

Memo

From: Jon Nelson, Clerk-Treasurer

To: Freeport City Council

Date: 09/22/2023

Re: Ordinance Fines

As I was looking further into nuisance penalties, I came across Stockton, MN's fee schedule that included ordinance violation fees. I spoke with city administrator Beth Winchester and she explained that they set fines yearly with their fee schedule and have the county enforce and administer fines. I talked with Stearns County Sheriff's Office Captain Jon Lentz to see if they would be able to administer fines but he said we would have to pay additional fees to process them through the department.

I brought the topic up at one of my clerk's monthly meetings and found that the City of South Haven, MN also has ordinance fines and they are administered directly from the administrator.

See attachments from the City of Stockton and prepare to discuss the possibility of incorporating ordinance fines in our fee schedule for the upcoming year.

| City of Stockton | NEW 2023 | Established | | |
|---------------------------------------------------------|--------------------------------|-------------|-------------------------------------------------------------------------------------------|-----------------------------------------------------------|
| DESCRIPTION | Set by City Council Resolution | by Ord. | per ____ unit | Reference |
| 100 City Business | | | | |
| Non-Sufficient Funds (NSF) Charge | \$ 35.00 | | per financial submission | |
| Photocopies | \$ 0.10 | | per page | |
| Faxes | \$ 0.25 | | per page | |
| Return Check Fee | \$ 30.00 | | per check | Established by State of Minnesota 604.113 |
| Notary Fees | \$ 2.00 | | per signature | |
| Copy of City Audit | \$ 15.00 | | | As established by City Council resolution |
| Copy of City Budget | \$ 10.00 | | | As established by City Council resolution |
| Copy of City Ordinance | \$ 2.00 | | per ordinance | As established by City Council resolution |
| Copy of City Ordinance Book | \$ 150.00 | | one time, as of date of copying | As established by City Council resolution |
| Copy of City Map | \$ 5.00 | | per copy | As established by City Council resolution |
| Copy of City Council Minutes | \$ 2.00 | | per copy | As established by City Council resolution |
| Lawn maintenance (ordinance failure) | \$ 100.00 | | | As established by City Council resolution |
| Lawn personell | \$25/hour | | per hour of man | |
| Snow removal \ parking violation | | | per need of compliance | Ordinance #109 |
| Notification of Ordinance Violations | \$ 40.00 | | Letter Admin fee assessed | |
| Ordinance Violations penalties - Ordinance #111A | | | | |
| - Verbal Warning | See Note | | Any fees associated with relative costs for clean-up/compliance confirmed by City Council | |
| - First offense issued citation/ticket | \$150.00 | plus | costs incurred by city for clean-up/compliance | Per individual section & clause of ordinance |
| - Second offense issued citation/ticket within 6 months | \$300.00 | plus | costs incurred by city for clean-up/compliance | w/ 6 months per individual section & clause of ordinance |
| - Third offense issued citation/ticket w/ 12 months | \$ 700.00 | plus | costs incurred by city for clean-up/compliance | w/ 12 months per individual section & clause of ordinance |
| Ordinance Violations - when otherwise not defined | \$ 1,000.00 | | up to \$1,000 per violation per City Council | |
| Assessment Notice fee (unpaid services) | 15% | | of outstanding bill | |
| Special Meeting of City Council | \$ 475.00 | | per request | As established by City Council resolution |
| Peddler's License | \$ 25.00 | | per day | |
| 101 Elections: | | | | |
| Election Filing Fee | \$ 2.00 | | | As established by City Council resolution |
| Election Judges | \$ 11.00 | | per hour as needed | As established by City Council resolution |
| 102 Personnel Wage & Expense | | | | |
| Mayor: | | | | |
| City Meetings - per month | \$ 85.00 | | per diem \ month | As established by City Council resolution |
| + Council meeting | \$100.00 \ \$65.00 | | per City Council meeting | As established by City Council resolution |
| + Special Hearings \ Meetings \ City Business | \$ 15.00 | | per Special hearing\meeting\business | As established by City Council resolution |
| Council Members: | | | | |
| City Meetings - Per month | \$ 50.00 | | per month | As established by City Council resolution |
| + Council meeting | \$75.00 \ \$50.00 | | per City Council meeting | As established by City Council resolution |
| + special meeting | \$ 10.00 | | per Special hearing\meeting\business | As established by City Council resolution |
| Mileage Expesnes | per IRS | | per mile | Established by State of Minnesota (IRS) |
| 201 City Domain & Annexation: | | | | |
| Administration Fee | \$ 25.00 | | per person per hour or request | As established by City Council resolution |
| Annexation Processing Fee | \$ 125.00 | | per recording | Special ordinance |
| 202 Planning & Zoning: | | | | |
| Administration Fee | \$ 25.00 | | per person per hour or request | As established by City Council resolution |
| Special Assessment Search | Administration fee + | | + wage rate per hour for every hour over two hours | As established by City Council resolution |
| Variance Requests | \$ 75.00 | | per parcel | Zoning Ordinance |
| Conditional Use Permit | \$ 75.00 | | per parcel | Zoning Ordinance |
| Zoning Amendment | \$ 90.00 | | per subdivision\ parcel | Zoning Ordinance |
| Comprehensive Plan | \$ 100.00 | | per plan \ subdivision | Zoning Ordinance |
| Minor Subdivision | \$ 75.00 | | per subdivision, 3 lots or lower | Zoning Ordinance |
| Preliminary Plat | \$ 150.00 | | + \$5.00 per lot | Zoning Ordinance |
| Final Plat | - | | | paid by Preliminary Plat fee |
| Street Vacating | \$ 225.00 | | per street | Zoning Ordinance |
| Deposit for additional fees | \$ 1,000.00 | | per subdivision | Zoning Ordinance |
| Land Disturbing Activity | \$ 50.00 | | per parcel | Zoning Ordinance |

ORDINANCE No. 111A

NUISANCES

THE CITY OF STOCKTON ORDAINS:

Article I Nuisances

Section 1. Public Nuisance Defined. Whoever by an act of failure to perform a legal duty intentionally does not of the following is guilty of maintaining a public nuisance, which is a misdemeanor;

(1) Maintains or permits a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort, or repose of any number of member of the public; or

(2) Interferes with, obstructs, or renders dangerous for passage, and public highway or right-of-way, or waters used by the public; or

(3) Is guilty of any other act or omission declared by law or this ordinance to be a public nuisance for which no sentence is specifically provided.

Section 2. Specific Public Nuisances. The following are hereby declared to be public nuisances affecting health, public peace and safety and public morals and decency;

(1) Allowing, keeping, maintaining, causing, suffering or permitting any type of waste, including garbage, refuse, rubbish, decayed animal or vegetable matter, rotting lumber, barrels, cans, bottles, tubes, buckets, detached tires or other artificial containers or any other material, including discarded or unused machinery and appliances in which flies, mosquitoes, insects, rats or other vermin may breed, or which is a fire, health or safety hazard;

(2) A pond or pool of foul or stagnant water;

(3) Carcasses of animals not buried or destroyed within twenty-four (24) hours after death;

(4) Privy vaults and garbage cans which are not animal, rodent and other vermin free or insect-tight or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors;

(5) All weeds and other rank growths of vegetation. "Weeds" shall mean and include not only such noxious weeds as defined in Section 18.171 of Minnesota Statutes, but also such undesirable, useless, uncultivated and troublesome plants as are commonly known as weeds to the general public and all pollen producing plants which are hazard to hay-fever sufferers;

(6) Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities;

(7) Public exposure of persons and animals having contagious disease;

(8) A building or structure within the City infested with rats or other vermin;

(9) Depositing garbage, rubbish, offal, or the body of a dead animal or other litter upon any public highway, public waters or ice thereon, shoreland areas adjacent to public waters, public lands, or without the consent of the owner, private lands or water or ice thereon.

(10) Storage or accumulation of junk or other refuse in the open. Property kept in a licensed place is accepted. Building materials may be kept outside of an enclosed structure for a maximum of thirty (30) days following the expiration of a building permit for which such material has been acquired. For the purpose of this section, junk is defined as any material or substance which does not serve, nor is it intended to serve, any useful purpose or the purpose for which it was originally intended. Junk is considered to include, but is not limited to: refuse, empty cans, bottles, debris, used furniture and appliances and so forth;

(11) The burying of garbage, trash or waste in the ground at any location other than a legally designated disposal area;

(12) The burning of any garbage, trash or waste;

(13) Snow and/or ice on a public sidewalk not removed by the owner of any building or lot in the City abutting on or adjoining such public sidewalk within the first twelve (12) hours of daytime after the ceasing to fall of snow or other precipitation;

(14) A tree, hedge, billboard or other obstruction, which prevents a person from having a clear view of all traffic approaching an intersection;

(15) Wires, limbs of trees and other objects which are so close to the surface of a public sidewalk or street as to constitute a danger to persons or vehicles;

(16) All unnecessary and disruptive noise and vibrations, between the hours of 10:00 P.M. to 7:00 A.M.;

(17) Obstructions and excavations affecting the ordinary use by the public streets, alleys, sidewalks, or public grounds except under such conditions as are permitted by this code or other applicable law;

(18) Radio aerials or television antennae erected or maintained in a dangerous manner;

(19) Any use of property abutting a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstruction traffic and the free use of the streets or sidewalks;

(20) A hanging sign, awning, and other similar structure over a public street or sidewalk, or so situated so as to endanger public safety, or not constructed and maintained as provided by ordinance;

(21) The allowing of rain water, ice, or snow to fall from any building or structure upon any public street or sidewalk or to flow across any public sidewalk;

(22) Any barbed wire fence less than six feet above the ground and within three feet of a public sidewalk or way;

(23) Dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public;

(24) Waste water cast upon or permitted to flow upon public streets or sidewalks or other public property;

(25) A well, hole or similar excavation which is left unguarded, uncovered or in such condition as to constitute a hazard to any person coming on the premises where it is located;

(26) Obstruction to the free flow of water in a natural waterway or public street drain, gutter, or ditch with trash or other materials;

(27) The placing or throwing on any street, sidewalk or other public property of any glass, tacks, nails, bottles, or other substance which may injure any person or animal or damage any pneumatic tire when passing over such substance;

(28) In any area of the City, the existence of a structure which because of fire, wind, natural disaster or physical deterioration is no longer suitable as a dwelling, not useful for any other purpose for which it was intended;

(29) In any area of the City, the existence of a vacant structure, dwelling, garage, or other out-building, unless such structure or building is kept securely locked, windows kept glazed or neatly boarded up, or otherwise protected to prevent entrance by vandals, children or other persons;

(30) Explosives kept without a license;

(31) Permitting an unused refrigerator or other container, sufficiently large to retain any child with doors, which fasten automatically when closed, to be exposed and accessible to children, without removing the doors, lids, hinges, or latches.

(32) In any area of the City, the storage of junk automobiles, racing cars, and stock cars in the open. For the purpose of this paragraph, the term "junk automobiles" shall include any motor vehicle, part of a motor vehicle, or former motor vehicle, stored in the open which is not currently licensed for use on the highways of the state of Minnesota and is either:

(i) unusable or inoperable because of lack of, or defects in component parts; or

(ii) Unusable or inoperable because of damage from collision, deterioration, or having been cannibalized;

(iii) Beyond repair and therefore not intended for future use as a motor vehicle; or

(iv) Being retained on the property for a possible use of salvageable parts;

The term "racing car" shall include any motor vehicle designed or intended for operation on a speedway, racetrack, or other facility used or designed for high speed contests between vehicles or for timing of speed. The term "stock car" shall include any motor vehicle of standard design and

construction which is modified, adapted or altered in any manner to increase its speed or safety, and designed or intended for operation on a speedway, racetrack, or other facility used for high speed contest between vehicles or for timing speed.

(33) All other conditions or things, which are likely to cause injury to the person or property of anyone;

(34) Betting, bookmaking, and all apparatus used in such occupations;

(35) A building or place kept for purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame, and bawdy houses;

(36) A building or place where alcoholic beverages are manufactured or disposed of in violation of law or where, in violation of law, persons are permitted to resort for the purpose of consuming alcoholic beverages, or where alcoholic beverages are kept for sale or other disposition in violation of law, and all alcoholic beverages and other property used for maintaining such a place;

(37) Any vehicle used for the illegal transportation of alcoholic beverages, or for promiscuous sexual intercourse, or any other immoral or illegal purpose; and

(38) A building or place where the unlawful sale or possession of a controlled substance occurs;

(39) Any party or gathering from which the noise must be clearly audible and offensive at a distance of 50-feet or of such nature to disturb the peace, quiet or repose of another person between the hours of 10:00 P.M. and 7:00 A.M. A police officer may order all persons present other than the owners or tenants of the building or place to immediately disperse. Any person who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this section.

(i) Evidence. Noise of such volume as to be clearly audible at a distance of 50-feet from the structure or premises in which the party or gathering is occurring; or in the case of apartment buildings, in the adjacent hallway or apartment, shall be prima facie evidence of a violation of this section.

(ii) Exceptions. The following are exempt from a violation of this section: Activities which are duly authorized, sponsored, or licensed by the City of Stockton, so long as the activity is conducted pursuant to the conditions of the license, permit or contract authorizing such activity; OR Church bells, chimes or carillons; AND Persons who have gone to the party for the sole purpose of abating the violation.

ARTICLE II

DUTIES OF CITY OFFICERS

Section 1. Duties. The City Council and/or a person or persons designated by it, and the Winona County Sheriff's Department, shall enforce the provisions of this ordinance. Such officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

ARTICLE III

ABATEMENT

Section 1. Abatement.

(1) When an emergency exists and it reasonably appears there is a present danger to persons or property unless the nuisance is promptly abated, the Mayor or the Mayor's designated representative may direct that the work be undertaken upon such notice as is deemed appropriate under the circumstances.

(2) When no emergency exists and whenever the officer charges with enforcement determines that a public nuisance is being maintained or exists on premises in the City, the officer shall notify in writing the owner and occupant, if other than the owner of the premises, of the fact and order that such nuisance be terminated and abated. The notice shall be served upon the owner of the property and the occupant, if other than the owner, either personally or by certified mail sent to the last known address of the owner and occupant of the property. For purposes of serving by certified mail, the addressee is considered to have been served the notice five (5) days after the date appearing on the certificate of mailing. A notice tag shall also be affixed to the door of any building situated on the property. If the premises are not occupied and the owner unknown, the notice may be served by posting it on the

premises. The notice shall identify the nature of nuisance and the time, not exceeding ten (10) days, within which the nuisance is to be abated.

(3) The property owner or occupant may appeal said notice to the Stockton City Council provided that any appeal must be submitted in writing to the City of Stockton not later than ten (10) days following receipt of the notice.

(4) If the property owner or occupant requests an appeal in compliance with the provisions of this section, a hearing shall be held before the City Council. Following said hearing, the City Council shall be resolution determine whether a nuisance is evident. Upon the finding of a nuisance, the City Council shall order that the cited conditions be removed, stored or eliminated within ten (10) days.

(5) If an appeal of the City Council's order is not made to the district Court within ten (10) days following the City Council's decision and the property owner or occupant has not brought the property into compliance as ordered, the City shall initiate action to abate the nuisance.

(6) The City shall proceed with making the necessary arrangements to have the nuisance abated so as to comply with this ordinance and other applicable provisions of the city code.

(7) The City Attorney is empowered and directed, in addition to other remedies provided by law, and in the name of the City, to institute appropriate action or proceedings to restrain and abate a public nuisance.

ARTICLE IV
RECOVERY OF COST

Section 1. Personal Liability. The owner of the premises on which the nuisance has been abated by the City shall be personally liable for the cost to the City of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the City Clerk or other official designated by the City Council shall prepare a bill for the cost and mail it to the owner. Thereupon, the amount shall be immediately due and payable at the office of the City Clerk.

Section 2. Assessment. Any unpaid charges may be collected as a special assessment pursuant to law.

ARTICLE V
PENALTY

Section 1. Penalty. Whoever is convicted of violating any provision of this ordinance is guilty of a misdemeanor and shall be punished by a fine imposed on the fee schedule or imprisonment, not to exceed the maximums provided by Minnesota Statutes, or both, plus the costs of prosecution in either case.

ARTICLE VI
REPEAL

That any ordinance that is inconsistent with this ordinance is hereby repealed.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF STOCKTON THIS
_____ DAY OF _____, 2012.

(seal)

Christopher Parker, Mayor

ATTEST:

Bethany Winchester, Clerk-Treasurer

Ordinance # 3A

CITY OF STOCKTON AN ORDINANCE LICENSING AND REGULATING THE KEEPING OF DOMESTIC ANIMALS, REPEALING INCONSISTENT AND PRIOR DOMESTIC ANIMAL ORDINANCES

The City of Stockton does ordain the following:

Section 1) Licenses Required

A) All dogs kept, harbored, or maintained by their owners in the city shall be licensed and registered with the city by June 30 of each year. Only dogs 6 months of age and over need to pay the annual fee for a license. A late charge will be added for licenses purchased after June 30th. New residents to the city must license and register their dogs within thirty (30) days after moving to the city.

The above licensing provisions shall not apply to dogs whose owners are non-residents temporarily within the city. Temporarily shall be defined as 60 days or less.

All fees shall be determined by the Stockton City council on a yearly basis under the fee schedule.

B) Proof of current rabies vaccination by a qualified veterinarian is required before a dog can be licensed.

C) Upon payment of the Dog license Fee, the city clerk will issue a numbered metal dog tag which corresponds to the registration information on file with the city or received on the dog license & registration application.

D) Every owner shall be required to provide each dog with a collar to which the license tag must be affixed, and shall see that the collar and tag are constantly worn. In case a dog tag is lost or destroyed, the City Clerk shall issue a duplicate. Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee or tag because of the death of a dog or the owner's leaving the City.

Section 2) Nuisances

A) Running at Large: It shall be unlawful for the dog of any person who owns, harbors, or keeps a dog, to run at large. "Running at Large" shall be defined as off the premises of the owner and not under the custody and control of the owner or other person, either by leash, cord, chain, or otherwise restrained or confined. Dogs leashed, chained or confined on the owners private property must be so confined so that they cannot reach the adjoining property of another property owner or public property. A person who owns, harbors, or keeps a dog that runs at large shall be punishable by fines. Any dog caught running at large may be subjected to being impounded at the Winona Area Humane Society. Dogs on a leash and accompanied by a responsible person shall be permitted on streets and on public property unless the city has posted an area with signs reading "Dogs Prohibited."

B) Habitual Barking: It shall be unlawful for any person to keep or harbor a dog which habitually barks. "Habitual Barking" shall be defined as barking, crying, or howling often in a 24-hour period for consecutive days. The barking must also be audible off of the owner's or caretaker's premises.

C) Damage to Property: It shall be unlawful for any person's dog to damage any lawn, garden or other property, whether or not the owner has knowledge of the damage.

D) Cleaning up Litter: The owner of any dog or person having custody or control of any dog shall be responsible for cleaning up any feces of the dog and disposing of the feces in a sanitary manner, whether on the property of others or on public property. Failure to comply is considered a nuisance and is prohibited.

E) Kennels: The keeping of more than four dogs on the same premises, whether owned by the same person or not and for whatever purpose kept, shall constitute a "kennel" except that a fresh litter of pups may be kept for a period of four months before that keeping shall be deemed to be a "kennel". Because the keeping of more than four dogs on the same premises is subject to great abuse, causing discomfort to persons in the area by way of smell, noise, hazard, and general aesthetic depreciation, it shall be declared to be a nuisance and will be prohibited.

Section 3) Other

A) Basic Care: No person shall beat, treat cruelly, torment or otherwise abuse any dog or other domesticated animal, or cause or permit any dog fight. All dogs and any other domesticated animals shall receive from their owners or keepers humane care and treatment, proper shelter and protection from the weather, sufficient food and water for their comfort, and veterinary care when needed. Any person not treating their pet in a humane manner and abandonment of any animal is prohibited.

B) Attack by a Dog: It shall be unlawful for any person’s dog to inflict or attempt to inflict bodily injury to any person or other animal whether or not the owner is present. The Winona County Sheriff's Department will be called to investigate any attacks by a dog. This section shall not apply to an attack by a dog under the control of an on-duty law enforcement officer or to an attack upon an uninvited intruder who has entered the owner's home with criminal intent.

Section 4) Violations and Penalties

A) Anyone wishing to file a complaint will need to fill out and sign a complaint form, which is available from the City Clerk, or bring in a signed and dated written complaint.

B) Every person who violates any portion of this Ordinance when he or she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, shall be subject to the following:

a) First time violators of this Ordinance shall receive a warning letter from the City Clerk, along with a copy of the Ordinance. The City Clerk's letter will outline the process to follow should they be in violation. The first written complaint received will be considered a first violation. If it is discovered that a first time violators' dog is not licensed, the owner will have ten days to license the dog at the regular fee. If the dog is not licensed within 10 days of the violation notice, a late fee will be assessed according to the fee schedule.

b) Second time violators of the Ordinance will be issued a fine from the City Clerk's office according to the fee schedule. Any written complaint received within a 2 month period following the first complaint, will be considered a second violation.

c) Third time violators of the Ordinance will be issued a fine from the City Clerk's office according to the fee schedule. Any written complaint received within one (1) year after the first violation, will be considered a third violation.

Section 5) PENALTY

Any person violating any provision of this Ordinance is guilty of a misdemeanor and upon conviction shall be punished by a fine or imprisonment in the County Jail for not more than 90 days, or both, plus the cost of prosecution in any case.

Section 6) REPEAL

This Ordinance, as written, shall supersede all previous Ordinances concerning the licensing and regulations of the keeping of dogs and other domesticated animals.

Section 7) EFFECTIVE DATE

This Ordinance shall be effective upon its enactment and publication according to law.

Passed by the Stockton City Council this 13th day of March, 2012.

David Johannes, Acting Mayor

ATTEST: _____
Bethany Winchester, City Clerk-Treasurer

Memo

From: Jon Nelson, Clerk-Treasurer

To: Freeport City Council

Date: 09/22/2023

Re: EDA Member Jim Hemker's Reappointment

EDA Member Jim Hemker's term will expire September 30, 2023. Mayor Eveslage has the authority to reappoint or appoint a new member to the EDA. Hemker expressed at our September meeting that he would like to continue his duties with EDA and Mayor Eveslage chose to reappoint Hemker.

At the meeting, Council will vote on Mayor Eveslage's reappointment of Jim Hemker as an EDA member for another 6-year term.