

**SUB-ANALYSIS
CHAPTER 10**

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Other Public Protection**SEC. 10.40. SHADE TREE DISEASE CONTROL AND PREVENTION.**

Subd. 1. Policy and Purpose. The City has determined that the health of oak, elm and ash trees is threatened by fatal diseases known as oak wilt, Dutch elm disease and emerald ash borer. It has further been determined that the loss of oak, elm and ash trees located on public and private property would substantially depreciate the value of property and impair the safety, good order, general welfare and convenience of the public. It is declared to be the intention of the Council to control and prevent the spread of these diseases, and provide for the removal of dead or diseased trees, as nuisances.

Source: Ordinance No. 404, 2nd Series
Effective Date: 03-18-2012

Subd. 2. Definitions. The following terms, as used in this Section, shall have the meanings stated:

Source: Ordinance No. 8, 2nd Series
Effective Date: 3-12-76

A. The term "shade tree disease" means Dutch elm disease, oak wilt disease and/or emerald ash borer infected.

Source: Ordinance No. 404, 2nd Series
Effective Date: 03-18-2012

B. The term "tree inspector" means the City Clerk-Treasurer, or such other employee of the City as the Council may designate and who shall thereafter qualify, together with his/her duly designated assistants.

C. The term "nuisance" means (1) any living or standing tree infected to any degree with a shade tree disease; or, (2) any logs, branches, stumps or other parts of any dead or dying tree, so infected, unless such parts have been fully burned or treated under the direction of the Tree Inspector.

Subd. 3. Scope and Adoption by Reference. Minnesota Statutes, Sections 18.01 through 18.023, inclusive, are hereby adopted by reference, together with the Rules and Regulations of the Minnesota Commissioner of Agriculture relating to shade tree diseases; provided, that this Section shall supersede such Statutes, Rules and Regulations, only to the extent of inconsistencies.

Subd. 4. Unlawful Act. It is a petty misdemeanor for any person to keep, maintain or permit upon premises owned by him/her or upon public property where he/she has the duty of tree maintenance, any nuisance as herein defined.

Subd. 5. Inspection and Diagnosis. It is the power and duty of the Tree Inspector to enter upon public and private property, at any reasonable time, for the purpose of inspecting for, and diagnosing, shade tree disease. In cases of suspected shade tree disease, and in performance of his/her duties, the Tree Inspector may remove such specimens, samples and biopsies as may be necessary or desirable for diagnosis.

Subd. 6. Abatement of Nuisance. Abatement of a nuisance, defined herein, shall be by spraying, removing, burning, or otherwise effectively treating the infected tree or wood to prevent spread of shade tree disease. Such abatement procedures shall be carried out in accordance with the current technical and expert methods and plans as may be designed by the Commissioner of Agriculture of the State of Minnesota. The City shall establish specifications for tree removal and disposal methods. consistent therewith.

Subd. 7. Procedure for Removal of Infected Trees and Wood.

A. Whenever the Tree Inspector finds with reasonable certainty that the infection, or danger of infection, exists in any tree or wood on any public or private property, he/she shall proceed as follows:

1. If the Tree Inspector finds that the danger of infection of other trees is not imminent because of dormancy of shade tree disease, he/she shall make a written report of his/her finding to the Council which shall proceed by (1) abating the nuisance as a public improvement under Minnesota Statutes, Chapter 429, or (2) abating the nuisance as provided in Subparagraph B of this Subdivision.

2. If the Tree Inspector finds that danger of infection of other trees is imminent, he/she shall notify the owner of the property, or the abutting property, as the case may be, by certified mail that the nuisance will be abated within a specified time, not less than five (5) days from the date of mailing of such notice. The Tree Inspector shall immediately report such action to the Council, and after the expiration of the time limited by the notice he/she may abate the nuisance.

3. If the Tree Inspector finds with reasonable certainty that immediate action is required to prevent the spread of shade tree disease, he/she may proceed to abate the nuisance forthwith. He/She shall report such action immediately to the Council and to the abutting property owner, or to the owner of the property where the nuisance is located.

B. Upon receipt of the Tree Inspector's report required by Subparagraph A, Item 1, the Council shall by resolution order the nuisance abated. Before action is taken on such resolution, the Council shall publish notice of its intention to meet to consider taking action to abate the nuisance. This notice shall be mailed to affected property owners and published once no less than one(1) week prior to such meeting. The notice shall state the time and place of the meeting, the streets affected, action proposed, the estimated cost of the abatement, and the proposed basis of assessment, if any, of costs. At such hearing or adjournment thereof, the Council shall hear property owners with reference to the

scope and desirability of the proposed project. The Council shall thereafter adopt a resolution confirming the original resolution with such modifications as it considers desirable and provide for the doing of the work by day labor or by contract.

C. The Tree Inspector shall keep a record of the costs of abatements done under this Subdivision and shall report monthly to the City Clerk-Treasurer all work done for which assessments are to be made stating and certifying the description of the land, lots, parcels involved and the amount chargeable to each.

D. On or before September 1 of each year the City Clerk-Treasurer shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this Section. The Council may then spread the charges or any portion thereof against the property involved as a special assessment under Minnesota Statutes Section 429.101 and other pertinent Statutes for certification to the County Auditor and collection the following year along with current taxes.

E. No damage shall be awarded the owner for destruction of any tree, wood or part thereof pursuant to this Section.

Subd. 8. Spraying Trees.

A. Whenever the Tree Inspector determines that any tree, or wood is infected or threatened with infection, he/she may spray or treat all nearby high value trees with an effective concentrate or fungicide or both. Activities authorized by this Subdivision shall be conducted in accordance with technical and expert opinions and plans of the Commissioner of Agriculture and under the supervision of the Commissioner and his/her agents whenever possible.

B. The notice and assessment provisions of Subdivision 7 apply to spraying and treatment operations conducted under this Subdivision.

Subd. 9. Transporting Wood Prohibited. It is a petty misdemeanor for any person to transport any elm wood, or, in the months of April, May or June, to transport any oak wood, without having obtained a permit from the Tree Inspector. The Tree Inspector shall grant such permits only when the purposes of this Section will be served thereby.

Subd. 10. Interference Prohibited. It is a petty misdemeanor for any person to prevent, delay or interfere with the Tree Inspector while he/she is engaged in the performance of duties imposed by this Section.

Subd. 11. Additional Duties of Tree Inspector. It is the additional duty of the Tree Inspector to coordinate, under the direction and control of the Council, all activities of the City relating to the control and prevention of shade tree disease. He/She shall recommend to the Council the details of a program for the control of the diseases, and perform the duties incident to such a program adopted by the Council.

Subd. 12. Diseased Trees in Streets. The rights, duties and responsibilities of property owners set forth in this Section shall be equally applicable to, and binding upon, abutting property owners with tree maintenance responsibilities under the Section of the City Code entitled "Regulation of Grass, Weeds and Trees in Streets."

Subd. 13. Subsidies. The duty of any property owner to bear the cost of removing or maintaining trees, whether by private contract or assessment, shall be subject to a subsidy policy, if any, established by the City for the treatment or removal of trees infected with shade tree disease.

Source: Ordinance No. 8, 2nd Series
Effective Date: 3-12-76

SEC. 10.41. MINNESOTA UNIFORM FIRE CODE.

Subd. 1. Adoption. The 2007 Edition of the Minnesota Uniform Fire Code is hereby adopted as though set forth verbatim herein. One copy of said Code shall be marked CITY OF HIBBING - OFFICIAL COPY and kept on file in the office of the City Administrator and open to inspection and use by the public.

Source: Ordinance No. 352, 2nd Series
Effective Date: 8-27-2008

Subd. 2. Storage of Flammable and Explosives Material. Present installations for the purpose of storage of flammable liquid, liquified petroleum gas and explosives and blasting agents may continue. Provided, however, that such installations shall not be expanded, nor shall new installations for such purpose be permitted without a special permit from the Council. Prior to issuance of any such permit, an application therefor shall be investigated by the Chief of Police and the Chief of the Fire Department, and a hearing held thereon before the Council.

Source: Ordinance No. 213, 2nd Series
Effective Date: 6-29-94

Subd. 3. Fires or Barbecues on Balconies or Patios.

A. Open Flame Prohibited. In any structure containing three or more dwelling units, no person shall kindle, maintain, or cause any fire or open flame on any balcony above ground level, or on any ground floor patio within 15 feet of a structure.

B. Fuel Storage Prohibited. No person shall store or use any fuel, barbecue, torch, or other similar heating or lighting chemical or device in the locations designated in subparagraph A. above.

C. Exception. Listed electric or gas-fired barbecue grills that are permanently mounted and wired or plumbed to the building's gas supply or electrical system and that maintain a minimum clearance of 18 inches on all sides, unless listed for lesser clearances, may be installed on balconies and patios when approved by the Chief of the Fire Department.

Source: Ordinance No. 306, 2nd Series
Effective Date: 06-30-2004

(Jun 25, 2005)

SEC. 10.42. ABANDONED PROPERTY.

Subd. 1. Definitions. The following terms, as used in this Section, shall have the meanings stated:

A. "Abandoned Property" means wrecked or derelict property having no value other than nominal salvage value, if any, and which has been left unprotected from the elements and shall include wrecked, inoperative, or partially dismantled trailers, boats, machinery, refrigerators, washing machines, plumbing fixtures, furniture, and any other similar article which has no value other than nominal salvage value, if any, and which has been left unprotected from the elements. Abandoned property does not mean or include an abandoned motor vehicle; for abandoned motor vehicles refer to Section 10.46.

B. "Public Property" means lands and improvements owned by the United States government, the State of Minnesota, the County of St. Louis, or the City of Hibbing, lying within said City, and includes buildings, grounds, parks, playgrounds, streets, sidewalks, parkways, rights-of-way and other similar property.

C. "Enforcement Officer" means the building official of the City or any member or members of his staff authorized by the said building official to enforce the provisions of this Chapter or any police officer of the City.

Subd. 2. Unlawful Storage of Abandoned Property. It is unlawful for any person to place or leave or cause to be placed or left any abandoned property on public property within the City, or to place, leave, keep or store or cause or permit to be placed, left, kept or stored any abandoned property on private property within the Urban Service District of the City or within the platted portions of the Rural Service District of the City except as permitted by Chapter 11 (Zoning) of the City Code. The Urban Service District and the Rural Service District are identified on the City map which is adopted by reference and made a part of this Section.

Subd. 3. Procedure for Removal of Abandoned Property From Public Property.

A. Whenever the enforcement officer shall ascertain that an article or articles of abandoned property is present on public property within the City, he/she shall cause to be placed upon such article a Notice in substantially the following form:

"NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY. This property, to-wit: (setting forth brief description) is unlawfully upon public property known as (setting forth brief description of location) and must be removed within seven days from the date of this notice, otherwise it shall be presumed to be abandoned property and will be removed and destroyed by Order of the City of Hibbing.

Dated this: (setting forth date of posting of notice).

Signed: (setting forth name, title, address and telephone number of enforcement officer)."

B. Such notice shall not be less than eight inches by ten inches and shall be sufficiently weatherproof to withstand normal exposure to the elements. In addition to posting, the enforcement officer shall make reasonable effort to ascertain the name and address of the owner of the property, and if such is reasonably available to the enforcement officer, he shall mail a copy of such notice to the owner on or before the date of posting.

C. If at the end of seven days after posting such notice the owner or any person interested in the abandoned article or articles described in such notice has not removed the article or articles from public property or shown reasonable cause for failure so to do, the enforcement officer may cause the article or articles of abandoned property to be removed and destroyed, and the salvage value, if any, of such article or articles shall be retained by the City to be applied against the cost of removal and destruction thereof.

Subd. 4. Procedure for Removal of Abandoned Property from Private Property.

A. Whenever the enforcement officer shall ascertain that an article or articles of abandoned property are present on private property within the City in violation of Subd. 2 above, the enforcement officer shall cause a notice to be placed upon such article in substantially the following form:

"NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY. This property, to-wit: (setting forth brief description) located at (setting forth brief description of location) is improperly stored and is in violation of (setting forth Section violated) and must be removed within ten days from the date of this notice, otherwise it shall be presumed to be abandoned property and will be removed and destroyed by Order of the City of Hibbing.

Dated this: (setting forth date of posting of notice).

Signed: (setting forth name, title, address and telephone number of enforcement officer)."

B. Such notice shall not be less than eight inches by ten inches and shall be sufficiently weatherproof to withstand normal exposure to the elements. In addition to posting, the enforcement officer shall mail a copy of the notice to the owner of the real property upon which the abandoned articles are located as shown by the real estate tax records on or before the date of posting of such notice.

C. If at the end of ten days after posting such notice the owner or any person interested in the abandoned article or articles described in such notice has not removed the article or articles and complied with the regulation cited in the notice, the enforcement officer may cause the article or articles of abandoned property to be removed or destroyed, and the salvage value, if any, of such article or articles shall be retained by the City to be applied against the cost of removal and destruction thereof.

Subd. 5. Appeals. Any person aggrieved by a decision of the enforcement officer in the enforcement of this Section may appeal the decision to the Zoning Board of Appeals and Adjustments in the manner set forth in Chapter 2 of the City Code.

Source: Ordinance No. 240, 2nd Series
Effective Date: 7-11-97

SEC. 10.43. RULES AND REGULATIONS GOVERNING PUBLIC PROPERTY.
Upon the recommendation of the Board or Commission having administrative or advisory authority with reference to public property, or upon its own motion, the Council may adopt and amend such rules and regulations by resolution and it shall thereafter be unlawful to violate any such rules and regulations.

Source: City Code
Effective Date: 9-1-74

SEC. 10.44. MAINTENANCE OF PRIVATE PROPERTY.

Subd. 1. It is the primary responsibility of any owner or occupant of any lot or parcel of land to maintain any weeds or grass growing thereon at a height of not more than six (6) inches; to remove all public health or safety hazards therefrom; to install or repair water service lines thereon; and to treat or remove insect-infested or diseased trees thereon.

Subd. 2. If any such owner or occupant fails to assume the primary responsibility described in Subdivision 1 of this Section, and after notice given by the City Clerk-Treasurer has not within seven (7) days of such notice complied, the City may cause such work to be done and the expenses thus incurred shall be a lien upon such real estate. The City Clerk-Treasurer shall certify to the County Auditor of St. Louis County a statement of the amount of the cost incurred by the City. Such amount together with interest shall be entered as a special assessment against such lot or parcel of land and be collected in the same manner as real estate taxes.

Source: Ordinance No. 87, 2nd Series
Effective Date: 5-23-81

SEC. 10.45. REGULATION OF DISCRIMINATORY ACTS RELATED TO HOUSING ACCOMMODATIONS AND PROPERTY RIGHTS.

Subd. 1. Statement of Policy and Purpose. It is the public policy of the City and purpose of this Section:

A. To recognize and declare that the opportunity to obtain housing accommodations and property rights without discrimination based on race, color, creed, religion, national origin, sex, disability, marital status or status with regard to public assistance is a civil right.

B. To prevent and prohibit all discriminatory practices based on race, color, creed, religion, national origin, sex, disability, marital status or status with regard to public assistance, with respect to housing accommodations and property rights.

C. To protect all persons from unfounded charges of discriminatory practices.

D. To effectuate the foregoing policy by means of public information, mediation and conciliation, and by establishing methods of enforcement procedures and referrals.

Subd. 2. Definitions. The following terms, as used in this Section, shall have the meanings stated:

A. The term "Commission" means the Civil Rights Commission of the City.

B. The term "discriminate or discrimination" means any act, attempted act, policy or practice which results in the unequal treatment, separation or segregation of, or which otherwise adversely affects any person who is a member of a class protected by this Section.

C. The term "disability" means a mental or physical condition which constitutes a handicap.

D. The term "national origin" means the place of birth of an individual or any of his/her lineal ancestors.

E. The terms "real estate broker" and "real estate salesman" mean a real estate broker as defined by Minnesota Statutes, Section 82.01, Subd. 4, and real estate salesman as defined by Minnesota Statutes, Section 82.01, Subd. 6.

F. The term "real property" means any right, title, interest in or to the possession, ownership, enjoyment or occupancy of any parcel of land in the City, any building situated thereon, or any portion of such building.

G. The term "status with regard to public assistance" means the condition of being a recipient of Federal, State or local assistance, including medical assistance, or of being a tenant receiving Federal, State or local subsidies, including rental assistance or rent supplements.

Subd. 3. Exemptions. The provisions of this Section shall not apply to, or be construed to require adherence to, the following:

A. The sale or rental of owner-occupied single-family housing where the owner does not utilize the services of a real estate broker or real estate salesman; provided, however, that such sale or rental is not accomplished through the use of discriminatory advertising.

B. The sale or rental of units in houses for from two to four families; provided, however, that the owner must occupy one of the units, and provided, further, that such sale or rental is not accomplished through the use of discriminatory advertising.

C. The requiring of any person or group of persons selling, renting or leasing property to modify the property in any way or to exercise a higher degree of care for a person having a disability than for a person who does not have a disability.

D. The relief to any person or persons of any obligations generally imposed on all persons regardless of any disability in a written lease, rental agreement, or contract of purchase or sale, or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations of such lease, agreement or contract.

E. The prohibiting of any program, service, facility or privilege afforded to a person with a disability which is intended to habilitate, rehabilitate or accommodate that person.

F. The restricting of any implementation of positive action or affirmative action programs to lessen or eliminate discrimination.

Subd. 4. Acts of Discrimination. Without limitation, the following are declared to be unfair discriminatory acts:

A. Discrimination in Real Estate. For an owner, lessee, sublessee, managing agent of, real estate broker, real estate salesman or other person having the right to sell, rent or lease any property, or any agent or employee of any of these:

1. To refuse to sell, rent or lease, to offer for sale, rental or lease or otherwise deny or withhold any real property to or from any person or group of persons or to refuse to negotiate for the sale, rental or lease of any real property to any person or group of persons because of race, creed, color, religion, national origin, sex, disability, marital status or status with regard to public assistance.

2. To represent that real property is not available for inspection, sale, rental or lease when, in fact, it is so available, or otherwise deny or withhold any real property or any facilities or real property to or from any person or group of persons because of race, creed, color, religion, national origin, sex, disability, marital status or status with regard to public assistance.

3. To discriminate against any person in the terms, conditions or privileges of the sale, rental or lease of real property or in the furnishing of facilities or services in connection therewith because of the person's race, creed, color, national origin, religion, sex, disability, marital status or status with regard to public assistance.

4. To print, circulate or post, or cause to be printed, circulated or posted any advertisement or sign, or use in any form of application for the purchase, rental or lease of any real property, or make any record or inquiry in connection with the prospective purchase, rental or lease of any real property, which expresses directly or indirectly, any limitation, specification or discrimination as to race, creed, color, religion, national origin, sex, disability, marital status or status with regard to public assistance.

B. Discriminatory Representation by Real Estate Brokers or Real Estate Salesmen. For any real estate broker or real estate salesman, or any agent or employee thereof, for the purpose of inducing a real property transaction from which such person, that person's firm, or any of its members may benefit financially, to represent that a change has occurred, or will or may occur, in the composition with respect to race, creed, color, religion, national origin, sex, disability, marital status or status with regard to public assistance of the owners or occupants in the block, neighborhood or area in which the real property is located, and to represent directly or indirectly that this change will or may result in undesirable consequences in the block, neighborhood or area in which the real property is located, including but not limited to the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of school or other public facilities.

C. Discrimination in Lending. For any person, bank, banking organization, mortgage company, insurance company, or other financial institution or lender, or any agent or employee thereof, to whom application is made for financial assistance:

1. To discriminate against any person or group of persons because of race, creed, color, religion, national origin, sex, disability, marital status, or status with regard to public assistance in the granting, withholding, extending, modifying, renewing, or in the rates, terms, conditions or privileges of any such financial assistance or in the extension of services in connection therewith.

2. To use any form of application for such financial assistance or make any record or inquiry in connection with applications for such financial assistance which expresses, directly or indirectly, any preference, limitation, specification or discrimination as to race, creed, color, religion, national origin, sex, disability, marital status or status with regard to public assistance or any intent to make any such limitation, specification or discrimination.

D. Aiding, Abetting or Facilitating Discrimination; Reprisals Related to Discrimination. For any person to:

1. Conceal or attempt to conceal any discriminatory act forbidden by this Section or to aid, abet, compel, coerce, incite or induce, or attempt to induce, another person to discriminate.

2. Use any trick, artifice, advertisement, sign, form of application, record or inquiry or any device whatsoever to bring about or facilitate discrimination.

3. Engage in any reprisal, economic or otherwise, because another person opposed a discriminatory act forbidden under this Section, has filed a charge, testified, assisted or participated in any manner in an investigation or proceeding under this Section or has associated with a person or group of persons of a different race, creed, color, religion, national origin, sex, marital status, disability or status with regard to public assistance.

Subd. 5. Duties of City Employees. All elected and appointed City employees shall observe the provisions of this Section and shall respond to all reasonable requests by the Commission acting within the scope of its authority for information and for access to data and records, not protected by law or privilege, necessary to carrying out its responsibilities.

Source: Ordinance No. 27, 2nd Series
Effective Date: 6-15-77

SEC. 10.46. DISPOSAL OF ABANDONED MOTOR VEHICLES.

Subd. 1. Declaration of Public Nuisance. The presence, accumulation, or improper storage of abandoned motor vehicles on real property and the public streets and highways of the City is hereby found to create an unsightly condition tending to reduce the value of real property, to invite plundering, to create fire and safety hazards, and to constitute an attractive nuisance creating a hazard to the health and safety of minors. The accumulation and outside storage of such motor vehicles is further found to promote blight and deterioration in the community and may violate the zoning regulations of the City in many instances. It is further found that such abandoned motor vehicles are often in the nature of rubbish, litter, and unsightly debris. Therefore, the accumulation and storage of such motor vehicles on real property within the Urban District of the City or within the platted portions of the Rural Service District of the City, except as hereinafter permitted, is hereby declared to constitute a public nuisance which may be abated as such, which remedy shall be in addition to any other remedy provided in this or other City Code provision or by State law. The Urban Service District and the Rural Service District are identified on the City map which is adopted by reference and made a part of this Section.

Subd. 2. Definitions. The following terms, as used in this Section, shall have the meanings stated:

A. "Abandoned Vehicle" means any motor vehicle which is determined by the enforcement officer to be inoperative or to which the last registered owner of record has relinquished dominion and control or which does not have attached to it current license

plates or tabs as required by State law, and which is not stored in accordance with the City Code.

B. "Enforcement Officer" means the building official or the building official's designee or any police officer of the City.

C. "Inoperative Vehicle" means any motor vehicle which cannot be driven or propelled under its own power in its existing condition or which cannot be driven or propelled under its own power in a safe manner because of its wrecked, junked, or partially dismantled condition.

D. "Motor Vehicle" means a motor vehicle defined as every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires. "Motor vehicle" does not include a vehicle moved solely by human power.

E. "Real Property" means any land within the City which is not a public street, highway, or right-of-way.

Subd. 3. Open Storage of Abandoned Vehicles. It is unlawful for any person to park, store, or leave or permit the parking, storing or leaving of any abandoned vehicle upon any real property, including private property, within the City for a period of 14 successive days, unless such vehicle is completely enclosed in a building or unless such vehicle is so stored or parked on private property in connection with a duly licensed business or commercial enterprise operated and conducted pursuant to law when such parking or storing of vehicles is necessary to the operation of the business or commercial enterprise.

Subd. 4. Notice to Remove.

A. Whenever the enforcement officer ascertains that an abandoned vehicle is present on real property within the City, he shall cause notice to be placed upon such abandoned vehicle using substantially the following words:

"NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED MOTOR VEHICLE AND TO THE OWNER OR PERSON(S) IN LAWFUL POSSESSION OR CONTROL OF THIS LAND. This vehicle: (setting forth a brief description) located at (setting forth a brief description of the location), is improperly stored, and its present storage will be in violation of Section 10.46, Subd. 3 of the City Code on (setting forth a date 14 days from the date of this notice) unless such vehicle is removed and stored within a building or opaque screened area pursuant to Section 10.46, Subd. 3. Failure to remove and store said vehicle is a misdemeanor. In

addition, this vehicle may be removed and disposed of in accordance with the provisions of Minnesota Statutes Chapter 168B. Dated this: (setting forth date of posting of notice). Signed: (setting forth name, title, address and telephone number of enforcement officer).

B. The notice set forth in Subd. 4, A., above shall not be less than eight inches by ten inches and shall be sufficiently weatherproofed to withstand normal exposure to the elements.

C. In addition to the posting, the enforcement officer shall mail on the day of posting or on the day immediately following a copy of the written notice to the last registered owner of said vehicle and to the owner or persons in lawful possession of the real property upon which the vehicle is located.

Subd. 5. Failure to Remove. Failure by the owner of the motor vehicle or owner or person in lawful possession of the real property upon which the vehicle is located to remove and store the motor vehicle after notice has been given and the 14-day period has expired shall constitute a misdemeanor.

Subd. 6. Abatement, Removal and Disposition.

A. Abatement and Removal by City. If the registered owner of any motor vehicle which is in violation of this Section or if the owner or person in lawful possession or control of the property upon which such vehicle is located shall fail, neglect or refuse to remove or house such vehicle in accordance with the notice, the motor vehicle shall be deemed abandoned and the enforcement officer may remove and dispose of such vehicle.

B. Removal and Disposal of Abandoned Vehicles. The removal and disposal of said vehicles shall be made in accordance with the provisions set forth in Minnesota Statutes Chapter 168B.

Subd. 7. Entry for Removal or Abatement. Any person, at the direction of the enforcement officer, is hereby expressly authorized to enter upon private property for the purpose of enforcing the provisions of this Section. It is unlawful for any person to interfere with or hinder such person so authorized to enter upon private property in the performance of these duties.

Subd. 8. Prohibition on Streets, Highways, or Rights-of-Way. It is unlawful for any person to do the following:

A. Park or leave an inoperative vehicle in the right-of-way of public streets, provided that a reasonable time, not to exceed 24 hours from the time of disability, is permitted for the removal or servicing of a disabled motor vehicle.

B. Store abandoned property as defined in this Chapter or garbage or other refuse as defined in Chapter 3 of the City Code for more than seven days in a motor vehicle or trailer parked on a street, or on private property, outside of a garage.

Subd. 9. Restoration of Vehicles. Notwithstanding provisions of this Section to the contrary, one motor vehicle that is being kept for restoration purposes may be stored on each residential parcel of land if:

A. The motor vehicle is kept under a tarp or is kept behind opaque visual screening; and,

B. Substantial or verifiable progress is made toward the restoration of the vehicle beginning within 180 days after it is parked on the lot and continuing thereafter until the restoration is completed.

Subd. 10. Appeals. Any person aggrieved by a decision of the enforcement officer in the enforcement of this Section may appeal the decision to the Zoning Board of Appeals and Adjustments in the manner set forth in Chapter 2 of the City Code.

Source: Ordinance No. 239, 2nd Series
Effective Date: 7-11-97

SEC. 10.47. PROTECTION OF LIBRARY PROPERTY.

Subd. 1. Damage to library materials. A person who intentionally, and without permission from library personnel damages any books, maps, pictures, manuscripts, films, or other property of any public library or library belonging to the state or to any political subdivision is guilty of a petty misdemeanor.

Subd. 2. Removal of library property. A person who intentionally, and without permission from library personnel removes any books, maps, pictures, manuscripts, films, or other property of any public library or library belonging to the state or to any political subdivision is guilty of a misdemeanor.

Subd. 3. Detention of library materials. A person who detains a book, periodical, pamphlet, film, or other property belonging to any public library or to a library belonging to the state or any political subdivision, for more than 60 days after notice in writing to return it, given after the expiration of the library's stated loan period for the material, is guilty of a petty misdemeanor. The written notice shall be sent by mail to the last known address of the person detaining the material. The notice shall state the type of material borrowed, the title of the material, the author's name, the library from which the material was borrowed, and the date by

which the material was to have been returned to the library. The notice shall include a statement indicating that if the material is not returned within 60 days after the written notice the borrower will be in violation of this section.

Source: Ordinance No. 250, 2nd Series
Effective Date: 6-1-98

SEC. 10.48. CHILD PROTECTION BACKGROUND CHECK.

Subd. 1. Definitions. The definitions in this subdivision apply to Section 10.48.

A. Background check crime. "Background check crime" includes child abuse crimes, murder, manslaughter, felony level assault or any assault crime committed against a minor, kidnapping, arson, criminal sexual conduct, and prostitution-related crimes.

B. Child. "Child" means an individual under the age of 18.

C. Child abuse crime. "Child abuse crime" means:

1. an act committed against a minor victim that constitutes a violation of section 609.185, clause (5); 609.221; 609.222; 609.223; 609.224; 609.2242; 609.322; 609.324; 609.342; 609.343; 609.344; 609.345; 609.352; 609.377; or 609.378; or

2. a violation of section 152.021, subdivision 1, clause (4); 152.022, subdivision 1, clause (5) or (6); 152.023, subdivision 1, clause (3) or (4); 152.023, subdivision 2, clause (4) or (6); or 152.024, subdivision 1, clause (2), (3), or (4).

D. Children's service provider. "Children's service provider" means a business or organization, whether public, private, for profit, nonprofit, or voluntary, that provides children's services, including a business or organization that licenses or certifies others to provide children's services.

E. Children's service worker. "Children's service worker" means a person who has, may have, or seeks to have access to a child to whom the children's service provider provides children's services, and who:

1. is employed by, volunteers with, or seeks to be employed by or volunteer with a children's service provider; or

2. owns, operates, or seeks to own or operate a children's service provider.

F. Children's services. "Children's services" means the provision of care, treatment, education, training, instruction, or recreation to children.

G. CJIS. "CJIS" means the Minnesota criminal justice information system.

H. Police Chief. "Police Chief" means the chief of the Hibbing Police Department.

Subd. 2. Background checks.

A. Generally. The Police Chief shall develop procedures to enable a children's service provider to request a background check to determine whether a children's service worker is the subject of any reported conviction for a background check crime. The Police Chief shall perform the background check by retrieving and reviewing data on background check crimes maintained in the CJIS computers.

B. Background checks; requirements. The Police Chief may not perform a background check under this section unless the children's service provider submits a written document, signed by the children's service worker on whom the background check is to be performed, containing the following:

1. a question asking whether the children's service worker has ever been convicted of a background check crime and if so, requiring a description of the crime and the particulars of the conviction;

2. a notification to the children's service worker that the children's service provider will request the Police Chief to perform a background check under this section; and

3. a notification to the children's service worker of the children's service worker's rights under C.

Background checks performed under this section may only be requested by and provided to authorized representatives of a children's service provider who have a need to know the information and may be used only for the purposes of this section. Background checks may be performed pursuant to this section not later than one year after the document is submitted under this section.

C. Children's service worker rights.

1. The children's service provider shall notify the children's service worker of the children's service worker's rights under 2.

2. A children's service worker who is the subject of a background check request has the following rights:

(a) the right to be informed that a children's service provider will request a background check on the children's service worker:

(i) for purposes of the children's service worker's application to be employed by, volunteer with, or be an owner of a children's service provider or for purposes of continuing as an employee, volunteer, or owner; and

(ii) to determine whether the children's service worker has been convicted of any crime specified in subdivision 1. A. or C.;

(b) the right to be informed by the children's service provider of the Police Chief's response to the background check and to obtain from the children's service provider a copy of the background check report;

(c) the right to obtain from the Police Chief any record that forms the basis for the report;

(d) the right to challenge the accuracy and completeness of any information contained in the report or record pursuant to Minnesota Statute 13.04, subdivision 4;

(e) the right to be informed by the children's service provider if the children's service worker's application to be employed with, volunteer with, or be an owner of a children's service provider, or to continue as an employee, volunteer, or owner, has been denied because of the Police Chief's response; and

(f) the right not to be required directly or indirectly to pay the cost of the background check.

D. Response of Bureau. The Police Chief shall respond to a background check request within a reasonable time after receiving the signed, written document described in B. The Police Chief shall provide the children's service provider with a copy of the applicant's criminal record or a statement that the applicant is not the subject of a criminal history record at the Minnesota Bureau of Criminal Apprehension. It is the responsibility of the service provider to determine if the applicant qualifies as an employee or volunteer under this section.

E. No duty. Section 10.48 does not create a duty to perform a background check.

F. Admissibility of evidence. Evidence or proof that a background check of a volunteer was not requested under Section 10.48 by a children's service provider is not admissible in evidence in any litigation against a nonprofit or charitable organization.

Source: Ordinance No. 256, 2nd Series
Effective Date: 3-26-1999

SEC. 10.49. BACKGROUND CHECKS FOR CITY EMPLOYMENT AND FOR CITY LICENSES AND OTHER LICENSES.

Subd. 1. Applicants for City Employment.

A. Purpose. The purpose and intent of this section is to establish regulations that will allow law enforcement access to Minnesota's Computerized Criminal History information for specified non-criminal purposes of employment background checks for the positions described in Subd. 1.B.

B. Criminal History Employment Background Investigations. The Hibbing Police Department is hereby required, as the exclusive entity within the City, to do a criminal history background investigation on the applicants for the following positions within the City, unless the City's hiring authority concludes that a background investigation is not needed:

All regular part-time or full-time Employment positions of the City of Hibbing and other positions that work with children or vulnerable adults.

In conducting the criminal history background investigation in order to screen employment applicants, the Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Police Department under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the Computerized Criminal History data may be released by the Police Department to the hiring authority, including the City Council, the City Administrator, the City Human Resources person, or other city staff involved in the hiring process.

Before the investigation is undertaken, the applicant must authorize the Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minn. Stat. Chap. 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minnesota Statutes Section 364.09, the City will not reject an applicant for employment on the basis of the applicant's prior conviction unless the crime is directly related to the position of employment sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the City rejects the applicant's request on this basis, the City shall notify the applicant in writing of the following:

1. The grounds and reasons for the denial.

2. The applicant complaint and grievance procedure set forth in Minnesota Statutes Section 364.06.

3. The earliest date the applicant may reapply for employment.

4. That all competent evidence of rehabilitation will be considered upon re-application.

Subd. 2. Applicants for City Licenses and Other Licenses.

A. Purpose. The purpose and intent of this section is to establish regulations that will allow law enforcement access to Minnesota's Computerized Criminal History information for specified non-criminal purposes of licensing background checks.

B. Criminal History License Background Investigations. The Hibbing Police Department is hereby required, as the exclusive entity within the City, to do a criminal history background investigation on the applicants for the following licenses within the City:

City licenses:	Liquor
	Beer
	Wine
	Tobacco
	Photographers
	Taxicab
	Massage Parlor
	Kennels
	Pawn Brokers
	Peddlers
	Transient Merchants

Other Licenses:	Child Services
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In conducting the criminal history background investigation in order to screen license applicants, the Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Police Department under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the Computerized Criminal History data may be released by the Police Department to the licensing authority, including the City Council, the City Administrator, or other City staff involved in the license approval process.

Before the investigation is undertaken, the applicant must authorize the Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minn. Stat. Chap. 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minnesota Statutes Section 364.09, the City will not reject an applicant for a license on the basis of the applicant's prior conviction unless the crime is

directly related to the license sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the City rejects the applicant's request on this basis, the City shall notify the applicant in writing of the following:

1. The grounds and reasons for the denial.
2. The applicant complaint and grievance procedure set forth in Minnesota Statutes Section 364.06.
3. The earliest date the applicant may reapply for the license.
4. That all competent evidence of rehabilitation will be considered upon re-application.

Source: Ordinance No. 388, 2nd Series
Effective Date: 05-05-2011

SEC. 10.50. RULES AND REGULATIONS GOVERNING OPERATION AND PARKING OF MOTOR VEHICLES AND SNOWMOBILES FOR THE CHISHOLM-HIBBING MUNICIPAL AIRPORT.

Subd. 1. Definitions. The following terms, as used in this Section, shall have the meanings stated:

A. The term "vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a roadway or highway except devices moved by human power.

B. The term "motor vehicle" means every vehicle which is self-propelled and not deriving its power from overhead wires.

C. The term "snowmobile" means a self-propelled vehicle designed for travel on snow or ice or a natural terrain, steered by wheels, skis or runners.

D. The term "motorcycle" means every motor vehicle having a saddle or seat for the use of the rider, designed to travel on not more than three wheels in contact with the ground, including motor scooters, minibikes and bicycles with motors attached.

E. The term "operate" means to ride in or on, or control the operation, or in actual physical control of a vehicle or snowmobile.

F. The term "bicycle" means every device propelled by human power upon which any person may ride, having two tandem wheels either of which is over 20 inches in diameter and including any device generally recognized as a bicycle although equipped with two front or rear wheels.

G. The term "owner" means a person other than a lien holder having the property in or title to a vehicle or snowmobile, entitled to the use or possession thereof.

H. The term "airport property" means and includes the property described as follows:

Commencing at the southeast corner of Section 22, T.57N., R.20 W.; thence, north along the east boundary of Section 22 a distance of 333 feet; thence, south parallel to the east line of Section 22 a distance 333 feet to a point on the south line of Section 22; thence, west along the south line of Section 22 to the southeast corner of the SW $\frac{1}{4}$ -SE $\frac{1}{4}$, Section 22; thence, north along the east line of the SW $\frac{1}{4}$ -SE $\frac{1}{4}$ of Section 22 a distance of 860 feet; thence, southwesterly a distance of 770 feet more or less to a point which is due north and 270 feet from the south line of the SW $\frac{1}{4}$ -SE $\frac{1}{4}$, Section 22; thence, south parallel to the

east line a distance of 270 feet to a point on the south line of the SW $\frac{1}{4}$ -SE $\frac{1}{4}$, Section 22; thence, west along the south line of the SW $\frac{1}{4}$ -SE $\frac{1}{4}$, Section 22 a distance of 560 feet; thence, south parallel to the west line of the NW $\frac{1}{4}$ -NE $\frac{1}{4}$, Section 27 a distance of 420 feet: thence, west parallel to the north line of the NW $\frac{1}{4}$ -NE $\frac{1}{4}$, a distance of 200 feet to a point on the west line of the NW $\frac{1}{4}$ -NE $\frac{1}{4}$, Section 27; thence, south 790 feet more or less to the southwest corner of the NW $\frac{1}{4}$ -NE $\frac{1}{4}$, Section 27; thence, east along the south line of the North $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 27 to a point which is 660 feet west of the southeast corner of the NE $\frac{1}{4}$ -NE $\frac{1}{4}$, Section 27; thence, southeasterly a distance of 1,070 feet more or less to a point on the east line of the SE $\frac{1}{4}$ -NE $\frac{1}{4}$, Section 27 to a point which is 320 feet north of the southeast corner of the SE $\frac{1}{4}$ -NE $\frac{1}{4}$, Section 27; thence south along the east line of Section 27 to the southwest corner of the NW $\frac{1}{4}$ -Sw $\frac{1}{4}$, Section 26, T. 57N., R.20W.; thence, east along the south line of the NW $\frac{1}{4}$ -Sw $\frac{1}{4}$ to the southeast corner of said NW $\frac{1}{4}$ -Sw $\frac{1}{4}$; thence, south along the west line of the SE $\frac{1}{4}$ -Sw $\frac{1}{4}$, Section 26, to the southwest corner of the SE $\frac{1}{4}$ -Sw $\frac{1}{4}$; thence, east along the south line of the SE $\frac{1}{4}$ -Sw $\frac{1}{4}$ to the southeast corner of the SE $\frac{1}{4}$ -Sw $\frac{1}{4}$; thence south along the west line of the NE $\frac{1}{4}$, Section 35, T.57N., R.20W., to the center of said Section 35; thence east along the south line of the SW $\frac{1}{4}$ -NE $\frac{1}{4}$, Section 35, to the southeast corner of the SW $\frac{1}{4}$ -NE $\frac{1}{4}$; thence, north along the east line of the SW $\frac{1}{4}$ -NE $\frac{1}{4}$ to the northeast corner of the SW $\frac{1}{4}$ -NE $\frac{1}{4}$; thence, east along the south line of the NE $\frac{1}{4}$ -NE $\frac{1}{4}$, Section 35, to the southeast corner of the NE $\frac{1}{4}$ -NE $\frac{1}{4}$ of Section 35; thence, south along the west line of the SW $\frac{1}{4}$ -NW $\frac{1}{4}$, Section 36, to the southwest corner of the SW $\frac{1}{4}$ -NW $\frac{1}{4}$; thence, east along the south line SW $\frac{1}{4}$ -NW $\frac{1}{4}$, to the southeast corner of the SW $\frac{1}{4}$ -NW $\frac{1}{4}$; thence, south along the west line of the NE $\frac{1}{4}$ -Sw $\frac{1}{4}$, a distance of 100 feet; thence, southeasterly a distance of 975 feet more or less to a point which is 200 feet west of the southeast corner of the NE $\frac{1}{4}$ -Sw $\frac{1}{4}$; thence, southeasterly a distance of 200 feet to a point on the west line of the SW $\frac{1}{4}$ -SE $\frac{1}{4}$, Section 36, which point is 150 feet south of the northwest corner of the SW $\frac{1}{4}$ -SE $\frac{1}{4}$; thence, south along the west line of the SW $\frac{1}{4}$ -SE $\frac{1}{4}$, to the southwest corner of the SW $\frac{1}{4}$ -SE $\frac{1}{4}$; thence, east along the south line of the SW $\frac{1}{4}$ -SE $\frac{1}{4}$ to the southeast corner of the SW $\frac{1}{4}$ -SE $\frac{1}{4}$, Section 36; thence, north along the east 1/16 line of Section 36 to a point which is 360 feet south of the northeast corner of the SW $\frac{1}{4}$ -NE $\frac{1}{4}$, Section 36, T.57N., R.20W; thence, northwesterly a distance of 1,140 feet more or less to a point on the west line of the NW $\frac{1}{4}$ -NE $\frac{1}{4}$, Section 36, which point is 338 feet south of the northwest corner of the NW $\frac{1}{4}$ -NE $\frac{1}{4}$, Section 36; thence, south along the west line of the NW $\frac{1}{4}$ -NE $\frac{1}{4}$, Section 36 to a point which is 150 feet north of the southwest corner of the NW $\frac{1}{4}$ -NE $\frac{1}{4}$, Section 36; thence, northwesterly a distance of 400 feet more or less to a point which is 300 feet south and 350 feet west of the northeast corner of the NE $\frac{1}{4}$ -NW $\frac{1}{4}$, Section 36; thence, west parallel to the

north line of the NE $\frac{1}{4}$ -NW $\frac{1}{4}$, a distance of 210 feet; thence, north parallel to the west line of the NE $\frac{1}{4}$ -NW $\frac{1}{4}$ a distance of 300 feet to a point on the north line of the NE $\frac{1}{4}$ -NW $\frac{1}{4}$, Section 36; thence, west along the north line of the NE $\frac{1}{4}$ -NW $\frac{1}{4}$, Section 36 to a point which is 1,200 feet east of the southwest corner of Section 25, T.57N., R.20W.; thence, northwesterly to a point on the west line of Section 25, which point is 875 feet north of the southwest corner, Section 25; thence, north along the west line of Section 25 to the northeast corner of the northeast of the southeast of Section 26, T.57N., R.20W.; thence, west along the north line of the NE $\frac{1}{4}$ -SE $\frac{1}{4}$, to the northwest corner of the northeast of the southeast; thence, north along the east 1/16 line of Section 26 to the northeast corner of NW $\frac{1}{4}$ -NE $\frac{1}{4}$, Section 26; thence, west along the north line of Section 26 to the northwest corner of Section 26, which corner is also common to Sections 22, 23, 27, and 26, and is also the point of beginning, together with any additional property, or interest therein, that may be acquired for airport purposes.

Subd. 2. Traffic Regulation.

A. It is unlawful for any person to operate a motor vehicle, motorcycle, bicycle or other vehicle upon airport property except upon established roads, roadways and parking areas; this restriction shall not apply to airport maintenance vehicles nor to service vehicles engaged in servicing aircraft. In an emergency, ambulance and fire trucks may enter the landing area under the direction of the airport manager.

B. All provisions of Minnesota Statutes, Chapter 169, regulating the operation and use of motor vehicles shall apply to the operation of vehicles upon the roads, roadways and parking areas on airport property of the Chisholm-Hibbing Airport.

C. It is unlawful for any person to operate a snowmobile at any time on airport property. Provided, however, that in the event a snowmobile bearing his/her registration number is operated on airport property contrary to the provisions of this Section, the registered owner will not be in violation if it is found that:

1. The snowmobile was reported stolen to the Commissioner of Natural Resources or a law enforcement agency at the time of the alleged unlawful act; or if

2. The registered owner demonstrates that the snowmobile either was stolen or was not in use at the time of the alleged unlawful act; or if

3. The registered owner furnishes to law enforcement officers upon request the identity of the person in actual physical control of the snowmobile at the time of such violation.

D. The provisions of Subparagraph C above do not apply to any person who rents or leases a snowmobile if such person keeps a record of the name and address of the person or persons renting or leasing such snowmobile, the registration number thereof, the departure date and time, and the expected time of return thereof. Such records shall be preserved for at least six (6) months and shall be *prima facie* evidence that the person named therein was the operator thereof at the time said snowmobile was operated contrary to the provisions of this Section. The provisions of this Subdivision do not prohibit or limit the prosecution of a snowmobile operator for violating any of the provisions of this Section.

Subd. 3. Parking Regulations.

A. The Chisholm-Hibbing Airport Commission is hereby authorized to regulate and restrict parking of motor vehicles, motorcycles, bicycles and other vehicles upon roads, roadways, and parking areas on airport property of the Chisholm-Hibbing Airport.

B. It is unlawful for any person to stop, park or leave standing any vehicle, whether attended or unattended, upon the paved, improved or main-traveled part of a road when it is practical to stop, park or so leave such vehicle off such part of the road, but in any event a clear and unobstructed width of at least 20 feet of such part of the road opposite such standing vehicle shall be left for the free passage of other vehicles. This Subdivision shall not apply to the driver of any vehicle which is disabled while on the paved or improved or main-traveled portion of a road in such a manner and to such extent that it is impossible to avoid stopping or temporarily leaving such disabled vehicle in such position.

C. The Chisholm-Hibbing Airport Commission, by resolution, may establish "No Parking" zones in certain areas of the airport property and shall mark by appropriate signs any zone so established.

D. The Chisholm-Hibbing Airport Commission may, by resolution, establish and designate certain areas of airport property as limited parking zones and shall mark by appropriate signs any zones so established.

E. The Chisholm-Hibbing Airport Commission, by resolution, may establish and designate one or more loading zones in certain areas on airport property and shall mark by appropriate signs any zones so established. Such zones shall be located at places most

convenient for the use of the public and with regard to traffic conditions in the area. It is unlawful for any person to park any vehicle in any loading zone except for the purpose of receiving or discharging passengers or freight and then only for a period no longer than is necessary for the discharge or receipt of such passengers or freight.

F. The Chisholm-Hibbing Airport Commission, by resolution, may establish and designate certain areas limited to parking for taxicabs and rental vehicles and shall mark by appropriate signs any such zones so established.

G. The Chisholm-Hibbing Airport Commission may designate certain areas of the airport property as areas for the parking of motor vehicles, motorcycles, bicycles and other vehicles and may have lines or markings painted or placed upon the curb and/or upon the parking surface designating the parking space to be used for each vehicle in said area, and such vehicles shall park within the lines or markings so established. It is unlawful to park a vehicle across any such line or marking or to park any vehicle in such position that the same shall not be entirely within the area so designated by such lines or markings.

H. It is unlawful for any person who may own, have in charge or control any motor vehicle, motorcycle, bicycle or any other vehicle, to place, leave or cause to be placed or left for a period of more than seventy-two (72) hours, whether attended or unattended, any such motor vehicle, motorcycle, bicycle or any other vehicle upon any designated parking area.

I. Any motor vehicle, motorcycle, bicycle or other vehicle which shall be parked or left standing in violation of this Subdivision may be summarily removed by the Airport Manager or persons employed or designated by him, and stored in an appropriate place. All necessary costs and expenses of towing, removal and storing of such motor vehicle, motorcycle, bicycle or other vehicle shall first be paid to the Secretary of the Chisholm-Hibbing Airport Commission by the person claiming the same before its release.

J. The Chisholm-Hibbing Airport Commission, by resolution, may establish and designate zones to be known as "parking meter zones" and in said parking meter zones cause parking meters to be installed and cause parking meter spaces to be designated and fix the time limitations for legal parking in such zones and the hours during the day and night when parking meter or meters must be used and when the time limitation shall be effective in compliance with the provisions of this Subdivision, and shall indicate the time limitations by designating the same on the parking meter or meters or by appropriate signs posted in proximity to said meter or meters in said zone.

1. Each parking meter placed or set shall show or display by a signal that the parking space adjacent to such meter is or is not legally in use, and each parking meter installed shall indicate by a proper legend the legal parking time established by the Chisholm-Hibbing Airport Commission, and when operated shall indicate on or by its dial and pointer the duration of the period of legal parking and, on expiration of such period, shall indicate illegal or over-parking.

2. The Chisholm-Hibbing Airport Commission may have lines or markings painted or placed upon the parking areas adjacent to each parking meter for the purpose of designating the parking space for which said meter is to be used and each vehicle parking adjacent or next to any parking meter shall park within the lines or markings so established. It is a petty misdemeanor to park any vehicle across any such line or marking or to park said vehicle in such position that the same shall not be entirely within the area so designated by such lines or markings.

3. When a vehicle shall be parked in any space adjacent to which a parking meter is located in any zone so established by the Chisholm-Hibbing Airport Commission, the operator of said vehicle shall, upon entering said parking space, immediately deposit or cause to be deposited such coin or coins in such parking meter as the Chisholm-Hibbing Airport Commission shall by resolution determine, and failure to deposit such coin shall constitute a breach of this Subdivision and shall subject each person to the penalty provided for in this Chapter. Upon the deposit of such coins and placing said meter in operation, the parking space may be lawfully occupied by such vehicle during the period of parking time which has been prescribed for that parking space. If said vehicle remains in any such parking space beyond the parking time limit fixed for such parking space, the parking meter shall by its dial and pointer indicate such illegal parking, and in that event such vehicle shall be considered as parked overtime and beyond the period of legal parking time, and the parking of a vehicle overtime or beyond the period of legal parking time in any such parking space where a meter is located shall be a petty misdemeanor.

4. It is a petty misdemeanor for any person to cause, allow or permit any vehicle operated by such person to be parked overtime or beyond the period of legal parking time established for any parking meter zone as herein described.

5. It is unlawful for any person to deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this Subdivision.

6. It is unlawful to deposit or cause to be deposited in any parking meter any slugs, device or metallic substance, or any other substitute, for the coins specified to be deposited in said meter.

Subd. 4. Enforcement.

A. The enforcement of this Section and the rules and regulations herein contained shall be the responsibility of the Airport Manager who is hereby vested with full police powers to make apprehensions and arrests of those persons violating the provisions of this Section.

B. The Chisholm-Hibbing Airport Commission is hereby empowered to employ and appoint special deputies as said Commission may from time to time deem necessary to enforce the provisions of this Section, and when said Commission by resolution so employs and appoints special deputies the said deputies shall have police power to make apprehensions and arrests.

Source: Ordinance No. 273
Effective Date: 4-27-72

SEC. 10.51. RULES AND REGULATIONS GOVERNING USE OF PUBLIC GOLF COURSES. It is unlawful for any person, including minors, to enter the premises of any public golf course located within the City for the purpose of playing or practicing the sport of golf or any other recreational activity, without first registering at the club house and paying the fee therefor.

Source: Ordinance No. 213, 2nd Series
Effective Date: 6-29-94

(Sections 10.52 through 10.69, inclusive, reserved for future expansion.)

(Pages 395 through 399 reserved)

SEC. 10.70. CONSUMPTION OF BEER, LIQUOR OR WINE ON STREETS AND PUBLIC PROPERTY. (Repealed by Ordinance No. 140, 2nd Series, adopted 4-7-86.)

CODIFIER'S NOTE: Regulation of Possession and Consumption of Alcoholic Beverages is contained in City Code, Chapter 5.

SEC. 10.71. PROHIBITED USE OF MOBILE HOMES AND RECREATIONAL CAMPING VEHICLES.

Subd. 1. Definition. The definitions set forth in Chapter 11 for the terms "mobile home" and "recreational camping vehicle" shall also apply to this Section.

Subd. 2. Prohibited Use. On and after the effective date of this Section, no mobile home or recreational camping vehicle shall be situated for human habitation, or so occupied, except in a mobile home park.

Subd. 3. Existing Mobile Home Stands. Unless a permit has been issued by the City which is valid for a longer period, no individual mobile home stand shall be continued after the expiration of a period of five (5) years from the effective date of this Section, and no permit renewable within such five-year period shall be renewed by the City, nor shall any permit be issued for the improvement or alteration of such individual mobile home, nor for its repair or reconstruction after damage by fire or other casualty which exceeds fifty per cent (50%) of its then current market value.

Source: Ordinance No. 34, 2nd Series
Effective Date: 6-15-77

SEC. 10.72. CONSUMPTION OF BEER, LIQUOR OR WINE ON PRIVATE PARKING LOTS. (Repealed by Ordinance No. 140, 2nd Series, adopted 4-7-86.)

CODIFIER'S NOTE: Regulation of Consumption and Possession of Alcoholic Beverages is contained in City Code, Chapter 5.

SEC. 10.73. PROHIBITED OFFENSES AGAINST PERSONS AND PROPERTY - PENALTY.

Subd. 1. Adoption by Reference. For the purpose of this Section, the Sections of Minnesota Statutes, as amended through Laws 1991, enumerated in the following Subparagraphs, are hereby adopted by reference:

A. Sections 152.01 through 152.12, being a portion of Chapter 152, entitled "Prohibited Drugs".

- B. Sec. 239.23, being a portion of Chapter 239, entitled "Weights, Measures".
- C. Sec. 327.75, entitled "Fraud, Proof of Fraud".
- D. Sec. 609.224, entitled "Assault in the Fifth Degree".
- E. Sec. 609.485, entitled "Escape From Custody".
- F. Sec. 609.50, entitled "Obstructing Legal Process or Arrest".
- G. Sec. 609.52, entitled "Theft".
- H. Sec. 609.53, entitled "Receiving Stolen Property".
- I. Sec. 609.535, entitled "Issuance of Worthless Check".
- J. Sec. 609.595, entitled "Damage to Property".
- K. Sec. 609.605, entitled "Trespasses and Other Acts".
- L. Sec. 609.66, entitled "Dangerous Weapons".
- M. Sec. 609.686, entitled "False Fire Alarms; Tampering With or Injuring a Fire Alarm System".
- N. Sec. 609.72, entitled "Disorderly Conduct".
- O. Sec. 609.79, entitled "Obscene or Harassing Telephone Calls".
- P. Sec. 617.23, entitled "Indecent Exposure; Penalties".
- Q. Sec. 624.21, entitled "Sale and Use of Fireworks Prohibited".

Subd. 2. Penalty. Any person found guilty of violating any statutory provision adopted by reference in Subdivision 1 of this Section shall be punished by a fine of not more than \$700.00.

Source: Ordinance No. 198, 2nd Series
Effective Date: 10-21-92

SEC. 10.74 NUISANCE SERVICE CALL FEES.

Subd. 1. Purpose. The purpose of this Section is to protect the public safety, health and welfare and to prevent and abate nuisance service call responses by the City to the same property or location for nuisance service calls, as defined herein, which prevent police or public safety service to other residents of the City. It is the intent of the City by the adoption of this Section to impose and collect fees from the owner or occupant, or both, of property to which City officials must respond for nuisance service calls that generate extraordinary costs to the City. The nuisance service call fee is intended to cover that cost over and above the cost of providing normal law or code enforcement services and police protection City wide.

Subd. 2. Scope and Application. This Section shall apply to all owners and occupants of private property which is the subject or location of the nuisance service call by the City. This Section shall apply to nuisance service calls as set forth herein made by a Hibbing peace officer, part-time peace officer, community service officer, animal control officer or other code enforcement officer.

Subd. 3. Definition of Nuisance Service Calls. The term 'nuisance service call' shall mean any activity, conduct, or condition occurring upon private property within the City which unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any member of the public; or will, or will tend to, alarm, anger or disturb others or provoke breach of the peace, to which the City is required to respond, including but not limited to the following:

(1) **Public Nuisances Affecting Health.** The following are hereby declared to be nuisances affecting health:

- (1) Exposed accumulation of decayed or unwholesome food or vegetable matter;
- (2) All diseased animals running at large;
- (3) All ponds or pools of stagnant water;
- (4) Carcasses of animals not buried or destroyed within 24 hours after death;
- (5) Accumulations of manure, refuse, or other debris;
- (6) Privy vaults and garbage cans which are not rodent-free or fly-tight or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors;
- (7) The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste, or other substances;
- (8) All noxious weeds and other rank growths of vegetation upon private property;
- (9) Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities, from a source in a non-commercial area;
- (10) Any offensive trade or business as defined by statute not operating under local license.

(2) Public Nuisances Affecting Morals and Decency. The following are hereby declared to be nuisances affecting public morals and decency:

- (1) All unlicensed gambling devices, slot machines, and punch boards;
- (2) Betting, bookmaking, and all apparatus used in such occupations;
- (3) All houses kept for the purpose of prostitution or unlicensed gambling houses;
- (4) All places where intoxicating liquor is manufactured or disposed of in violation of law or where, in violation of law, people are permitted to resort for the purpose of drinking intoxicating liquor, or where intoxicating liquor is kept for sale or other disposition in violation of law, and all liquor and other property used for maintaining such a place.

(3) Public Nuisances Affecting Peace and Safety. The following are declared to be nuisances affecting public peace and safety:

- (1) Give or make a false fire alarm.
- (2) All snow and ice not removed from public sidewalks 24 hours after the snow or other precipitation causing the condition has ceased to fall;
- (3) All trees, hedges, billboards, or other obstructions which prevent people from having a clear view of all traffic approaching an intersection;
- (4) All wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;
- (5) All noises prohibited by law.
- (6) Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks, or public grounds except under such conditions as are permitted by this code or other applicable law;
- (7) Radio aerials or television antennae erected or maintained in a dangerous manner;
- (8) Any use of property abutting on a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the street or sidewalk;
- (9) All hanging signs, awnings, and other similar structures over streets and sidewalks, or so situated so as to endanger public safety, or not constructed and maintained as provided by ordinance;
- (10) Waste water cast upon or permitted to flow upon streets or other public properties. This provision does not prohibit water incident to non-commercial car washing;
- (11) Accumulations in the open of discarded or disused machinery, household appliances, automobiles or automotive parts, or other material;

- (12) Any well, hole, or similar excavation which is left uncovered or in such other condition as to constitute a hazard to any child or other person coming on the premises where it is located;
- (13) Obstruction to the free flow of water in a natural waterway or a public street drain, gutter, or ditch with trash or other materials;
- (14) 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;
- (15) The depositing of garbage or refuse on a public right-of-way or on adjacent private property.

(4) Any activity, conduct or condition deemed as a public nuisance under any other provision of the City Code;

(5) Any conduct, activity or condition constituting a violation of Minnesota state laws prohibiting or regulating the use of firearms; and,

(6) Any conduct, activity or condition constituting disorderly conduct under Chapter 609 of the Minnesota Statutes.

Subd. 4. Administrative Offense. A violation of the provisions of this Section is an administrative offense. (See Administrative Offense in Section 1.03, Subd. 3.)

Subd. 5. Nuisance Service Call Fee; Amount. The City may impose a nuisance service call fee of \$250.00 upon the owner or occupant of private property, or both, if the City has rendered services or responded to the property on three (3) or more occasions within a period of 365 days in response to or for the abatement of nuisance activity, conduct or condition of the same or similar kind. All nuisance service call fees imposed and charged against the owner or occupant under this Section shall be paid within seven (7) days of the time of issuance of the Notice.

Subd. 6. Notice. No nuisance service call fee may be imposed against an owner or occupant of property without first providing the owner or occupant with written Notice of the previous nuisance service calls prior to the latest nuisance service call rendered by the City upon which the fee is imposed. The written Notice shall:

(1) State the nuisance conduct, activity or condition that is or has occurred or is maintained or permitted on the property, the dates of the nuisance conduct, activity or condition;

(2) State the owner or occupant may be subject to a nuisance service call fee if a third nuisance service call is rendered to the property for the same nuisance, in addition to the City's right to seek other legal remedies or actions for abatement of the nuisance or compliance with the law; and;

(3) Be served personally or by U.S. Mail upon the owner or occupant at the last known address or if such owner or occupant cannot be found, by posting the Notice on a door to the premises or the door to the occupant's unit. If the written Notice is given to an occupant of property, who is not the owner thereof, the owner of said property shall also be notified by sending a copy of said Notice to the owner by U.S. Mail at the owner's address as shown on real estate tax statements for said property.

No action shall be taken against the owner where the instance of the nuisance on the premises occurred during the pendency of an eviction process or within sixty (60) days of notice given by the owner to an occupant to vacate the premises where the nuisance was related to conduct by that tenant or occupant or guests of the tenant or occupant of the unit. Eviction proceedings shall be a bar to action against the owner unless such action is not diligently pursued by the owner.

Subd. 7. Right to Appeal Nuisance Service Call Fee. Upon the imposition of a nuisance service call fee, the City shall provide the owner or occupant Notice as required in Subd. 6. The City shall also inform the owner or occupant of their right to a hearing on the alleged nuisance service calls. The owner or occupant upon whom the fee is imposed may request a hearing by serving upon the City Administrator within seven (7) days of the mailing of the fee invoice, inclusive of the day the invoice is mailed, a written request for hearing. The hearing shall be heard by the City Council's appointed hearing officer within thirty (30) days of the date of the owner's or occupant's request for hearing.

The hearing shall be conducted in an informal manner and the Minnesota Rules of Civil Procedure and Rules of Evidence shall not be strictly applied. The hearing need not be transcribed but may be transcribed at the sole expense of the party who requests the transcription. After considering all evidence submitted, the hearing officer shall make written findings of fact and conclusions of the issue of whether the City responded to or rendered services for nuisance service calls of the same or similar kind on three (3) or more occasions within a 365 day period. The findings and conclusions shall be served upon the owner or occupant by U.S. Mail within five (5) days of the date of the hearing officer's written decision.

An owner or occupant's right to a hearing shall be deemed waived if the owner or occupant fails to serve a written request for hearing as required herein or fails to appear at the scheduled hearing date. Upon waiver of the right to a hearing, or upon the hearing officer's written findings of fact and conclusions that the nuisance service call fee is warranted hereunder, the owner or occupant shall immediately pay the fee imposed.

Subd. 8. Legal Remedies Nonexclusive. Nothing in this Section shall be construed to limit the City's other available legal remedies for any violation of the law which may constitute a nuisance service call hereunder, including criminal, civil, injunctive or others.

Source: Ordinance No. 363, 2nd Series
Effective Date: 8-7-2009

(Sections 10.75 through 10.79, inclusive, reserved for future expansion.)

(Pages 406 through 407 reserved)

SEC. 10.80. FURNISHING OBSCENE MATERIAL.

Subd. 1. Definitions. As used in this Section, the following words and terms shall have the meanings stated:

A. The term "furnish" means to sell, give, rent, loan or otherwise provide.

B. The term "material" means any printed matter, visual representation, or sound recording, and includes, but is not limited to, books, magazines, motion picture films, pamphlets, newspapers, pictures, photographs, drawings, sculptures, and tape or wire recordings.

C. The term "nudity" means uncovered, or less than opaquely covered, post-pubertal human genitals, pubic areas, the post-pubertal human female breast below a point immediately above the top of the areola, or the covered human male genitals in a discernibly turgid state. For the purposes of this definition, the female breast is considered uncovered if the nipple only or the nipple and the areola only are covered.

D. The term "obscene material" means material which in whole or in part depicts or reveals nudity, sexual conduct, sexual excitement or sado-masochistic abuse, or which includes obscenities or explicit descriptions or narrative accounts of sexual conduct, and if all of the following elements are also present:

1. Considered as a whole, by the average person, applying the contemporary community standards of the City, it appeals to the prurient interest;

2. It depicts, describes or represents any of the above mentioned sexual activities in a patently offensive way;

3. It lacks serious literary, artistic, political or scientific value.

E. The term "obscenities" means those slang words currently generally rejected for regular use in mixed society, that are used to refer to genitals, female breasts, sexual conduct or excretory functions or products, either that have no other meaning or that in context are clearly used for their bodily, sexual or excretory meaning.

F. The term "sado-masochistic abuse" means flagellation or torture by or upon a person who is nude or clad in undergarments or in a sexually revealing or bizarre costume, or the

condition of such person being fettered, bound or otherwise physically restrained, in an apparent act of sexual stimulation or gratification.

G. The term "sexual conduct" means human masturbation, sexual intercourse, or any touching of the genitals, pubic areas or buttocks of the human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

H. The term "sexual excitement" means the condition of human male or female genitals or the breasts of the female when in a state of sexual stimulation, or the sexual experiences of humans engaging in or witnessing sexual conduct or nudity.

Subd. 2. Unlawful Act. It is unlawful for any person to furnish another person obscene material.

Source: Ordinance No. 36, 2nd Series
Effective Date: 6-22-77

Subd. 3. Defense. (Repealed by Ordinance No. 73, 2nd Series, adopted 9-17-80.)

Subd. 4. (Repealed by Ordinance No. 73, 2nd Series, adopted 9-17-80.)

(Sections 10.81 through 10.89, inclusive, reserved for future expansion.)

(Pages 410 through 414 reserved)

SEC. 10.90. NOISE CONTROL.

Subd. 1. Unlawful to Make Loud or Unnecessary Noise. It is unlawful for any person to make, or cause to be made, any loud, unnecessary or unusual noise which annoys, disturbs, or affects the comfort, repose, health or peace of others by any of the following acts:

A. Horns and Signalling Devices. Using, operating or permitting to be used or operated any horn or signalling device on any automobile, motorcycle, or other vehicle, except as a danger warning;

B. Radios, Video and Audio Tape and Compact Disc Players. Playing, using, operating, or permitting to be played, used or operated any radio, audio or video tape or compact disc player, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to annoy, disturb or affect the comfort, repose, health or peace of a person or persons of ordinary sensibilities.

1. The play, use, or operation of any radio, audio or video tape or compact disc player, phonograph or other machine or device for the production or reproduction of sound in such a manner as to be plainly audible at a distance of fifty (50) feet from such machine or device shall be *prima facie* evidence of a violation of this Section.

2. When any sound violating this Section is produced or reproduced by a machine or device that is located in or on a vehicle, it is unlawful for the owner of a vehicle, or the person in charge or control of the vehicle if the owner is not then present in the vehicle to allow such sound.

3. This Section shall not apply to sound produced by the following:

(a) Amplifying equipment used in connection with activities which are authorized, sponsored or permitted by the City so long as the activity is conducted pursuant to the conditions of the license, permit or contract authorizing such activity.

(b) Church bells, chimes or carillons.

(c) School bells.

(d) Hibbing High School Band.

(e) Anti-theft devices.

(f) Machines or devices for the production of sound on or in authorized emergency vehicles.

4. With the exception of the machines or devices listed in Item 3, this Section shall apply to all radios, audio and video tape and compact disc players, phonographs, and machines and devices for the production or reproduction of sound, whether on public or private property.

Source: Ordinance No. 246, 2nd Series
Effective Date: 11-14-97

c. Use of retarder engine brakes on Semi-tractor/Trailers. Using, operating, or permitting the using of any retarder engine brakes on semi-tractor/trailers within the City of Hibbing, except in the case of an emergency; provided that signage to that effect is posted on the major thoroughfares within the City utilized by said vehicles.

Source: Ordinance No. 382, 2nd Series
Effective Date: 02-25-2011

Subd. 2. Penalty. Every person violates a subdivision, paragraph or provision of this Section when performing an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a petty misdemeanor. A person is guilty of a misdemeanor who violates any subdivision, paragraph or provision of this Section within five years of the first two or more prior convictions.

Source: Ordinance No. 246, 2nd Series
Effective Date: 11-14-97

(Sections 10.91 through 10.98, inclusive, reserved for future expansion.)

(Pages 417 through 421 reserved)

SEC. 10.99. VIOLATION A MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, or performs an act prohibited or declared unlawful or fails to act when such failure is prohibited or declared unlawful by a Code adopted by reference by this Chapter, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Source: City Code
Effective Date: 9-1-75