

TITLE XVII: LOCAL LEGISLATION FOR MABEL, MN

Chapter

- 1701. GENERAL PROVISIONS (Reserved)**
- 1703. ADMINISTRATION**
- 1705. PUBLIC WORKS**
- 1707. TRAFFIC CODE**
- 1709. GENERAL REGULATIONS**
- 1711. BUSINESS REGULATIONS**
- 1713. GENERAL OFFENSES**
- 1715. LAND USAGE**

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

General Provisions

- 1703.01 Ambulance Reserve Fund
- 1703.02 Compensation of Mayor and Council Members

Departments, Boards and Commissions (See Title III of the MBC)

Emergency Management (See Title III of the MBC)

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

Editor's note:

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

Section

- 1705.01 Steam Engine Park Drive
- 1705.02 Tree Care and Management

§ 1705.01 STREET NAME – STEAM ENGINE PARK DRIVE. That the street designated by a red line on the attached map, running from the South end of Main Street where Main Street turns Southwest South of the Community Center, and meandering through Steam Engine Park and terminating across Fillmore Avenue from the South end of Locust Street, is hereby named Steam Engine Park Drive. (Ord. 2013-01, adopted 09-18-2013).

§ 1705.02 TREE ORDINANCE

1. **PURPOSE:** It is the purpose of this ordinance to promote and protect the public health, safety, and general welfare by providing for the regulation of the planting, maintenance, and removal of trees, shrubs, and other plants within the City of Mabel.
2. **AUTHORITY AND POWER:** There is hereby created and established a City Tree Board for the City of Mabel, which will be made up of the Mabel City Council.
3. **APPLICABILITY:** This ordinance shall pertain to trees on rights-of-way, public parks, and sometimes even on private property. This ordinance provides full power and authority over all trees, plants and shrubs located within street rights-of-way, parks and public places of the city; and to trees, plants and shrubs located on private property that constitute a hazard or threat.
4. **DEFINITIONS OF CLASSES OF TREES:** 4 classifications of trees are:
 1. Blvd. Trees on Main Street (City) if planted by city – will be trimmed, planted and removed at city cost.
 2. Blvd. Trees (Private) – all other sections of the City will be the responsibility of the private property owner. The City has the right to trim private blvd. trees that hang over the street, trees that could be hit by trucks, snowplows, street sweeper or that could obstruct or in any way interfere with street lights. With three days' notice given to the private property owner, the city will trim only the curb side 14 feet high and trees overhanging a sidewalk to 8 feet high.
 3. Park Trees and City Owned Land
 4. Private Property: Diseased trees, damaged trees, dead trees or trees that obstruct the view for persons utilizing city property or city streets shall be removed by the private property

owner. The city shall give two weeks notice to the property owner to remove such trees. In the event that the trees, shrubs or other specified plantings as specified above are not removed within the fourteen days, then the City shall have the authority to remove such tree and charge the private property owner for the cost of removal.

5. **INSURANCE:** Hired Tree trimmers must have proof of liability insurance in the minimum amount of \$ 300,000.
6. **TREE PLANTING, TRIMMING AND REMOVAL:** Mabel is in US zone 4 and MN zone 1. (A) Tree planting on city or private blvd. shall be 30 ft. apart, 15 ft. from any fire hydrant or streetlight, 35 ft. from street corners, 10 ft. from utility right-of-way or under any utility wire. No tree shall be planted within 8 ft. of the back of curb where no sidewalk exists. When planting trees, always call GOPHER 1-800-252-1166. (B) Tree Trimming: Property owners will be notified 3 days prior to trimming. Private property owners may trim trees in question themselves if city is notified and if accomplished within 7 days of notification. After trimming, the branches of a tree shall be no closer than 14 ft. from the street surface. (C) Tree Removal: City blvd. trees – All trees planted on City owned blvd. will be city responsibility. Private blvd. trees – Property owner pays for removal Utility lines – City trims or removes if problem.
7. **TREE PROTECTION:** The City Tree Inspector or his/her official designee has the authority to enter onto private property whereon there is located a tree, shrub, plant or plant part that is suspected to be a public nuisance. (Note: An appropriate legal definition of a public nuisance is need here, such as any tree with an infectious disease or an insect problem; dead or dying trees; a tree or limb (s) that obstruct street lights, traffic signs, the free passage of pedestrians or vehicles; or a tree that poses a threat to safety of any person shall be deemed a nuisance]. A notice shall be sent to the owner and the owner shall have 6 weeks to remove the nuisance tree. If the nuisance tree is not removed within 6 weeks, the city may remove the tree. The cost for such removal shall be assessed to the property owners.
8. **ENFORCEMENT & PENALTIES:** (A) All of the matters covered 1-8 shall be approved by the City Council to confirm work to be done and notices to be sent and any other action required. (B) 1st violation of this ordinance shall be punishable by a fine of up to \$100 and subsequent violations shall be a fine up to \$300.
9. **REFORESTATION CITY TREE PROGRAM:** Currently reforestation consists of: City Tree Program: The City offers a program in the spring of each year whereby the city pays for ½ of the cost of planting a tree, and the property owner is pay the other ½ of the cost.
10. **WOOD STACKS PILED IN CITY LIMITS:** No person or entity shall stockpile wood for purpose of resale without permission from the Tree Board (City Council) no Elm with bark on shall be piled between May 1 and September 1.

THIS ORDINANCE shall be in full force and effect from and after it passage and publication.
(Ord. 2009-01, adopted 10-14-09).

CHAPTER 1707: TRAFFIC CODE

Editor's note:

The provisions of this chapter amend or replace corresponding sections of Title VII of the Minnesota Ba

Section

Traffic Regulations

- 1707.01 Illegal operation
- 1707.02 Speed limit in public park

Parking Regulations

- 1707.15 Definition
- 1707.16 Owner responsible
- 1707.17 Parking time limitation
- 1707.18 Parking during snow removal
- 1707.19 Impoundment
- 1707.20 Fire lane

Snowmobiles (See Title VII of the MBC)

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 ODD/EVEN PARKING ON ALL STREETS FROM NOVEMBER THROUGH MARCH. (Replaces §71.04 of the MBC)

(A) ALTERNATE PARKING: From November 1 through March 31 of each year, between 2:00 a.m. and 8:00 a.m. each day, no motor vehicles, trailers, wagons or any other obstacles to snow plowing vehicles shall be parked on the even numbered side of any City Street on even numbered days, and no motor vehicle shall be parked on the odd numbered side of any City Street on odd numbered days. Penalty, see § 10.99.

(B) BLOCKS WITHOUT ADDRESS NUMBERS: Should any particular street host buildings without addresses associated with the street where parking is in question, no vehicles, trailers, wagons, or other obstacles to snow plowing shall be parked on the west and north sides of the street on odd days and east and south sides of the street on even days.

(C) BLOCKS WITHOUT BUILDINGS: Should any particular block be without buildings, the even/odd-numbered side of the public roadway shall be determined by building addresses on adjoining blocks of that roadway.

(D) MISNUMBERED BUILDINGS: Should a particular building be erroneously numbered, being the only odd or even-numbered building on that side of the public roadway while all others are the opposite, it shall not constitute a defense for a parking violation.

(Ord. 2016-02, passed 09-21-2016)

§ 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

General Provisions

- 1709.01 Street address numbering
- 1709.02 Method of assignment

Right-Of-Way Construction Regulations (See Title IX of the MBC)

Free-Standing Furnaces

- 1709.10 Definitions
- 1709.11 Intent and purpose
- 1709.12 Requirements
- 1709.13 Nonconforming use
- 1709.14 Enforcement

Open Burning

- 1709.20 Purposes allowed for open burning
- 1709.21 Permit application for open burning; permit fees

Recreational Vehicles

- 1709.31 Recreational Vehicle Regulations

GENERAL

§ 1709.01 STREET ADDRESS NUMBERING.

- (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 at least four inches in height and located near the front door of the building and in a manner that is clearly visible from the street.

(B) Street address house numbers shall be placed on such houses, mobile homes and other buildings by December 1, 2016.

(C) The City will provide street number signs at no cost to the building owner to those who request one from the City Clerk before November 1, 2016.

(D) 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, modified 09-21-2016)

§ 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 "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 "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.)

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.)

§ 1709.31 RECREATIONAL AND OTHER VEHICLES (Replaces §73 of the MBC)

Section

- 73.01 Purpose and intent
- 73.02 Definitions
- 73.03 Special vehicles prohibited without permit
- 73.04 Operation of electric personal assistive mobility devices
- 73.05 Operation of motorized or electric-assisted bicycles
- 73.06 Operation of segways
- 73.07 Minimum equipment requirements

§ 73.01 PURPOSE AND INTENT.

(A) (1) The purpose of this chapter is to provide reasonable regulations for the use of recreational motor vehicles on public and private property in the city.

(2) This chapter is not intended to allow what the Minnesota Statutes prohibit nor to prohibit what the Minnesota Statutes expressly allow.

(B) It is intended to ensure the public safety and prevent a public nuisance.

§ 73.02 DEFINITIONS.

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

DRIVER OR OPERATOR. The person driving and having physical control over the recreational vehicle *and being the licensee*.

MOTORIZED OR ELECTRIC-ASSISTED BICYCLE. A bicycle, which meets the design and equipment requirements of state law, and is operated by a person with a valid driver's license or a motorized bicycle permit.

MOTORIZED GOLF CART. A gas or electric three or four wheel vehicle commonly used to transport golfers and their golfing equipment while playing the sport of golf, with four low-pressure tires.

SEGWAY OR GO-PED. A scooter designed for riding in a standing position with two wheels, a vertical handle bar with two handles, and an electric or piston driven motor to propel the scooter.

RECREATIONAL MOTOR VEHICLE. Any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle used for recreational purposes including, but not limited to, off-highway motorcycle, as defined by M.S. §84.787, Subd. 7, as it may be amended from time to time, or other all-terrain vehicle (such as ATV and UTV) as defined by M.S. §84.92, Subd. 8, as it may be amended from time to time, motorized dirt bike, motorized go-cart, hovercraft or motor vehicle licensed for highway operation, which is being used for off-road recreational purposes. Motorized scooters designed to provide mobility for handicapped persons and electric wheelchairs are not considered recreational vehicles.

MINI-TRUCK. As defined in Minn. Stat. § 169.01, subd. 40(a), a motor vehicle that has four wheels; is propelled by an electric motor with a rated power of 7,500 watts or less or an internal combustion engine with a piston displacement capacity of 660 cubic centimeters or less; has a total dry weight of 900 to 2,200 pounds; contains an enclosed cabin and a seat for the vehicle operator; commonly resembles a pickup truck or van, including a cargo area or bed located at the rear of the vehicle; and was not originally manufactured to meet federal motor vehicle safety standards required of motor vehicles in the Code of Federal Regulations, title 49, sections 571.101 to 571.404, and successor requirements.

ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE. Any self-balancing device with two non-tandem wheels, designed to transport not more than one person, and operated by an electric propulsion system that limits the maximum speed of the device to 15 miles per hour. Except as otherwise provided by law, a person operating an electric personal assistive mobility device has the rights and responsibilities of a pedestrian.

ROADWAY. A public roadway is defined as the entire right of way including the paved portion as well as all banks, ditches, shoulders and medians.

§ 73.03 SPECIAL VEHICLES PROHIBITED WITHOUT PERMIT

(A) No person shall operate a motorized golf cart, all-terrain vehicle, utility-terrain vehicle, mini-truck or other recreational motor vehicle on streets, alleys, sidewalks or other public property without obtaining a permit as provided herein. Operation of an electric assisted bicycle does not require a permit for purposes of this permitting requirement.

Penalty, see ' 10.99

(B) Every application for a permit shall be made on a form supplied by the city and shall contain all of the following information:

- (1) The name, date of birth and address of the applicant.
- (2) Model name, make, and year and number of the motorized golf cart, all-terrain vehicle (UTV and ATV), or mini-truck.
- (3) Current driver's license.
- (4) Other information as the city may require.

(C) The annual permit fee shall be as set forth in the Ordinance Establishing Fees and Charges adopted pursuant to §30.11 of this code, as that ordinance may be amended from time to time.

(D) Permits shall be granted for a period of one year and may be renewed annually May 1 to April 30.

(E) No permit shall be granted or renewed unless the following conditions are met:

- (1) The applicant must demonstrate that he or she currently holds a valid Minnesota driver's license.
- (2) The applicant may be required to submit a certificate signed by a physician that the applicant is able to safely operate a motorized golf cart or all-terrain vehicle on the roadways designated.
- (3) The applicant must provide evidence of insurance in compliance with the provisions of Minnesota Statutes concerning insurance coverage for the golf cart, all-terrain vehicle, or mini-truck.
- (4) The applicant has not had his or her driver's license revoked as the result of criminal proceedings.

(F) Motorized golf carts, all-terrain vehicles, and mini-trucks are permitted to operate only on city streets, not state or federal highways, except to cross at designated intersections.

(G) Motorized golf carts and all-terrain vehicles may only be operated on designated roadways from sunrise to sunset. They shall not be operated in inclement weather conditions or at any time when there is insufficient light to clearly see persons and vehicles on the roadway at a distance of 500 feet.

(H) Motorized golf carts shall display the slow-moving vehicle emblem provided for in Minn. Stat. § 169.045, as it may be amended from time to time, when operated on designated roadways.

(I) Motorized golf carts, all-terrain vehicles, and mini-trucks shall be equipped with a rear-view mirror to provide the driver with adequate vision from behind as required by Minn. Stat. § 169.70.

(J) Every person operating a motorized golf cart, an all-terrain vehicle, or a mini-truck under permit on designated roadways has all the rights and duties applicable to the driver of any other vehicle under the provisions of Minn. Stat., ch. 169, as it may be amended from time to time, except when these provisions cannot reasonably be applied to motorized golf carts or mini-trucks and except as otherwise specifically provided in Minn. Stat. § 169.045(7), as it may be amended from time to time.

(K) The City Council may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any of the provisions of this section or Minn. Stat., ch. 169, as it may be amended from time to time, or if there is evidence that the permit holder cannot safely operate the motorized golf cart, all-terrain vehicle, or mini-truck on the designated roadways.

(L) The number of occupants on the golf cart, all-terrain vehicle, or mini-truck may not exceed the design occupant load (one person per seat).

(M) Occupants of the motorized golf-cart, all-terrain vehicle, or mini-truck are prohibited from standing while the vehicle is in motion.

§ 73.04 OPERATION OF ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES.

(A) An electric personal assistive mobility device may be operated on a bicycle path.

(B) An electric personal assistive mobility device may be operated on a roadway only under the following circumstances:

- (1) While making a direct crossing of a roadway in a marked or unmarked crosswalk.
- (2) Where no sidewalk is available.
- (3) Where a sidewalk is so obstructed as to prevent safe use.
- (4) When so directed by a traffic control device or by a peace officer.
- (5) Temporarily in order to gain access to a motor vehicle.
- (6) As provided in section (F) below by Council resolution.

(C) No person may operate an electric personal assistive mobility device on a roadway, sidewalk, or bicycle path at a rate of speed that is not reasonable and prudent under the conditions. Every person operating an electric personal assistive mobility device on a roadway, sidewalk, or bicycle path is responsible for becoming and remaining aware of the actual and potential hazards then existing on the roadway or sidewalk and must use due care in operating the device.

(D) An electric personal assistive mobility device may not be operated at any time on a

roadway classified with a speed limit of more than 35 miles per hour except to make a direct crossing of the roadway in a marked crosswalk.

(E) An electric personal assistive mobility device may not be operated at any time while carrying more than one person.

(F) The City Council may, by resolution, designate exclusive city streets within its jurisdiction where the operation of electric personal assistive mobility devices is not permitted, provided that any street so designated has a speed limit of more than 35 miles per hour.

(G) A person operating an electric personal assistive mobility device on a sidewalk must yield the right-of-way to pedestrians at all times. A person operating an electric personal assistive mobility device on a bicycle path must yield the right-of-way to bicycles at all times.

(H) An electric personal assistive mobility device may not be operated unless the device bears reflectorized material on the front, back, and wheels, visible at night from 600 feet when illuminated by the lower beams of headlamps of a motor vehicle.

§ 73.05 OPERATION OF MOTORIZED OR ELECTRIC-ASSISTED BICYCLES.

To legally operate a motorized or electric-assisted bicycle the operator must have a valid driver's license or a motorized bicycle permit and said bicycle must conform to one of the definitions for a motorized or electric-assisted vehicle and meet the safety equipment standards required by state law. Persons under the age of 16 are subject to the following restrictions:

- (A) No passengers (although a parent or guardian may ride if the vehicle is equipped with a seat and footrests for a passenger);
- (B) No night driving;
- (C) No driving on any highway marked as an interstate;
- (D) Must wear a helmet; and
- (E) Foot rests for passengers (if designed for passenger(s))

Motorcycle coverage insurance is required for a motorized bicycle, but not for an electric-assisted bicycle. Parking of such vehicles on sidewalks is permitted but must not impede the normal and reasonable movement of pedestrians or other traffic. Operators are subject to equipment rules and all other driving rules contained within state law that would apply on public streets or highways

§ 73.06 OPERATION OF SEGWAY OR GO-PED.

Operation of what is commonly called a Go-ped or motorized scooter is NOT legal for street, highway, or sidewalk use. Use of this type of vehicle is limited to private property ONLY.

§ 73.07 MINIMUM EQUIPMENT REQUIREMENTS.

(A) Standard mufflers shall be properly attached and in constant operation to reduce the noise of operation of the motor to the minimum necessary for operation. No person shall use a muffler cutout, by-pass, straight pipe or similar device on a recreational motor vehicle motor. The exhaust system shall not emit or produce a sharp popping or crackling sound.

(B) Brakes shall be adequate to control the movement of and to stop and hold under any conditions of operation.

(C) At least one clear lamp shall be attached to the front with sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during the hours of darkness under normal atmospheric conditions. The head lamp shall be so that glaring rays are not projected into the eyes of an oncoming vehicle operator. It shall also be equipped with at least one red tail lamp having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear during the hours of darkness under normal atmospheric conditions. This equipment shall be required and shall be in operating condition when the vehicle is operated between the hours of one-half hour after sunset and one-half hour before sunrise, or at times of reduced visibility.

Penalty, see ' 10.99

(Ord. 2014-01, passed April 9, 2014)

CHAPTER 1711: BUSINESS REGULATIONS

Editor's note:

The provisions of this chapter amend or replace corresponding sections of 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
- 1711.03 Alcohol Consumption in Public Places

GENERAL PROVISIONS

§ 1711.01 NUMBER OF LICENSES WHICH MAY BE ISSUED.

State law governs the number of liquor licenses that a city may issue. An unlimited number of off-sale licenses may be issued by the Council. The Council may issue up to the maximum number of on-sale licenses as authorized by Minn. Stat. 340A.413, Subd. 1, as it may be amended from time to time. The Council is not required to issue the full number of licenses that it has available. (Ord. 2018-03, passed 12-12-18.)

§ 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.)

§ 1711.03 ALCOHOL CONSUMPTION IN PUBLIC PLACES

No person shall consume intoxicating liquor or 3.2 percent malt liquor in a public park, or any public street, sidewalk, parking lot or alley, or in any public place other than as authorized in the Community Center, Fire Hall meeting room, public park shelter, or on the premises of an

establishment licensed under this chapter, or where the consumption and display of liquor is lawfully permitted.

Penalty, see § 112.99

(Ord. ____, adopted 01-11-12)

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

Editor's note:

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

Section

1715.01 Solar Ordinance

§ 1715.01 SOLAR ORDINANCE

I. Scope

This ordinance applies to all solar energy installations in the City of Mabel.

II. Purpose

The City of Mabel has adopted this regulation for the following purposes:

- To preserve the health, safety and welfare of the Community's citizens by promoting the safe, effective and efficient use of active solar energy systems installed to reduce the on-site consumption of fossil fuels or utility-supplied electric energy.
- Mabel finds that it is in the public interest to encourage the use and development of renewable energy systems (including solar energy systems) that have a positive impact on energy conservation with limited adverse impact on nearby properties. As such, the city supports the use of solar collection systems.
- Mabel also finds that the development of solar energy systems should be balanced with the protection of the public health, safety and welfare. The city intends the following standards to ensure that solar energy systems can be constructed within Mabel while also protecting public safety and the natural resources of the city.
- It is the intent of the city with this section to create standards for the reasonable capture and use, by households, businesses and property owners, of their solar energy resource.

III. Definitions

Accessory Use: An active solar energy system of secondary or subordinate use to the principal structure, located on the same lot.

Active Solar Energy System: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

Building-integrated Solar Energy Systems: An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

Flat Roof: Any roof with a pitch of 3/12 or less as calculated by the rise over the run.

Flush-Mounted Solar Energy System: A roof-mounted system mounted directly abutting the roof and sloped at the same pitch as the roof.

Grid-intertie Solar Energy System: A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

Off-grid Solar Energy System: A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

Passive Solar Energy System: A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

Photovoltaic System: An active solar energy system that converts solar energy directly into electricity.

Principal Use: A use that is the primary use of the zoning lot upon which it is situated and that is specifically listed as a permitted or conditional use in the zoning district in question or wholly consistent with the purpose of the district and the general character of the enumerated principal uses of that district.

Renewable Energy Easement, Solar Energy Easement: An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.

Roof Pitch: The final exterior slope of a building roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12.

Side Mount Solar Energy System (or Building Mount): A solar collector or series of solar collectors attached to the sidewalls of a structure as opposed to the roof or ground.

Solar Access: Unobstructed access to the solar resource (see definition below) on a lot or building, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

Solar Resource: A view of the sun from a specific point on a lot or building that is not obscured by any vegetation, building, or object for a minimum of four hours between the hours of 9:00 AM and 3:00 PM Standard time on any day of the year.

Solar Collector: A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

Solar Collector Surface: Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy Device: A system or series of mechanisms designed primarily to provide heating, cooling, electrical power, mechanical power, solar daylighting or to provide any combination of the foregoing by means of collecting and transferring solar generated energy into such uses either by active or passive means. Such systems may also have the capability of storing such energy for future utilization. Passive solar energy systems shall clearly be designed as a solar energy device such as a trombe wall and not merely a part of a normal structure such as a window.

Solar Energy System: A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating.

Solar Mounting Devices (or mounting device): Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

IV. Permitted Accessory Use

Active solar energy systems shall be allowed as an accessory use in all zoning classifications where structures of any sort are allowed, subject to certain requirements as set forth below. Passive solar energy systems shall be exempt from the requirements of this ordinance, and instead shall be regulated as any other building element.

A. Location

Active solar energy systems must meet the following location requirements:

1. Roof-mounted or side-mounted Solar energy systems shall be permitted on any roof surface or building side, including surfaces facing front yards, as long as all other requirements of this ordinance are met.
2. Ground-mounted Solar energy systems shall not be permitted in residential zoning districts. Ground-mounted Solar energy systems shall be permitted in any yard in Industrial, Commercial, and Agricultural Districts as an accessory use, or principal use upon receipt of a conditional use permit as required by this ordinance. Active solar energy systems shall not be ground-mounted within any easement or right-of-way held by the City of Mabel or other public entity.

B. Height

Active solar energy systems must meet the following height requirements:

1. Building- or roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. Roof-mount systems shall be no steeper than roof pitch flush-mount panels, and shall be no higher than twelve (12) inches above the roof, except on a Flat Roof, in which

event solar panels shall be bracket mounted at no more than three feet above the surface of the roof, along with a three-foot clearance around all roof edges.

2. Side-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district.
3. Ground- or pole-mounted solar energy systems shall not exceed 15 feet in height when oriented at maximum tilt.

C. Set-back

Active solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located.

1. **Roof-mounted Solar energy systems:** In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.
2. **Side-mounted Solar energy systems:** The collector surface and mounting devices for side-mounted solar energy systems shall not extend beyond the building setbacks, except in a commercial district where the building setback is 0 feet and the applicant has obtained an easement from the adjoining property owner for installation of the solar energy system.
3. **Ground-mounted Solar energy systems:** Ground-mounted solar energy systems must comply with principal and accessory use setbacks for the applicable zoning district when oriented at minimum design tilt.

D. Visibility

Active solar energy systems shall be designed to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys. The color of the solar collector is not required to be consistent with other roofing materials.

1. **Building-integrated Solar Energy Systems:** Building-integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.

E. Coverage

1. **Flush-mounted Solar energy systems** may cover the entire roof surface.
2. **Solar energy systems mounted on a flat roof** may cover the entire roof surface, except the outer edges as provided in section IV(B)(1).
3. **Side-mounted Solar energy systems**, excluding Building-integrated solar energy systems, may cover up to 75% of the available building side surface area.
4. **Ground-mounted Solar energy systems** shall not exceed 50% of the total lot surface area in a commercial, industrial, or agricultural zoning district.

F. Approved Solar Components

Electric solar energy system components must have a UL listing and solar hot water systems must have an SRCC rating.

G. Plan Approval Required

All solar energy system installations or alterations shall require administrative plan approval by the City of Mabel zoning official and issuance of a solar permit. Such permits shall be acquired prior to commencement of any installation activity. No system permit shall be issued for a system not in conformity with the regulations applicable to such system.

1. **Plan Applications:** Plan applications for solar energy systems shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.
 - a. **Pitched Roof Mounted Solar Energy Systems.** For all roof-mounted systems other than a flat roof the elevation must show the highest finished slope of solar collector and the slope of the finished roof surface on which it is mounted.
 - b. **Flat Roof Mounted Solar Energy Systems.** For flat roof applications, a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.
2. **Utility Connection:** All grid-connected systems shall have a completed, written interconnection agreement with the local utility prior to application for plan approval. The agreement shall be submitted with the plan application.
3. **Fees:** An application for a solar permit shall be accompanied by the fee as specified in the City fee schedule. No application will be considered unless and until the required fee has been paid by the applicant to the City.
4. **Plan Approvals:** Applications that meet the design requirements of this ordinance, and do not require an administrative variance, shall be granted administrative approval by the zoning official and shall not require Planning Commission review. Plan approval does not indicate compliance with Building Code or Electrical Code.
5. **Duration:** Any permit issued under this Section shall be valid for a period of 12 months from the date of issuance. If the construction of the system is not completed within 12 months from the date of its issuance, the system permit shall be void, and the site or which the permit was sought shall be returned to the condition it was prior to the issuance of such system permit. Failure to use the permit within 12 months of issuance does not entitle applicant to a refund of fees paid under this ordinance.

H. Compliance with Codes

1. **Building Code:** All active solar energy systems shall meet approval of local building code officials, consistent with the State of Minnesota Building Code, and solar thermal systems shall comply with HVAC-related requirements of the Energy Code.

2. **State Electrical Code:** All photovoltaic systems shall comply with the Minnesota State Electrical Code.
3. **State Plumbing Code:** Solar thermal systems shall comply with applicable Minnesota State Plumbing Code requirements.

I. Utility Notification

All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

V. Principal Use by Conditional Use Permit Only

A. Residential: Solar Energy Systems shall not be allowed as a principal use in any residentially zoned district.

B. Commercial, Industrial, & Agricultural: Solar Energy Systems may be allowed as a principal use in a commercial, industrial, or agriculturally zoned district by Conditional Use Permit only. An applicant must convincingly demonstrate their proposed installation will meet the following criteria before the City Council may grant a conditional use permit allowing the installation of solar panels on a lot as a principal use.

1. The proposed installation site is not likely to be developed for commercial, industrial, or residential use in the next 30 years when taking into account:
 - a. Historic development trends in the City;
 - b. Current development trends in the City;
 - c. The location of the property in question compared to other property within the City boundary with development potential; and
 - d. Any physical or economic barriers that would make future residential, commercial, or industrial development cost prohibitive.
2. The absence of public infrastructure previously installed at taxpayer expense to facilitate future development for the proposed installation site.

C. Conditions

1. If the Section V.B. criteria are found to be met, the City Council may grant the permit with conditions relating to the following design elements:
 - a. Size of the Solar Energy System;
 - b. Exact location of the Solar Energy System;
 - c. Required setbacks;
 - d. Height; and
 - e. Any other conditions necessary to protect the health, safety, and general welfare of the City and its residents and businesses.

VI. Restrictions on Solar Energy Systems Limited

No homeowners' agreement, covenant, common interest community, or other contract between multiple property owners within a subdivision of the City of Mabel shall restrict or limit solar energy systems to a greater extent than the City of Mabel's solar energy standards.

VII. Solar Access

The City of Mabel encourages solar access to be protected in all new subdivisions and allows for existing solar to be protected consistent with Minnesota Statutes.

A. Solar Easements Allowed

The City of Mabel has elected to allow solar easements to be filed, consistent with Minnesota Stat. Chapter 500 Section 30. Any building owner can purchase an easement across neighboring properties to protect access to sunlight. The easement is purchased from or granted by owners of neighboring properties and can apply to buildings, trees, or other structures that would diminish solar access.

B. Easements within Subdivision Process

The City of Mabel may require new subdivisions to identify and create solar easements when solar energy systems are implemented as a condition of a PUD, subdivision, conditional use, or other permit, as specified in Section 8 of this ordinance.

VIII. Abandonment

If the solar energy system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after all necessary approvals and permits have been obtained. Removal includes the entire structure including transmission equipment.

IV. Effective date

This ordinance becomes effective from and after its passage and publication.
(Ord. 2018-02, adopted 11/14/18).