

ORDINANCE #100-002
AN ORDINANCE ESTABLISHING OFFICIAL DEFINITIONS AS SHALL BE USED
THROUGHOUT THIS CODE OF THE CITY OF HEWITT

The City Council of the City of Hewitt does hereby ordain:

SECTION 1: The following definitions of terms shall apply throughout this entire code, as may be amended from time to time, unless the context clearly indicates otherwise or clearly requires another meaning.

Abandoned Vehicle: A motor vehicle, as defined by Minnesota Statute 169.01 as may be amended from time to time, that:

1. Has remained illegally for a period of more than forty-eight (48) hours on any property owned or controlled by a unit of government, or more than four hours on that property when it is properly posted or on private property for a period of time without the consent of the person in control of the property and lacks vital component parts or is in an inoperable condition that has no substantial potential for further use consistent with its usual functions, unless it is kept in an enclosed garage or storage building.
2. A classic car or pioneer case, as defined in Minnesota Statute 168.10, as may be amended from time to time, is not considered an abandoned vehicle.
3. Vehicles on the premises of junk yards and automobile graveyards that are defined, maintained and licensed in accordance with Minnesota Statute 161.242, as may be amended from time to time, or that are licensed and maintained in accordance with local laws and zoning regulations, are not considered abandoned vehicles.
4. A vehicle being held for storage by agreement or being held under police authority or pursuant to a writ or court order is not considered abandoned, nor may it be processed as abandoned while the police hold, writ or court order is in effect.

Accessory Structure or Facility: Any building or improvement subordinate to a principal use which, because of the nature of its use, can reasonably be located at or greater than normal structure setbacks.

Accessory Use: A use on the same lot with an incidental and subordinate to the principal use of the structure.

Administration: Those fixed costs attributable to administration, such as billing, bookkeeping and accounting.

Alley: Any strip of land publicly or privately owned, less than thirty three (33) feet in width between property lines, set aside for public vehicular access to abutting property.

Animal: Any mammal, reptile, amphibian, fish, bird, fowl, poultry or other member commonly accepted as a part of the animal kingdom. Animals shall be classified as follows:

1. Domestic Animals: Those animals commonly accepted as domesticated household pets. Unless otherwise defined, domestic animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians and other similar animals.
2. Farm Animals: Those animals commonly associated with a farm or performing work in agricultural setting. Unless otherwise defined, farm animals shall include members of the equine family, bovine family, sheep, poultry, fowl, swine, goats, bees and other animals associated with a farm, ranch or stable.
3. Non-Domestic Animals: Those animals commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly considered to be inherently

dangerous to the health, safety and welfare of the people. Unless otherwise defined, non-domestic animals include:

1. Any member of the large cat family, excluding commonly accepted domesticated house cats
2. Any naturally wild member of the canine family, excluding commonly accepted domesticated dogs
3. Any crossbreeds such as the crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet
4. Any member or relative of the rodent family, including any skunk, raccoon, squirrel or ferret
5. Any poisonous, venomous, constricting or inherently dangerous member of the reptile or amphibian family
6. Any other animal that is not explicitly listed above but which can be reasonably defined by the terms of this section

At Large: 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.

Arterial Road or Highway (primary): A road or highway of considerable continuity designed primarily to serve as an interconnection link between sectors of the city and beyond.

Backslope: The portion of the roadway cross-section beginning at the outside edge of the ditch bottom, sloping upward to a point where the slope intersects the existing ground line.

Bicycle: Every device propelled solely by human power upon which any person may ride, having two tandem wheels, except scooters and similar devices and including any device generally recognized as a bicycle though equipped with two front or two rear wheels.

Building Line: A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

City: The area within the corporate boundaries of the city as presently established or as amended by Ordinance, annexations or other legal actions at a future time. The term "city" when used in this Code may also be used to refer to the City Council and its authorized representatives.

Code, This Code, or This Code of Ordinances: This City Code, as modified by amendment, revision and adoption of new titles, chapters or sections.

Commercial Use: The principal use of land or buildings for the sale, lease, rental or trade of products, goods and services.

Conditional Use: A land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions as provided by official controls upon finding that certain conditions as detailed in the zoning ordinance exist, the use or development conforms to comprehensive land use plan of the community, and the use is compatible with the existing neighborhood

County: The county or counties in which the city is located.

Cul-de-sac: A road having but one end open to traffic and the other end being permanently terminated by a vehicular turnaround

Deadman Throttle or Safety Throttle: A device, which, when pressure is removed from the engine accelerator or throttle, cause the motor to be disengaged from the driving mechanism.

Debt Service Charge: A charged levied on users of facilities for the cost of repaying money bonded to construct those facilities.

Deck: A horizontal, unenclosed platform, with or without attached railings, seats, trellises or other features, attached or functionally related to principal use or site and at any point extending more than three feet above ground level.

Dedicated Street: A roadway designated for public use.

Development Objectives: Those goals defined as part of the city's comprehensive planning program which indicate how the city wishes to develop itself in line with orderly and logical direction

Disaster: A situation which creates an immediate and serious impairment to the health and safety of any person, or a situation which has resulted in or is likely to result in catastrophic loss to property, and for which traditional sources of relief and assistance within the affected area are unable to repair or prevent the injury or loss.

Dwelling- Duplex, Triplex and Quad: A dwelling structure on a single lot, having two, three and four units respectively, being attached by common walls and each unit equipped with separate sleeping, cooking, eating, living and sanitation facilities.

Dwelling- Multiple: A building or portion thereof used for occupancy by three or more families living independently of each other.

Dwelling- One-Family: A building used exclusively for occupancy by one family.

Dwelling- Two-Family: A building used exclusively for occupancy by two families living independently of each other.

Dwelling Site: A designated location for a residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.

Dwelling Unit: Any structure or portion of a structure or other shelter designed as short or long-term living quarters for one or more persons, including rental or time-shared accommodations, such as motel, hotel, resort rooms and cabins

Easement: A grant by an owner of land for the specific use of said land by the public, generally, or to a person or persons.

Emergency: An unforeseen combination of circumstances which calls for immediate action to prevent from developing or occurring.

Emergency Management: The preparation for and the carrying out of all emergency functions, other than for functions for which military forces are primarily responsible, to prevent, to minimize and repair injury and damage resulting from disasters caused by fire, flood, tornado, and other acts of nature, from sabotage, hostile action, or from industrial hazardous material mishaps. These functions include, without limitation, fire-fighting services, police services, emergency medical services, engineering, warning services, communications, radiological, and chemical, evacuation congregated care, emergency transportation, existing or properly assigned functions related to civil protection, together with all other activities necessary or incidental for carrying out the foregoing functions. Emergency management includes those activities sometimes referred to as "civil defense" functions.

Emergency Management Forces: The total personnel resources engaged in city-level emergency management functions in accordance with the provisions of this code.

Emergency Management Organization: The staff responsible for coordinating city-level planning and preparation for disaster response. This organization provides city liaison and coordination with federal,

state and local jurisdictions relative to disaster preparedness activities and assures implementation of federal and state program requirements.

Final Plat: The final map, drawing or chart on which the subdivider's plan of subdivision is presented, and if approved, recorded with the county.

Garbage: Organic refuse resulting from the preparation of food, and decayed and spoiled food from any source.

Graffiti: Defacing walls or structures with messages or slogans; any letter, numeral, figure, emblem, insignia, picture, outline, character, spectacle, delineation, announcement, word, phrase, diagram, symbol, sketch, inscription or representation, wherein the contents thereof are visible to any member of the general public and which contains references to sexual activity, diagrams relating to sexual activity or sexual organs, references to criminal activities or groups which promote or are involved in criminal activity, swearing or fighting words, defamatory materials about any person, references to relationships, or any marking of any kind whatsoever which results in damage to, defacing of, marring or, or discoloring of any sidewalk, street or other public surface, any vehicle, any equipment, lamp, lamp post, or other city property, of of the exterior surface of a wall, fence, door building or other structure whether publicly or privately owned.

Home Occupation: A lawful occupation customarily carried on by a resident of a dwelling as an accessory use within the same building.

Impound:

- (1) To take and hold a vehicle in legal custody; public or nonpublic
- (2) To take and hold an animal in legal custody

Impound Lot Operator: A person who engages in impounding or storing, usually temporarily, unauthorized or abandoned vehicles.

Incompatible Waste: Waste that either singly or by interaction with other wastes interferes with any waste treatment process, constitutes a hazard to humans or animals, creates a public nuisance or creates any hazard in the receiving waters of the wastewater treatment works.

Industrial Use: The use of land or buildings for the production, manufacture, warehousing, storage or transfer of goods, products, commodities, or other wholesale items.

Inslope: The portion of the roadway cross-section beginning at the outside edge of the roadway shoulder, sloping downward to the inside edge of the ditch bottom.

Junk Vehicle: A vehicle that:

1. Is three (3) years old or older;
2. Is extensively damaged, with the damage including things as broken or missing wheels, motor, drive train or transmission;
3. Is apparently inoperable;
4. Does not have a valid, current registration plate; and
5. Has an approximate fair market value equal only to the approximate value of the scrap in it.

Junk Yard: Land and structures used for the storage or keeping of junk, including scrap metals, or for the dismantling or wrecking of automobiles or other machinery, other than the storage of materials which is incidental or accessory to any business or industrial use on the same lot.

Light Industrial: The assembly, fabrication or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare or health or safety hazards outside the building or lot where the assembly, fabrication or processing takes place, where the processes are

housed entirely within the building, or where the outside storage of goods and materials used does not exceed twenty-five percent (25%) of the floor area of all buildings on the lot.

Lot: A parcel of land designated by plat, metes and bounds, registered land survey, auditors plot or other accepted means, and separated from other parcels or portions by that description for the purpose of sale, lease or separation. A lot must be situated to have its principal frontage on a public street.

Lot, Corner: A lot situated at the intersection of two or more streets, or bounded on two or more adjacent sides by street lines.

Lot, Interior: A lot other than a corner lot

Lot Width: The shortest distance between lot lines measured at the midpoint of the building line

Manufactured Home: A structure, transportable in one or more sections, which in the traveling mode is eight (8) feet or more in width or forty (40) body feet or more in length, or when erected on-site is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to required utilities, and includes the plumbing, heating and air conditioning, and electrical systems contained therein, and which meets all the requirements established under Minnesota Statute 327.31, as may be amended from time to time.

May: The act referred to is permissive.

Metes and Bounds: A description of real property which identifies a parcel of land by its shapes and boundaries, starting at a known point and describing the bearing and distances of lines forming the boundaries of the property and delineating a fractional portion of a section, lot or area by described lines or portions thereof.

Motor Vehicle or Vehicle: As defined by Minnesota Statute 169.01, as may be amended from time to time

Motor Vehicle Waste: Solid waste and liquid wastes derived in the operation of or in the recycling of a motor vehicle, including such things as tires and used motor oil, but excluding scrap metal.

MPCA: Minnesota Pollution Control Agency

Nonconforming Structure or Use: A structure or use lawfully in existence on the effective date of this Code or any amendment thereto, and not conforming to the regulations for the district in which it is situated.

Nonconformity: Any legal use, structure or parcel or land already in existence, recorded or authorized before the adoption of official controls or amendments thereto that would not have been permitted to become established under the terms of the official controls as now written, if the official controls had been in effect prior to the date it was established, recorded or authorized.

Nonpublic Impound Lot: An impound lot that is not a public impound lot

Oath: An affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in those cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed". All terms shall mean a pledge taken by the person and administered by an individual authorized by state law.

Officer, Office, Employee, Commission, or Department: An officer, office, employee, commission or department of this city unless the context clearly requires otherwise.

Operate: To ride in or on and control the operation of a motorized vehicle

Operator: Every person who operates or is in actual physical control of a motor vehicle.

Owner:

(1) A person, other than a lien holder having the property in or title to a motor vehicle or entitled to the use or possession thereof.

(2) Any person or persons, firm, association or corporation owning or keeping or harboring an animal

(3) The owner of record of the subject property

Parade: Any parade, march, ceremony, show, exhibition, pageant or procession of any kind, or any similar display in or on any street, sidewalk, park or other public place in the city.

Parking Lot: Any paved or unpaved area used by a place of business or shopping center for the parking of vehicles of their customers, but shall not include those operated for hire.

Person: Extends to an includes an individual, person, persons, firm, corporation, copartnership, trustee, lessee or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms "person" or "whoever" as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.

Planned Unit Development, Commercial: Typically include uses that provide transient, short-term lodging spaces, rooms or parcels, and their operations are essentially service-oriented.

Planned Unit Development, Residential: A use where the nature of residency is non-transient, and major or primary focus is not service-oriented.

Preceding or Following: Next before or next after, respectively.

Preliminary Plat: The preliminary map, drawing or chart indicating the proposed layout of a subdivision.

Property Owner: The person occupying the property, the holder of legal title or a person having control over the property of another

Public Impound Lot: An impound lot owned by or contracting with a unit of government

Public Road: A particularly described and identified right-of-way, at least thirty-three (33) feet in width, dedicated to public use for road or highway purposes

Recreational Motor Vehicle: Any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle used for recreational purposes including but not limited to trail bike, off-highway motorcycle as defined by Minnesota Statute 84.787 Subdivision 7, as may be amended from time to time, or another all-terrain vehicle as defined by Minnesota Statute 84.92 Subdivision 8, as may be amended from time to time, motorized go carts, hovercraft or motor vehicle licensed for highway operation which is being used for off-road recreational purposes.

Replacement: Obtaining and installing of equipment, accessories or appurtenances which are necessary during the design life or useful life, whichever is longer, to maintain the capacity and performance for which the works were designed and constructed.

Replacement Costs: Expenditures for replacement.

Residential Equivalent Factor or REF: The ratio of the average volume of runoff generated by one acre of a given land use to the average volume of runoff generated by one acre of typical single-family residential land during a standard one-year rainfall event.

Right-of-way: The entire strip of land traversed by a highway or street in which the public owns the fee or an easement for roadway purposes

Roadway: That portion of a highway or street improved, designed or ordinarily used for vehicular travel.

Roller Blades or Roller Skates: A shoe with wheels attached or a device with wheels which is designed to be attached to a shoe.

Rubbish: All inorganic refuse matter

Service Road: A public road having a traveled surface of at least twenty-four (24) feet in width lying parallel and adjacent to an arterial road or highway and which provides access to abutting properties and protection from through traffic.

Shall: The act referred to is mandatory

Signature or Subscription: Includes a mark when the person cannot write.

Skateboard: A device for riding-upon, usually while standing, consisting of an oblong piece of wood, or of other composition, mounted on skate wheels.

Snowmobile: A self-propelled vehicle designed for travel on snow or ice, steered by skis or runners

State: The State of Minnesota

Street: A public thoroughfare, roadway, alley or trail used for motor vehicular traffic which is not an interstate, trunk highway, county-state aid or county highway.

Structure: Any building or appurtenances, including but not limited to, vision obstructing fences, decks, retaining walls, satellite dishes, except aerial or underground utility lines

Subdivider: Any person commencing proceedings to affect a subdivision of land for himself/herself or for another

Subdivision: A parcel of land which is divided

Subchapter: A division of a chapter, designated in this code by a heading in the chapter analysis and a heading in the body of the chapter, setting apart a group of sections related by a subject matter of the heading. Not all chapters have subchapters.

Unauthorized Vehicle: A vehicle that is subject to removal and impoundment, as provided for in this Code or Minnesota Statute 169.041, as may be amended from time to time, that is not an abandoned vehicle or a junk vehicle.

Unit of Government: Includes a state agency, a special purpose district and a county, city or town.

Vital Component Parts: Those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle.

Written: Any representation of words, letters or figures, whether by printing or otherwise.

Year: A calendar year, unless otherwise expressed

SECTION 2: A term defined in any Chapter of this Code shall be used specifically for that Chapter and shall supersede any definition in this chapter, unless the context clearly indicates otherwise or clearly requires another meaning.

Passed and adopted by the City Council, City of Hewitt, County of Todd and State of Minnesota on this 24th day of February, 2009.