to time.

(B) Prohibited fuels. The only fuels permitted to be used must be untreated fuel. Wood may not be treated, processed, stained, finished or painted - specifically prohibited woods include plywood, particleboard, and similar products. No petroleum products or processed materials of any kind may be burned.

(C) Prohibited items. Other items that are specifically prohibited include trash, plastic, tires, naphtha or any other items not specifically allowed by the manufacturer.

(D) EPA approved. All freestanding wood fired outdoor heating devices installed within the city limits are required to meet emission standards currently required by the Environmental Protection Agency (EPA). Emission standards currently required by the EPA are hereby adopted by reference together with any amendments or modifications made to them in the future.

(E) Property line setbacks. A freestanding furnace shall have a minimum setback of 50 feet from the property line of the property on which the furnace is installed.

(F) Structure setback. A freestanding furnace must be setback a minimum of 25 feet from any principal structure that the furnace serves and 100 feet from any neighboring residence that is not served by the unit.

(G) Chimney stack height. A freestanding furnace shall have a chimney/stack that extends two feet above the peak of any roof structure located within 100 feet of the unit.
(Ord. 2006-01, passed 7-12-06.)

§ 1709.13 NONCONFORMING USE.

(A) Continuation of nonconforming uses. The lawful use of any freestanding furnace existing at the time of the effective day of this subchapter may be continued, although such use may not conform to the provisions of this subchapter.

(B) Extension or enlargement. No pre-existing, non-conforming freestanding furnace shall hereafter be extended, enlarged, expanded or replaced.

(C) Once a nonconforming furnace has been abandoned and removed, it can only be re-established upon the requirements set forth in this regulation.
(Ord. 2006-01, passed 7-12-06.)

§ 1709.14 ENFORCEMENT.

Any person committing a violation of the provisions of this subchapter shall be guilty of a misdemeanor and, upon conviction for a violation hereof shall be subject to the terms of § 10.99.
(Ord. 2006-01, passed 7-12-06.)

OPEN BURNING

§ 1709.20 PURPOSES ALLOWED FOR OPEN BURNING.

(A) Open burning is allowed for the following purposes:

- (1) Elimination of health hazard that cannot be abated by other practical means.
- (2) Ground thawing for utility repair and construction.
- (3) Mobile cooking services.
- (4) Permanent outdoor wood burning fire places and furnaces.
- (5) By special permit from the city as allowed in § 1709.21.

(B) Fire training permits can only be issued by the Minnesota Department of Natural Resources. (Ord. 2008-1, passed 6-11-08.) Penalty, § 92.99

§ 1709.21 PERMIT APPLICATION FOR OPEN BURNING; PERMIT FEES.

(A) Upon resolution of the City Council establishing the time, place and other conditions, the City Clerk may issue an open burning permit requiring adult supervision and proof of appropriate insurance coverage, to a community organization or group for an open fire or bonfire to be held in conjunction with a community celebration. The fee for such a permit shall be as established by the ordinance establishing fees and charges pursuant to § 30.11 of this code, as that ordinance may be amended from time to time.

(B) No other open burning application of permit shall be issued since open burning is allowed only for the purposes allowed in § 1709.20. (Ord. 2008-1, passed 6-11-08.)

CHAPTER 1711: BUSINESS REGULATIONS

[Reserved for local legislation]

Editor's note:

See Title XI of the Minnesota Basic Code of Ordinances

Section

General Provisions

1711.01 Number of licenses which may be issued

1711.02 Granting a franchise adopted by reference

GENERAL PROVISIONS

§ 1711.01 NUMBER OF LICENSES WHICH MAY BE ISSUED.

The number of licenses which may be granted under this chapter is limited to the number of license which were issued as of August 18, 2005, the effective date of this chapter, except that, effective upon the closing of the sale of the municipal liquor store, the city may issue one combination on-sale/off-sale intoxicating liquor license.

(Ord. 2005-1, passed 10-5-05.)

§ 1711.02 GRANTING FRANCHISE ADOPTED BY REFERENCE.

Granting Minnesota Energy Resources Corporation, a Delaware Corporation, a natural gas franchise and adopting by reference as if fully set forth herein.

(Ord. 2005-1, passed 10-5-05.)

CHAPTER 1713: GENERAL OFFENSES

Editor's note:

The provisions of this chapter amend or replace corresponding sections of Title XIII of the Minnesota Basic Code of Ordinances.

Section

1713.01 Curfew for minors

1713.02 Loitering

§ 1713.01 CURFEW FOR MINORS.

MBC § 130.03 shall be amended as follows:

(C) Hours.

(1) Minors under the age of 16 years. No minor under the age of 16 years shall be in or upon the public streets, alleys, parks, playgrounds or other public grounds, public places, public buildings; nor in or upon places of amusement, entertainment or refreshment; nor in or upon any vacant lot, between the hours of 11:00 p.m. and 5:00 a.m. the following day, official city time.
(Ord. 85, passed 8-28-73.)

§ 1713.02 LOITERING.

(A) Definitions. The following terms shall have the meaning as stated:

LOITER. Includes: (1) the obstruction of free and unhampered passage of pedestrians or vehicles on the public streets, sidewalks and public places within the city; (2) interfering with any person lawfully on the premises by obstructing passage; or (3) refusing to move on when reasonably requested by a peace officer when such peace officer reasonably makes such request to preserve or to promote public peace and order.

LOUNGE. To sit or lie down in any place not upon a chair, bench, seat or other place provided for sitting or lying down, or to sit or lie down in any place on public property provided for waiting when the person so sitting or lying down is not legitimately waiting for the person or service for which such place is provided.

PUBLIC PROPERTY. Land or property that are open to access by the public, whether publicly or privately owned.

(B) It shall be unlawful for any person to loiter or lounge on public property within the city.

(C) Any person violating any of the provisions of this section shall be guilty of a misdemeanor.
(Ord. 116B, passed 4-24-96.)

CHAPTER 1715: LAND USAGE

[Reserved for local legislation]

Editor's note:

The provisions of this chapter amend or replace corresponding sections of Title XV of the Minnesota Basic Code of Ordinances.

