

## **CHAPTER IV**

### **PUBLIC SAFETY**

#### **Section - 400 Emergency Operations**

400.01 Emergency Operations Plan. The City Council for the City of Rice shall, from time to time, establish an emergency operations plan to be implemented in the event of a major disaster, which plan shall incorporate, among other requirements, the Minnesota State Fire Code and regulations issued pursuant to said Code.

400.03 Responsibility. The Mayor of the City shall be responsible for providing over-all direction and control of the City Government resources involved in response to a disaster. There is hereby created the office of City Emergency Management Director who will serve in a staff capacity to the Mayor and will coordinate emergency operations under an emergency operations plan to be implemented following the adoption of a resolution approving said plan by the City Council for the City of Rice. Said emergency plan shall outline the duties of the City Emergency Management Director plus the heads of the various City Government Departments to be involved in said emergency management plans. With the consent of the Mayor, the Emergency Management Director shall represent the City on any regional or state organization involving emergency operations and shall advise the City Council regarding the implementation of an emergency operations plan for the City of Rice.

## Section 405 - Dogs and Cats

See Ordinance Amending Section 405.

## Section 410 - Other Animals

410.01 Other Animals. Subdivision 1. General Prohibition. No person shall keep any horse, cattle, swine, sheep, goat, or exotic animal in the City or permit such an animal to be kept on the premises owned, occupied, or controlled by him except as prescribed by this chapter.

Subd. 2 Special Cases. The Council may, by resolution in exceptional cases, allow animals to be kept within the corporate limits of the City under such circumstances and for such length of time as it shall deem proper and just. Upon passage of such resolution the Clerk shall issue a written permit to the party to whom such permit is to be granted stating the length of time for which any of the conditions under which it is granted.

410.03 Treatment. No person shall treat any animal in a cruel and or inhumane manner.

410.05 Animals at Large. No person shall permit any horse, mule, donkey, pony, cattle, sheep, goat, swine, rabbit, chicken, geese, duck, turkey, or exotic animal of which he is the owner, caretaker, or custodian to be at large within the City. Any such animal is deemed to be at large when it is off the premises owned or rented by the owner of his agent and not under his individual restraint by a leash, chain or cord of not more than six feet.

410.07 Diseased Animals. Any animal with a contagious disease shall be so confined that it cannot come within 50 feet of any public roadway or any place where animals belonging to or harbored by another person are kept.

410.09 Manner of Keeping. No person shall keep any dog, cat, or other animal in the City in an unsanitary place or condition or in a manner resulting in objectionable odors or in such a way as to constitute a nuisance or disturbance by reason of barking, howling, fighting, or other noise for 30 minutes without interruption or in such a way as to permit the animal to annoy, injure, or endanger any person or property.

410.11 Animal Housing. Subdivision 1. Clean Shelters. Every structure and yard in which animals or fowl are kept shall be maintained in a clean and sanitary condition and free of all rodents, vermin, and objectionable odors. The interior walls, ceilings, floors, partitions and appurtenances of any such structure shall be whitewashed or painted as the Health Officer shall direct. Upon complaint of any individual or otherwise, the Health Officer shall inspect such structure or yard and

issue any such order as may be reasonably necessary to carry out the provisions of this section.

Subd. 2. Manure. Manure shall be removed with sufficient frequency to avoid nuisance from odors or from the breeding of flies, at least once per month from October 1 to May 1 each year and once every two weeks at other times. Unless used for fertilizer, manure shall be removed and disposed of in a sanitary manner. If used for fertilizer, manure shall be spread upon the ground evenly and turned under at once or soon as the frost leaves the ground.

### Section 415 - Health and Safety

415.01 Health and Safety. Subdivision 1. Health and Safety Regulations. Whereas, by virtue of Minnesota Statutes 412.221, et.seq., the City has the power to adopt certain standards and regulations to promote the health and safety of persons residing in the City of Rice.

Subd 2. Health Department Inspection. The Benton County Health Department and/or the City Health Official and/or Rice Police Department shall have the right to inspect any dwelling, whether rental or owner-occupied, to enforce sanitation requirements.

Subd. 3 Dumps. There shall be no public or private dumping or depositing of garbage, rubbish, refuse, or other waste material, within the City limits.

Subd. 4 Unwholesome Substances. All owners or occupants of land within the City shall keep the same in a neat, clean, condition. No owner or occupant of land, whether vacant or occupied, shall allow any unwholesome substance to remain thereon. Unwholesome substances shall include any substance which are or may be conducive to the creation or spread of disease, the propagation of rats or other rodents, and shall specifically include all debris which shall or may constitute a fire hazard. No growth of vegetation to a height greater than 8" tall in areas established and/or groomed as lawn. Residents, property owners or tenant shall be responsible for maintaining and mowing one half of any alley or undeveloped road/street within the city limits that adjoins their property.

Subd. 5 Junk or Unlicensed Vehicles. No person shall deposit, park, or allow to be deposited or parked upon any land within the City, more than one (1) unlicensed or junked automobile or other vehicle. Nothing herein contained shall apply or relate to any person who shall operate and maintain a junk yard or automotive sales business under a valid license or permit granted by the City under regulations therein provided.

Subd. 6 Trees, Brush and Plants. Persons owning or occupying land within the City shall put and keep all trees, brush, branches and plants in such condition

as not to endanger pedestrians or vehicles traveling on the public sidewalks, streets, or alleys of the City. All trees, brush, and plants must be planted within the resident/business owners property lines.

Subd. 7 Debris. All owners or occupiers of land shall cause the same to be cleaned and free from debris within a reasonable time, but not more than sixty (60) days following any natural or other calamity, including fire, windstorm, flood, etc.

Subd. 8 Hazardous Activity. The owners of any land upon which extra hazardous activity is being conducted, including excavation over five (5) feet deep, large machinery, or equipment is being operated or stored, explosives used or stored, etc., shall be fenced and restricted to the public.

Subd. 9 Sidewalk Snow Removal. All sidewalks open to the public use within the City shall be cleared of snow, ice, or other debris, as soon as practical after the storm causing same by the resident, property owner or tenant.

Subd. 10 Outside Storage in Residential Zones. All materials, waste, recyclables, debris, supplies, building equipment, and equipment must be stored within a building or structure and is in compliance with any accessory building ordinance Section 10, Subdivision 1. With the exception of: Recreational equipment that is currently licensed including but not limited to motor vehicles and trailers. Also allowed is temporary storage of construction and landscaping materials currently being used on the premises.

Subd. 11 Health and Safety Officer. There is hereby established the office of City Health and Safety Officer who shall be appointed by the Mayor, to be approved by the City Council. Compensation for this office shall be established by a majority of the Council.

Subd. 12 Enforcement and Violation. If the City Health Officer or Police Department shall determine that a violation of this ordinance has, or is about to occur, he shall serve upon the owner or occupier of the land being, or about to be wrongfully used, notice of the violation. Such notice shall specify with reasonable clarity the alleged violation and what action must be taken to correct same. It shall be dated and signed by the City Health Officer or Police Department. Land owner or occupier shall have five (5) calendar days to correct said violation and report correction to the City Health Officer or Police Department. Certification of correction shall be affixed to the notice of violation and shall absolve owner or occupier from penalty for that specified violation. The City Health Officer or Police Department shall have the authority for cause to specify a greater or lesser time for correction, which time limit must be strictly complied with. In the event the owner or occupier shall fail to have the violation corrected and Certificate of Correction issued, the City Health Officer or Police Department may require the City Attorney to prosecute said violation under penalties hereinafter prescribed, or in the alternative, may cause to have the violation removed. Such removal of violation

and the costs thereof shall be a lien upon the property which may be collected as a special assessment. Notice hereunder shall be deemed sufficient if delivered personally to the land owner or occupier, or mailed to the last known address of the same. In the event of service by mail, the City Health Officer or Police Department shall also cause to be posted on the property in a conspicuous location a notice of violation.

Subd. 13 Violation Penalty. Violation of this Ordinance shall be a misdemeanor punishable by a fine of up to Three Hundred Dollars or ninety days in jail, or both.

### Section 420 - Fire Protection

420.01 Fire Prevention Code. Subdivision 1. Uniform Code Adopted. The Uniform Fire Code, 1991 Edition-NFPA #101, published by the International Conference of Building Officials, as amended by this Section, is adopted by reference and as authorized by Minnesota Statutes Chapter 299F, is the fire prevention code of the City. A copy of the Uniform Fire Code shall be marked "Official Copy" and kept available for public use in the office of the Clerk.

Subd. 2 Enforcement; Administration. The Fire Prevention Code is enforced by the City Fire Chief.

420.03 Open Burning of Vegetation. Subdivision 1. Burning of Vegetation Permitted. The burning of vegetation is permitted within the corporate limits of the City only in accordance with conditions set forth in this section. Vegetation is defined as plant cover such as grass, plant life such as garden materials and small branches less than one inch in diameter. It does not include branches larger than one inch in diameter or finished materials.

Subd. 2 Time. The burning of vegetation shall be permitted in the City by the receipt of a burning permit from a local Fire Warden, and only on Wednesdays & Saturdays from 6:00 p.m.-10:00 p.m., and in compliance with the State Department of Natural Resources Burning Regulations.

#### Subd. 3 Air Pollution or Fire Danger Alert.

- (a) Air Pollution Alert. No burning of vegetation shall take place during an air pollution alert, warning or emergency declared by the Minnesota Pollution Control Agency.
- (b) Fire Danger Alert. No burning of vegetation shall take place during a fire danger alert declared by the Fire Chief or by the Commissioner of the Minnesota Department of Natural Resources.
- (c) Public Notice. Notice of any fire danger alert or of any air pollution alert, warning or emergency shall be broadcast periodically on any day during which vegetation burning would otherwise be permitted.

Subd. 4 General Precautions.

- (a) Burning on land of Another. No person shall ignite or burn any vegetation upon the land of another without permission of owner thereof, his agent, and a burning permit from a local fire warden.
- (b) Burning on Public Property. No person shall ignite or burn any vegetation on any public property owned or controlled lot or parcel of land, public bridge, street, sidewalk or other public place which has not been set aside by public authorities for such a purpose and without a burning permit from a local fire warden.
- (c) Location Restricted. No person shall ignite or maintain any fire permitted by this ordinance or authorize any such fire to be ignited or maintained on any private land unless:
  - (1) The fire is contained in a State DNR approved burner located safely not less than 15 feet from any structure, or
  - (2) The location is not less than 50 feet from any structure, adequate provision has been made to prevent fire from separating to within 50 feet of any structure, and a permit has been obtained from the Department of Natural Resources. Burning permitted by the Department of Natural Resources shall also comply with all applicable regulations adopted by that agency.
- (d) Attendance of Fires. Any fire authorized by this ordinance shall be constantly attended by a competent person until such fire is extinguished. This person shall have a garden hose connected to a water supply, or other fire extinguishing equipment readily available for use.
- (d) Other Materials. No person shall kindle or maintain any fire permitted by this ordinance or authorize such a fire to be ignited or maintained if the materials to be burned consists of anything other than vegetation.

Subd. 5 Waste Burners.

- (a) Usage. The use of waste burners is prohibited.
- (b) Usage. Nothing in this ordinance shall be construed to prohibit use of outdoor gas and/or charcoal cooking grills and the use of recreational camp fires.

Subd. 6 Penalties. Violations of any of the provisions of this section are petty misdemeanors. The third violation and all subsequent violations within a one year period of time from the original violation shall constitute misdemeanors.

Subd. 7 Variances. The Fire Warden may grant a variance from the provisions of Section 420.03 and issue a Special Burning Permit for the burning of brush piles provided:

- (a) Special Need. A special need for the variance exists.
- (b) Distance. The brush piles are more than 500 feet from any residence or

closer with the concurrence of the residence owner.

(c) Approval. The permit is approved by the Fire Chief or Assistant Chief.

Subdivision 8, Recreational/Cooking Fires. Such fires are defined as outdoor fire burning materials other than rubbish where the fuel being burned is not an incinerator, outdoor fireplace, barbeque grill, or barbeque pit and has a total fuel area of 3 feet or less in diameter and 2 feet or less in height conducted within 25 feet of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet of the structure must be eliminated prior to ignition.

### Section 425 - Curfew

425.01 Curfew for Minors; Restrictions on Minors. It is unlawful for any minor under the age of sixteen years to loiter, idle, wander, stroll, or play in or upon the public streets, alleys, parks, playgrounds, or other public grounds, public places, and public buildings, places of entertainment and amusement, vacant lots, and other unsupervised places in the City between the hours of 10:00 p.m. and 6:00 a.m. the following day.

425.03 Duties of Parents. It is unlawful for the parent, guardian, or other adult person having charge of a minor under the age of sixteen years to permit such minor to loiter, idle, wander, stroll or play in or upon the public streets, alleys, parks, playgrounds, or other public grounds, places, and public buildings, places in the City between the hours of 10:00 p.m. and 6:00 a.m. the following day.

425.05 Exceptions. This section does not apply when the minor is accompanied by his or her parent, guardian, or other adult person having care and custody of the minor, where the minor is upon an emergency errand or legitimate business directed by his or her parent, guardian, or other adult person having the care and custody of the minor, or where the presence of said minor in said place or places is connected with and required by some legitimate business, trade, profession, or occupation in which the minor is permitted by law to be engaged.

425.07 Penalty. Any person found in violation of Section 425 shall be dealt with in accordance with juvenile court law and procedure. Any such violation shall constitute a petty misdemeanor.

### Section 430 - Weapons; Explosives

430.01 Firearms. Subdivision 1. Adoption of State Law. The laws of the State of Minnesota in regard to firearms possession, transfer, and permits found in Minnesota Statutes, Section 624.711 to 624.717, are hereby adopted by reference and made a part of this code.

Subd. 2 Discharge Prohibited. No person or persons shall discharge any

fire arm of any description, or fire, explode, or set off any other explosive or combustible substance or material whatever within the limits of the portion of the City of Rice which has been surveyed and platted into town lots, streets and alleys or parks, without first having obtained the written consent of the Mayor of said City.

Subd. 3 Sale or Transfer. No person shall sell or transfer any pistol, as defined in Minnesota Statutes, Section 624.712, Subdivision 2, unless the transferee exhibits a valid transferee permit issued by the Chief of Police or no notice of disqualification is received from the Chief of Police within seven days after the agreement to transfer as stated on the transfer report, or the Chief of Police waives all or part of the seven day waiting period.

Subd. 4 Carrying a Pistol. No person, other than as authorized law enforcement officer, shall carry, hold or possess a pistol in a motor vehicle, snowmobile or boat, or on or about his person in a public place without first having obtained a permit to carry a pistol.

Subd. 5 Penalties. Unless State law provides otherwise, violation of any provision of this section of the code shall be a misdemeanor.

Subd. 6 BB/Pellet Guns and Paintball Guns. No person or persons shall fire any type of BB, pellet, or paintball gun within the limits that has been surveyed and platted into town lots, streets, alleys or parks without first having obtained the written consent of the Rice Police Department.

430.03 Fireworks; Firecrackers; Sale and Use Prohibited. Except as provided in Minnesota Statute, Section 624.20 to 624.25, it shall be unlawful for any person to offer for sale, expose for sale, sell at retail or wholesale, to give away, or to use or explode any fireworks, as defined by Minnesota Statutes, Section 624.20, within the corporate limits of the City.

#### Section 435 - Numbering of Homes; Businesses

435.01 Numbering. All Homes and Businesses within the city limits of Rice shall be numbered appropriately with their street numbers. The numbers that will be used will have a minimum size of three (3) inches.