

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: ANIMAL CONTROL

Section

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GENERAL PROVISIONS

§ 90.01 CHICKENS; REGULATIONS.

(A) This set of rules shall be in effect for residentially-zoned properties throughout the city, except for properties that the county classifies as “Agricultural”.

(B) No more than five chicken hens (females) are permitted to be maintained on one property.

(C) The keeping of roosters, defined as male chickens, and crowing hens is prohibited.

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(D) All persons keeping or maintaining chickens must have a chicken coop to house the chickens and a chicken run where chickens may roam unsupervised. The coop and run must meet the following minimum requirements.

(1) Coop requirements are as follows.

(a) **COOP** is defined as a structure for the keeping or housing of chickens, as permitted by this section.

(b) A building permit is required for any chicken coop.

(c) The maximum height of a chicken coop shall be six feet.

(d) Coop shall be fully enclosed to prevent any escape by chickens or entrance by migratory birds or predators.

(2) Run requirements are as follows.

(a) **RUN** is defined as a fully-enclosed and covered area attached to a coop where chickens can roam unsupervised.

(b) Fence around the run enclosure shall be securely constructed with treated wood, ornamental iron, chain link, vinyl or brick.

(c) The maximum height of a run shall be six feet.

(d) Protective overhead netting or roofing with an approved material is required to prevent predators.

(3) Coops and runs are allowed only in a rear yard.

(4) Coops and runs must be located at least six feet away from the primary structure on the property.

(5) Coops and runs must maintain a minimum setback of ten feet from all property lines and must maintain a minimum setback of 30 feet from all inhabited structures on adjacent properties.

(E) Food material must be stored in a closed metal container to avoid pests.

(F) The enclosure and surrounding grounds shall be maintained in a clean and sanitary condition and in good repair. Flies, rodents and noxious odors shall be controlled.

(G) Manure shall not be permitted to accumulate on the property. Manure shall be removed at least once per week, but, while on the property, shall be properly stored.

(H) Chickens must not be housed in a residential house or in an attached or detached garage, except chickens under the age of six weeks for brooding purposes.

(I) Chickens must not be allowed to free range unless the yard is completely fenced in. Chickens are not allowed to roam at large. Chickens must have their wings clipped.

(J) Slaughtering and processing of chickens on the property is prohibited.

(K) (1) Dead chickens must be disposed of according to the state’s Board of Animal Health rules which require chicken carcasses to be disposed of as soon as possible after death, usually within 48 to 72 hours.

(2) Acceptable methods of chicken carcass disposal include these off-site options: incineration; rendering; or composting.

(L) The city reserves the right to require property owners to eliminate all fowl and poultry within city limits if a pandemic regarding fowl and poultry is declared.
(Ord. 82, passed 8-10-2020) Penalty, see § 90.99

DOGS

§ 90.15 DEFINITIONS.

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

CONTROL. Use of a leash, one end of which is securely fastened to a collar or other harness on a dog, and the other end of which is held securely or fastened to a person of sufficient age and discretion, unless otherwise specified, to maintain control.

LEASH. A cord, thong, rope or chain not exceeding six feet in length.

OWNER. Any person who owns, harbors, feeds, boards, keeps or otherwise possesses a dog, and who is the head of the household of the residence, or the owner or manager in charge of the establishment or premises at which a dog remains, or to which it returns.

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RUNNING AT LARGE. Off or away from the premises of the owner and not on a leash and under the control of the owner or a member of his or her immediate family.

VICIOUS DOG. A dog with a propensity to attack or bite human beings or other animals, which propensity is known or ought reasonably to be known to the owner.
(Ord. 11, passed 6-1-1998)

§ 90.16 IMPOUNDING AND RELEASE.

(A) Any dog found in the city running at large or in violation of any other provision of this subchapter or required to be impounded hereunder may be placed in the dog pound, and an accurate record of the time of such placement shall be kept on each dog. Every dog so placed in the pound shall be held for redemption by the owner for a period of not less than five regular business days. A ***REGULAR BUSINESS DAY*** is one during which the pound is open for business to the public for at least four hours between 8:00 a.m. and 7:00 p.m.

(B) Upon the impounding of any dog, the owner shall be notified if known. If unclaimed, such dog shall be humanely destroyed and the carcass disposed of.

(C) Dogs shall be released to their owners, or persons previously in possession of them, upon a sworn statement of ownership and payment of impounding fees as established by City Council resolution; provided, however, that, if the owner of an impounded dog does not redeem such dog during the five regular business day period, any other person may, upon complying with the provisions of this subchapter, redeem such dog from the pound and be the lawful owner thereof.

(D) Any impounded dog shall not be released from the pound to a person until such dog has been vaccinated against rabies; provided, however, that, no dog so impounded shall be vaccinated if the owner can present a certificate of current vaccination.
(Ord. 11, passed 6-1-1998)

§ 90.17 KILLING DOGS.

(A) All city police officers are hereby authorized and empowered to destroy any dog in violation of this subchapter whenever such dog cannot be safely taken up and impounded.

(B) No impounding or destruction of any dog shall exempt the owner or keeper of such dog from the penalties and fees provided by this subchapter.
(Ord. 11, passed 6-1-1998)

§ 90.18 ENFORCEMENT; AUTHORITY.

(A) It is unlawful for any owner or other person to refuse to allow a police officer to examine a dog or the rabies tag on a dog under the control of said owner or other person.

(B) Each day that said owner or other person refuses to permit a police officer to examine said dog or rabies tag on a dog shall be a separate violation of this subchapter.

(Ord. 11, passed 6-1-1998) Penalty, see § 90.99

§ 90.19 OFFENSES INVOLVING TAGS.

It is unlawful to counterfeit or attempt to counterfeit the tags provided for herein, or to take from any dog a tag legally placed upon it by its owners with the intention of placing it upon another dog, or to place such tag upon another dog.

(Ord. 11, passed 6-1-1998) Penalty, see § 90.99

§ 90.20 RABIES; VACCINATIONS; EXCEPTIONS.

(A) Every dog six months of age and older shall be vaccinated against rabies. Young dogs shall be vaccinated within 30 days after they have reached six months of age. Unvaccinated dogs acquired or moved into the city must be vaccinated within 30 days after purchase or arrival, unless under six months of age, as specified above. Every dog shall be revaccinated at not more than 24-month intervals thereafter. A metal or durable plastic tag, serially numbered, shall be securely attached to the collar or harness of the dog. Whenever the dog is out-of-doors, whether on or off the owner's premises, the collar or harness with the vaccination tag shall be worn. The cost of rabies vaccination shall be borne by the owner of the dog.

(B) The vaccination requirements listed above shall not apply to any dog owned by a person temporarily remaining within the city for less than 30 days, or any dog brought into the city for the field trial or show purposes, nor for hunting dogs in the city for less than 30 days. Such dogs shall be kept under strict supervision of the owner. However, it is unlawful to bring any dog into the city which does not comply with the animal health laws and import regulations of the state, which are applicable to dogs.

(C) (1) When any owner of a dog has been notified that such dog has, or is suspected to have, bitten or attacked any person, he or she shall immediately place the dog under the care and observation of the city or a licensed veterinarian for a period of not less than ten days, except in those cases when a dog has bitten or attacked while on the premises of the owner and the owner has a current rabies vaccination for said dog; in which case, the city may, if it feels the facilities are adequate and if the owner is a responsible person, quarantine the dog on the owner's premises. In this case, the owner must sign a statement and understand the responsibility and assume the liability that is involved with the quarantine of a dog that has bitten. The quarantined dog must at all times be available for inspection

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during the quarantine. At the end of the ten days' observation period, the dog shall be examined by the city and, if cleared, may be reclaimed by the owner and the owner must pay the expense incurred incident thereto. Any dog impounded or placed for observation, showing active signs of rabies, suspected of having rabies or known to have been exposed to rabies, shall be confined under competent observation for such time as may be deemed necessary to determine a diagnosis. Any dog that has bitten or attacked that cannot be captured may be destroyed in such a manner that the head is not damaged and can be submitted for a rabies examination to a laboratory.

(2) Any person who shall suspect that a dog in the city is infected with rabies shall report said dog to the Police Department describing the dog and giving the name and address of the owner, if known.

(3) Any rabid dog may be destroyed by the Police Department or a veterinarian upon written authorization of a licensed veterinarian.

(Ord. 11, passed 6-1-1998) Penalty, see § 90.99

§ 90.21 UNLAWFUL ACTS.

(A) It is unlawful for the owner of a dog to permit such dog to run at large in the city. Whenever a dog is found running at large, the same shall constitute prima facie evidence that the owner permitted it to run at large.

(B) It is unlawful for the owner of any vicious dog to allow such dog off his or her premises unless it is muzzled, on a leash and under the control of the owner or a member of his or her immediate family over 16 years of age. Any vicious dog which is found off the premises of its owner other than as provided herein, may be seized and impounded; provided that, if the dog cannot be captured, it may be destroyed; provided further that, if the dog has been seen running at large or bites a person, the owner shall forthwith deliver the dog to the pound and he or she may be ordered to appear in court to show cause why such dog should not be destroyed.

(C) It is unlawful for the owner of a dog to suffer or permit it to disturb the peace and quiet of the city by howling, crying, barking or making any other loud or unusual noise.

(D) It is unlawful for any person to maltreat, abuse or neglect, in a cruel or inhumane manner, any dog.

(E) It is unlawful for any person to harbor or keep any stray dog. Dogs known to be strays shall be immediately reported to the Police Department.

(F) It is unlawful for any person, not acting under instructions from the owner or the city, to willfully or maliciously administer or cause to be administered, poison of any sort whatsoever to any dog, with the intent to injure or destroy such dog or to willfully or maliciously place any poison or poisoned food where the same is accessible to any such dog.

(G) It is unlawful for the owner, caretaker or attendant of any dog to allow it to defecate on public or private property other than his or her own. If such dog does defecate on public or private property other than his or her own, it shall not be a violation of this provision if such owner, caretaker or attendant shall immediately and thoroughly clean the fecal material from such property, and properly dispose thereof.

(H) It is unlawful for any person to abandon a dog owned by him or her.

(I) It is unlawful for any person to give any false statement or information concerning the owner, keeper or attendant of any dog, or concerning any dog brought into the pound or impounded therein. (Ord. 11, passed 6-1-1998) Penalty, see § 90.99

§ 90.22 INJURED DOGS.

(A) When a dog without identification is injured and the owner cannot be found, it is the duty of the Police Department to determine, in consultation with a veterinarian, if the dog for humane reasons and due to the extent of the injury and suffering should be destroyed. If the dog is destroyed, neither the city, nor its agent, shall be held liable for its humane act. If the owner of such dog is subsequently identified, such owner shall pay all expenses of the city and veterinarian's fees and charges.

(B) When a dog with identification is injured, it shall be delivered to a licensed veterinarian and the owner notified. All expenses of the city and veterinarian's fees and charges shall be paid by the owner. (Ord. 11, passed 6-1-1998)

§ 90.23 KEEPING DOGS.

It is unlawful for any person or household to harbor more than two dogs at his or her residence. (Ord. 11, passed 6-1-1998) Penalty, see § 90.99

§ 90.24 KENNELS.

(A) *Definition.* For the purpose of this section, the term **KENNEL** means any place, building, tract of land, abode or vehicle, wherein or whereon three or more dogs, over six months of age, are kept, kept for sale or boarded.

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(B) *License required.* It is unlawful for any person to operate or maintain a kennel without a license therefor from the city.

(C) *License fee.* The annual fee for a kennel license is \$750.

(D) *Exception.* Hospitals and clinics operated by licensed veterinarians exclusively for the care and treatment of animals are exempt from the provisions of this section.

(E) *Zoning.* No license shall be issued to a person for operation of a kennel in the residential zoning districts of the city.

(Ord. 11, passed 6-1-1998) Penalty, see § 90.99

§ 90.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) (1) Any violation of § 90.01 of this chapter shall result in a \$50 fine per day per infraction.

(2) Each day any violation or failure to perform such acts as described in § 90.01 of this chapter shall constitute a separate offense, unless otherwise specifically provided. All reoccurring offenses shall constitute loss of privilege to own chickens.

(C) Any violation of §§ 90.15 through 90.23 of this chapter shall be a petty misdemeanor.
(Ord. 11, passed 6-1-1998; Ord. 82, passed 8-10-2020)

CHAPTER 91: FIRE PROTECTION AND PREVENTION

Section

General Provisions

- 91.01 Gasoline, kerosene and oil storage
- 91.02 Burning leaves and grass; recreational fires

Fire Protection

- 91.15 Fire limits
- 91.16 Permits
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Cross-reference:

Health and Sanitation; Nuisances, see Ch. 78
Subdivisions and Zoning, see Ch. 150

GENERAL PROVISIONS

§ 91.01 GASOLINE, KEROSENE AND OIL STORAGE.

No person, firm or corporation shall store, or permit to be stored, on premises owned, leased or occupied by him, her or it, within the fire limits area, viz: Blocks 1 and 7 in Smith's First Addition, Blocks 2 and 3 in the original town, and all that portion of the Northern Pacific Railway Company right-of-way between Clark and Brown Streets and Butler Street, if extended northerly across said right-of-way, in the city, according to divisions (A) and (B) below:

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(A) Clause A: gasoline in tanks on, or above, the ground surface, in quantities of more than 50 gallons; and

(B) Clause B: kerosene, oils and fuel oil in tanks on, or above, the ground surface in quantities of more than 300 gallons.

(Ord. 22, passed 1-24-1949) Penalty, see § 91.99

§ 91.02 BURNING LEAVES AND GRASS; RECREATIONAL FIRES.

(A) A recreational fire shall be permitted by the city under the following guidelines: only unprocessed wood, as it is taken from a natural tree, may be burned; the length of the wood shall not exceed 24 inches; the width and breadth of the fire shall not exceed three feet; the height of the flames from the fire shall not exceed four feet; a water hose, or other extinguishing device, shall be readily available to the people control of the fire, for extinguishing purposes; and the fire must be totally extinguished when not attended.

(B) The city will permit the residents to burn leaves and grass with the following restrictions: the weather must be favorable for burning; the fire must be attended at all times; any burning within the city shall comply with all state statutes and applicable federal law; permits shall be obtained prior to any open burning; and all open burning shall be prohibited during any imposed burning ban.

(Ord. 50, passed 9-7-1982; Res. passed 5-2-1994; Res. 99-0607, passed 6-7-1999; Ord. 50, passed 8-2-1999) Penalty, see § 91.99

FIRE PROTECTION**§ 91.15 FIRE LIMITS.**

The following shall be and is hereby declared to be the fire limits area: that N.W. Quarter of Block 1 in Smith's First Addition, consisting of Lots 19, 20, 21, 22, 23 and 24 be set off from the original Ord. 21.

(Ord. 21, passed 1-24-1949; Ord. 21, passed 8-14-1950)

§ 91.16 PERMITS.

No wall, structure, building or thereof, shall here after be built, enlarged, or altered, within the fire limits described herein, until a plan of the proposed work shall have been submitted to the City Council, which shall, if in accordance with the provisions herein contained, issue a permit or not in conformity with this subchapter shall be removed.

(Ord. 21, passed 1-24-1949) Penalty, see § 91.99

§ 91.17 LIMITATIONS WITHIN FIRE LIMITS.

No building or structure of frame wall, or of unprotected metal wall construction or which limits has a wooden cornice shall hereafter be erected in the fire limits, except the following: building of frame construction or of unprotected metal construction occupied exclusively as a private garage or stable, not more than one story in height nor more than 300 square feet in area, located on the same lot with a dwelling; frame dwellings not exceeding two stories in height and separated by at least five feet from lot line of adjoining property. Buildings of ordinary (wood joist and masonry wall) construction shall not exceed 50 feet in height and 7,500 square feet in area.

(Ord. 21, passed 1-24-1949) Penalty, see § 91.99

§ 91.18 WALLS.

The thickness of masonry bearing walls shall not be less than 12 inches; except that, reinforced concrete walls may have a minimum thickness of eight inches. Parapets shall be provided on all fire walls, party walls and exterior wall of masonry or reinforced concrete. Such parapets shall not be less than 12 inches in thickness for masonry and eight inches for reinforced concrete construction and carried not less than 18 inches above the roof.

(Ord. 21, passed 1-24-1949) Penalty, see § 91.99

§ 91.19 ROOF COVERING.

Every roof hereafter placed on a building shall be covered with a roofing of brick, concrete, tile, slate, metal, asbestos or built up roofing finished with asphalt, slag or gravel.

(Ord. 21, passed 1-24-1949) Penalty, see § 91.99

§ 91.20 CHIMNEYS.

All chimneys shall be built of masonry not less than four inches thick. Every such chimney shall be lined with a flue lining and shall be built on a solid foundation of masonry or concrete.

(Ord. 21, passed 1-24-1949) Penalty, see § 91.99

§ 91.21 UNSAFE BUILDINGS.

A building or structure or part thereof declared structurally unsafe or hazardous by duly constituted authority may be restored to safe condition; provided that, if the damage or cost of restoration and reconstruction is in excess of 50% of the value of the building or structure, if reconstructed or restored such building or structure shall be made to conform to the requirements for buildings and structures contained in this subchapter.

(Ord. 21, passed 1-24-1949) Penalty, see § 91.99

§ 91.22 INSPECTIONS.

(A) It shall be the duty of the Chief of the Fire Department to inspect or cause to be inspected by the Fire Department members, as requested, all buildings and premises, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire.

(B) Whenever the inspector shall find in any building or upon any premises or other place, combustible or explosive matter or dangerous accumulating of rubbish, or any highly inflammable materials, and so situated as to endanger property, he or she shall order the same to be removed or remedied.

(Ord. 21, passed 1-24-1949)

§ 91.23 ELECTRICAL INSTALLATIONS.

All electrical wiring, apparatus or appliances for furnishing light, heat or power shall be in strict conformity with the statutes of the state and with approved methods of construction for safety of life and property. The regulations in the National Electrical Code shall be prime facie evidence of such approved methods.

(Ord. 21, passed 1-24-1949) Penalty, see § 91.99

§ 91.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person, firm or corporation violating any of the provisions of § 91.01 of this chapter shall, upon conviction thereof, be punished by a fine of not more than \$100 and the costs of prosecution or by

imprisonment for not more than three months. Such violation shall be remedied within a reasonable time and each five days that such violation is permitted to exist after notice to offender shall constitute a separate offense.

(C) Anyone found in violation of § 91.02 of this chapter may be fined \$50, plus court costs and applicable attorney's fees.

(D) Every person, firm or cooperation that violates any of the provisions of §§ 91.15 through 91.23 of this chapter shall be guilty of a penal offense and shall be punished to a fine of not less than \$25. (Ord. 21, passed 1-24-1949; Ord. 22, passed 1-24-1949; Ord. 50, passed 9-7-1982; Res. passed 5-2-1994; Res. 99-0607, passed 6-7-1999; Ord. 50, passed 8-2-1999)

CHAPTER 78: HEALTH AND SANITATION; NUISANCES

Section

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GENERAL PROVISIONS

§ 78.01 JUNK CARS, HOUSEHOLD FURNISHINGS AND THE LIKE.

(A) It is unlawful to park or store any unlicensed, unregistered or inoperable motor vehicle, household furnishings or appliances on public or private property in a Residence District, unless housed within a lawfully erected building in the Residence District.

(B) Any violation of this section is hereby declared to be a nuisance and, upon seven days written notice to the owner, as shown by the records in the office of the County Auditor, of private premises on which such material is found, the city may remove the same and certify the cost of such removal as any other special assessment.

(Ord. 56, passed 6-1-1987) Penalty, see § 78.99

PUBLIC NUISANCES**§ 78.15 DEFINITIONS.**

(A) For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY. The City of Verndale, Wadena County, Minnesota.

CITY COUNCIL. The City Council of the City of Verndale, Minnesota.

PERSON. Includes any person, firm or corporation, and the singular shall include the plural.

(B) Where references are made herein to particular officers, councils, boards or agencies, such officers, councils, boards or agencies are those of the city.

(Ord. 78, passed 10-6-2014)

§ 78.16 PUBLIC NUISANCES AFFECTING HEALTH, SAFETY, COMFORT OR REPOSE.

The following are hereby declared to be public nuisances affecting health, safety, comfort or repose:

(A) All decayed or unwholesome food offered for sale to the public;

(B) All diseased animals running at large;

(C) Carcasses of animals not buried or destroyed within 24 hours after death;

(D) Accumulations of manure, animal feces, rubbish or junk remaining in any place as to become dangerous or injurious to the health and safety of any individual or to the public;

(E) Infestations of flies, cockroaches, lice, rats, mice, fly larvae or hookworm larvae;

(F) Unnatural breeding grounds which support mosquito larvae and mosquitoes carrying West Nile Virus, La Crosse Encephalitis Virus or any other disease causing microorganism;

(G) All ponds or pools of stagnant water, other than wetlands;

(H) Privy vaults and garbage cans which are not fly-tight;

(I) Dumping the contents of any cesspool, privy vault or garbage can except at places authorized by law, or allowing any cesspool or individual sewage disposal system to overflow in any manner;

(J) All noxious weeds, tall grasses and other rank growths; the word “weeds” shall be construed to mean and include all noxious weeds, as defined by the statutes of the state, and all such useless and troublesome plants, as are commonly known as weeds to the general public. All grasses growing to a height greater than eight inches upon any lot or parcel of land within the platted portions of the city are hereby declared to be a nuisance;

(K) An accumulation of tin cans, bottles, trash or debris of any nature or description, and the throwing, dumping or disposing of any dead animals, manure, garbage, waste, decaying matter, ground, sand, stones, ashes, rubbish, tin cans or other material or debris of any kind on private property;

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

(M) Offensive trades and businesses, as defined by statutes or ordinances, not licensed as provided by law;

(N) All public exposure of persons having a contagious disease;

(O) The distribution of samples of medicines or drugs unless such samples are placed in the hands of an adult person by someone properly licensed;

(P) All other acts, omissions of acts, occupations and uses of property which are deemed by the City Council and the county’s Public Health Department to be a menace to the health of the inhabitants of the city or a considerable number thereof;

(Q) It shall be a nuisance for any person in control of, causing or permitting any domesticated animal to be on any property, public or private, not owned or possessed by such person, to fail to remove excrement left by such domesticated animal;

(R) The provisions of division (Q) above shall not apply to the ownership or use of seeing eye dogs by blind persons, dogs when used in police activities by the city and/or a County Sheriff’s Department, or tracking dogs when used by or with the permission of the city;

(S) Every owner and occupant of a structure containing two or more dwelling units shall be responsible for the extermination of insects, rodents, vermin or other pests in all exterior areas of the premises. Whenever infestation exists in the shared or public parts of the premises, extermination thereof shall be the responsibility of the owner. In the case of single-family structures, the occupants shall be responsible for the extermination of insects, rodents and vermin in all exterior property areas;

(T) It shall be unlawful to accumulate and store building material, lumber, firewood, boxes, cartons, or other containers, machinery, scrap metal, junk, raw material, fabricated goods and other items in such

manner as to become infested with rodents. Stored items must be stored on an impervious surface, such as a poured concrete slab, or must be elevated at least eight inches above the ground. Firewood piles and other materials may only be located in the rear yards and side yards. Such wood piles and other materials may not encroach on any required rear or side yard setbacks and must be a minimum of one foot from buildings used for habitation;

(U) Failure to keep waste, refuse or garbage properly contained in a closed, insect- and rodent-proof container designed or reasonably adapted for such purpose, except for the immediate time preceding pick-up by a refuse hauler;

(V) Accumulation of decaying animal or vegetable matter, animal or human feces, trash, rubbish, garbage, rotting lumber, packing material, scrap metal, tires or any other substances in which flies, mosquitoes, other disease carrying insects, rodents or other vermin can harbor; this definition does not include compost bins or compost sites which are being managed in accordance with acceptable standards;

(W) Buildings, fences and other structures that have been so poorly maintained that their physical condition and appearance detract from the surrounding neighborhood are declared to be public nuisances because they are unsightly, decrease adjoining landowners' and occupants' enjoyment of their property and neighborhood, and adversely affect property values and neighborhood patterns; and

(X) An unsecured hole or opening caused by improperly abandoned cistern, well pit, sewage treatment system, unused or non-maintained swimming pool, foundation, unprotected window well, mine shaft or tunnel or any other hole or opening in the ground of sufficient size or depth to pose a danger to the public or an attractive nuisance.

(Ord. 78, passed 10-6-2014) Penalty, see § 78.99

§ 78.17 PUBLIC NUISANCES AFFECTING MORALS AND DECENCY.

The following are hereby declared to be public nuisances affecting public morals and decency:

(A) All illegal gambling devices, slot machines and punch boards;

(B) Betting, bookmaking and all apparatuses used in such operations;

(C) All houses kept for the purpose of prostitution or promiscuous sexual intercourse, gambling houses, houses of ill fame and bawdy houses;

(D) Any place where intoxicating liquors are manufactured, sold, bartered or given away in violation of law, or where persons are permitted to resort for the purpose of drinking intoxicating liquors as a beverage contrary to law, or where intoxicating liquors are kept for sale, barter or distribution in violation of law, and all liquors, bottles, kegs, pumps, bars and other property kept at and used for maintaining such a place;

(E) Any place that is set up or operates as a clandestine lab site, and all apparatuses used in such operations;

(F) Any vehicle used for the illegal transportation of intoxicating liquor or any immoral purpose;

(G) The looking into or peeping through doors, windows or openings of private homes by methods of stealth and without proper authority and surreptitious methods, or what is commonly known as “window peeping”; and

(H) All other things, acts, omissions or occupations that may be considered detrimental to the moral well being of the inhabitants of the city or a considerable number thereof.

(Ord. 78, passed 10-6-2014) Penalty, see § 78.99

§ 78.18 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

The following are declared to be nuisances affecting peace and safety:

(A) All wires which are strung less than 15 feet above the surface of any public street or alley;

(B) All buildings, walls and other structures which have been substantially damaged by fire, decay or otherwise; all buildings, walls and other structures which contain broken, boarded or taped windows; all buildings, walls and other structures which have deteriorated to such an extent that they are structurally deficient or otherwise unsafe; and all buildings, walls and other structures which are so situated so as to endanger the safety of the public;

(C) All explosives, flammable liquids, inflammable liquids and other dangerous substances or materials stored or accumulated in any unsafe manner or in any amount other than that provided by law or ordinance;

(D) All use or display of fireworks, except as provided by law or ordinance;

(E) All buildings and all alterations to buildings made or erected in violation of fire ordinances and building codes concerning manner and materials and construction;

(F) A structure or portion of a structure located in a residential zoning district, if the exterior is not completed in accordance with city-approved construction plans within 180 days after the date that the city building permit was issued;

(G) Construction materials, including piles of dirt, sand, or sod, left in the open on property more than 60 days after construction has been completed, not to exceed one building season of permit issued or a certificate of occupancy has been issued, whichever occurred first;

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(H) Discarded construction material or other litter at a construction site that is not placed in an adequate waste container or that is allowed to blow around or off the site;

(I) The intentional or negligent discharge of items such as leaves, grass clippings, solvents, antifreeze, oil, fireplace ashes, paint and cement and/or concrete into a street, storm sewer system or water resource such as a wetland, creek, pond or lake;

(J) Obstructions and excavations affecting the ordinary use of the public streets, alleys, sidewalks or public grounds, except under such conditions as are provided by ordinance, and any other excavation left unprotected or uncovered indefinitely or allowed to exist in such manner as to attract minor children;

(K) Radio aerials strung or erected in any manner, except that provided by law or ordinance;

(L) The piling, storing or keeping of old machinery, wrecked, junked or inoperative vehicles, and other junk or debris;

(M) The use of property abutting on a public street or sidewalk, or any use of public street or sidewalk, which causes large crowds of people to gather obstructing traffic and the free use of public streets or sidewalks;

(N) All hanging signs, awnings and other similar structures over public streets or sidewalks or so situated as to endanger public safety, not constructed or maintained as provided by law or ordinance, or without proper permit;

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

(P) Accumulations or storage in the open (such as, not contained with a building) of any of the following items or any parts or accessories thereto:

(1) All dangerous unguarded machinery, in any public place or so situated or operated on public property as to attract the public;

(2) Household appliances or furnishings;

(3) Any motor vehicle which is inoperable, not currently licensed or generally is not being driven;

(4) Items which are not generally or normally used on the particular premises;

(5) Firewood which is not neatly stacked in a compact manner;

(6) Any other materials or items of any kind or nature which tend to harbor rats, mice, snakes or vermin or otherwise are a potential fire, health or safety hazard from such accumulations;

(7) Pipe, lumber, forms, machinery or other occupational materials kept upon any property for more than 90 days, except when in current use in construction or repair work; and

(8) Accumulations of any items that tend to cause an unsightly appearance of the premises and which cause discomfort for any other members of the public who may be using their own or public property.

(Q) Throwing, dropping or releasing printed matter, paper or any other material or objects over and upon the city from an airplane, balloon or other aircraft or in such a manner as to cause such materials to fall on land in the city;

(R) Placing entrance culverts or doing any act which may alter or affect the drainage of public streets or alleys or the surface or grade of public streets, alleys or sidewalks without proper permit;

(S) Making repairs to motor vehicles, or tires in public streets or alleys, excepting only emergency repairs when it will not unduly impede or interfere with traffic;

(T) Throwing, placing, depositing or burning leaves, trash, clippings, weeds, grass or other materials in the streets, alleys or gutters;

(U) Erecting, painting or placing of unauthorized traffic signs or advertising signs in streets, alleys or on sidewalks;

(V) All unnecessary interferences and disturbances of radios or television sets caused by defective electrical appliances and equipment or improper operation thereof;

(W) Driving scooters, bicycles, skateboards, roller skates, motorcycles or any type of motorized vehicle or non-motorized vehicle on any sidewalk located in the downtown business district;

(X) To operate any private parking lot without keeping the same reasonably free from dust;

(Y) To operate any artificial lighting devices upon any residential, commercial or industrial premises so as to cause a distraction to passing motorists or to operate said artificial lighting devices upon any residential, commercial or industrial premises without some effective device so as to protect adjacent premises from being adversely affected thereby;

(Z) The maintenance of any tree or shrub, the roots of which are causing damage to any public sewer, sidewalk, pavement or other public property, or setting out or planting any tree or brush in the public street or any portion thereof;

(AA) All limbs of trees which are less than 12 feet above the surface of any public sidewalk or 12 feet above the surface of any street;

(BB) Deteriorated, wrecked or derelict property in unusable condition, which has no apparent value other than nominal scrap or junk value, if any, and which has been left unprotected from the elements, and shall include, without being so restricted, deteriorated, wrecked, inoperative or partially dismantled motor vehicles, trailers, boats, machinery, refrigerators, washing machines, household appliances, plumbing fixtures, furniture, cut trees, branches, building materials, general rubbish, tools, benches or any other similar articles in such condition;

(CC) Encroachments onto publicly-owned property, including tax-forfeited property under public control, such as the placement of structures, materials, recreational equipment, lawn chair, fire pits, the dumping of organic materials, the storing of privately-owned items, the undertaking of activities affecting the physical nature of the property, such as mowing, vegetation removal or the application of fertilizer, pesticides or herbicides without the express, written permission of the city; and

(DD) All other conditions, acts or things which are liable to cause injury to the person or property of another.

(Ord. 78, passed 10-6-2014) Penalty, see § 78.99

§ 78.19 NOTIFICATION PROCEDURES.

An investigation of a public nuisance violation may be initiated by any of these methods:

(A) Filing a city complaint form with the city's Clerk/Treasurer at City Hall, 101 South Brown Street, (which will require the complainant's signature);

(B) Contact with a City Council member either in person, via telephone, email or by mail; a method by which the complainant's identification may be verified;

(C) Notification to a law enforcement agency; and

(D) Any of the above procedures will/may require the complainant's name, signature, address and a phone number.

(Ord. 78, passed 10-6-2014)

§ 78.20 ENFORCEMENT.

It shall be the duty of the City Council, by and through the city's Police Department, to enforce the provisions of this subchapter and the City Council may, by resolution, delegate to such other officers or agencies power to enforce particular provisions of this subchapter, including the power to inspect

private premises and the officers charged with enforcement of this subchapter shall take all reasonable precautions to prevent the commission and maintenance of public nuisances.

(Ord. 78, passed 10-6-2014)

§ 78.21 POWERS OF OFFICERS.

(A) Whenever, in the judgment of the officer charged with enforcement, it is determined upon investigation that a public nuisance is being maintained or exists within the city, the following procedure shall prevail:

(1) The officer shall notify in writing to the person committing or maintaining such nuisance and require him or her to terminate and abate said nuisance and to remove such conditions or remedy such defects;

(2) Said written notice and/or citation shall be served upon the person committing or maintaining said nuisance in person or by registered mail. If the premises are not occupied and the address of the owner is unknown, service on the owner may be had by posting a copy of the notice and/or citation on the premises;

(3) Said notice and/or citation shall require the owner or occupant of such premises, or both, to take reasonable steps within a reasonable time to abate and remove said nuisance, said steps and time to be designated in said notice and/or citation, but the maximum time for the removal of said nuisance after service of said notice and/or citation shall not in any event exceed 30 days; and

(4) Service of a notice may be provided by filing an affidavit of service with the city's Clerk/Treasurer setting forth the manner and time thereof. Service of a citation may be proved by filing a copy of the citation with the city's Clerk/Treasurer setting forth the manner and time of the service thereof.

(B) When an order so given is not complied with, such non-compliance shall be reported forthwith to the City Council for such action as may be necessary and deemed advisable in the name of the city to abate and enjoin the further continuation of said nuisance.

(Ord. 78, passed 10-6-2014)

§ 78.22 POLICY PROCEDURES.

(A) Notification of violation to person by officer;

(B) Abatement and/or removal of public nuisance within 30 days required;

(C) Written or oral appeal from violator to City Council on public nuisance abatement and/or removal non-compliance; and

(D) Consideration of City Council to abatement/removal plan extension.
(Ord. 78, passed 10-6-2014)

§ 78.23 ABATEMENT BY CITY COUNCIL.

If, after service of notice of intent to abate nuisance, the person served fails to abate the nuisance or make the necessary repairs, alterations or changes in accordance with the direction of the enforcement officer or the City Council, the City Council may cause such nuisance to be abated at the expense of the city and recover such costs against the person or persons served. To cover administrative costs necessarily incurred in the abatement and assessment procedure, an administrative fee in the amount of not more than 25% of the cost to abate the nuisance shall be imposed; except that, in no event shall the administrative fee be less than \$50. As to any such costs, the City Council shall direct the city's Clerk/Treasurer to extend such sum as an assessment against the property upon which the nuisance existed and shall certify the same to the county's Auditor/Treasurer for collection in the same manner as taxes and special assessments are certified and collected.

(Ord. 78, passed 10-6-2014)

§ 78.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person who shall cause or create a nuisance or permit a nuisance to be created or placed upon, or to remain upon any premises owned or occupied by him or her, and any person who shall fail to comply with any order made under the provisions of §§ 78.15 through 78.23 of this chapter, upon conviction thereof, shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000 or by imprisonment in the county jail for not more than 90 days, or both.

(Ord. 78, passed 10-6-2014)

CHAPTER 93: STREETS, SIDEWALKS AND TREES

Section

93.01 Planting in parks

§ 93.01 PLANTING IN PARKS.

No trees, shrubs, flowers be planted or any structure be erected in the city parks without first obtaining permission from the Maintenance Engineer.

(Res. 84-0507, passed 5-7-1984)

CHAPTER 94: FAIR HOUSING

Section

- 94.01 Policy declaration
- 94.02 Definitions
- 94.03 Prohibited acts in regard to housing
- 94.04 Enforcement procedures
- 94.05 Statute of limitations
- 94.06 Civil enforcement

§ 94.01 POLICY DECLARATION.

Discrimination with regard to housing on the basis of race, sex, creed, religion, marital status and disability adversely affects the health, welfare, peace and safety of the community. Persons subject to such discrimination suffer depressed living conditions and create conditions which endanger the public peace and order. The public policy of the city is declared to be to foster equal opportunity for all to obtain decent, safe and sanitary housing without regard to their race, creed, color, national origin, marital status, disability status, sex and strictly in accord with their individual merits as human beings. It is also the policy of the city to protect all persons from all unfounded charges of discrimination. (Ord. 55, passed 7-7-1986)

§ 94.02 DEFINITIONS.

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

DISABILITY. A mental or physical condition which constitutes a handicap. Nothing in this section shall be construed to prohibit any program, service, facility or privilege afforded to a person with a disability which is intended to habilitate, rehabilitate or accommodate that person.

DISCRIMINATE or **DISCRIMINATION.** Includes segregate or separate.

MARITAL STATUS. The standing, state or condition of one as single or married person. (Ord. 55, passed 7-7-1986)

§ 94.03 PROHIBITED ACTS IN REGARD TO HOUSING.

(A) It is an unlawful discriminatory practice:

(1) For any person to discriminate on grounds of race, creed, religion, color, sex, marital status, status with regard to public assistance, national origin, age or disability, in the sale, lease or rental of any housing unit or units;

(2) For any broker, salesperson or other person acting on behalf of another to so discriminate in the sale, lease or rental of any housing unit or units belonging to such other person;

(3) For any person engaged in the business of financing the purchase, rehabilitation, remodeling or repair of housing units or in the business of selling insurance with respect to housing units to refuse to provide such financing or insurance or to discriminate with regard to the terms or conditions thereof by reason of the race, color, sex, religion, creed, national origin, marital status, status with regard to public assistance, age or disability of the applicant or because of the location of the unit or units in areas of the city occupied by persons of a particular race, color, sex, religion, creed, national origin, marital status, status with regard to public assistance, age or disability; or to discriminate by treating differently any person or group of persons who desire to purchase, lease acquire, construct, rehabilitate, repair or maintain real property in a specific urban area because of social, economic or environmental conditions of the area 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 herewith. The bona fide programs of federal, state or local governmental units or agencies, however structured or authorized to upgrade or improve in any manner a specific urban area shall not be deemed to be a violation of this section;

(4) For any person, having sold, leased or rented a housing unit or units to any person, to discriminate with respect to facilities, services or privileges of occupancy by reason of race, color, sex, creed, religion, national origin, age or disability, marital status or status with regard to public assistance;

(5) For any person to make or publish any statement evidencing an intent to discriminate, on grounds of race, creed, religion, color, sex, national origin or ancestry, marital status, status with regard to public assistance, age or disability, in the sale, lease, or rental of a housing unit or units;

(6) For any person to make any inquiry regarding race, color, sex, creed, religion, national origin, marital status, status with regard to public assistance, age or disability, or to keep any record or use any form of application, designed to elicit such information, in connection with the sale, lease, rental or financing of a housing unit or units, unless such information is used only for statistical purposes to affirmatively further fair housing; and

(7) For any person, for the purpose of inducing a real estate transaction from which he or she may benefit financially:

(a) To represent that a change has occurred or will or may occur in the composition of the block, neighborhood, or area in which the property is located, in respect of the race, color, sex, creed, religion, national origin, marital status, status with regard to public assistance, age or disability of those living there; or

(b) To represent that this change will or may result in the lowering of property values, an increase in crime, or anti-social behavior, or a decline in the quality of schools in the block, neighborhood or area concerned.

(B) Nothing in this section shall be construed to require any person or group of persons selling, renting or leasing property to modify the property in any way, or exercise a higher degree of care for a person having a disability than for a person who does not have a disability; nor shall this section be construed to relieve any person or persons regardless of any disability in a written lease, rental agreement or contract or 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.

(C) The provisions of this section shall not apply to:

(1) The rental of a portion of a dwelling containing accommodations for two families, one of which is occupied by the owner; or

(2) The rental by an owner or occupier of a one-family accommodation in which he or she resides of a room or rooms in such accommodation to another person or persons if the discrimination is by sex, marital status, status with regard to public assistance or disability. Nothing in this section shall be construed to require any person or group of persons selling, renting or leasing property to modify the property in any way, or exercise a higher degree of care for a person having a disability than for a person who does not have a disability; nor shall this section be construed to relieve 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. (Ord. 55, passed 7-7-1986)

§ 94.04 ENFORCEMENT PROCEDURES.

The city is designated as the enforcement agency for this section and shall have the power to receive, hear and determine complaints as provided herein. The city shall promptly investigate, upon complaint or upon its own motion, any violations of this chapter. If, after investigation, it shall have reason to believe a violation has occurred it may refer the matter to the City Attorney for criminal prosecution, initiate civil enforcement procedures as herein provided, or enter into a settlement agreement which, when approved by the city, shall have the same force as a city order.

(Ord. 55, passed 7-7-1986)

§ 94.05 STATUTE OF LIMITATIONS.

No action may be brought for civil enforcement or criminal prosecution unless the charge of alleged discriminatory practice was filed with the city within 180 days form the occurrence of the practice.
(Ord. 55, passed 7-7-1986)

§ 94.06 CIVIL ENFORCEMENT.

Civil enforcement procedures shall be prosecuted by the city before the Council in the following manner.

(A) The city shall serve upon respondent by certified mail a complaint, signed by it, which shall set forth a clear and concise statement of the facts constituting the violation, set a time and place for hearing, and advise the respondent of his or her right to file an answer to appear in person or by an attorney and to examine and cross-examine witnesses.

(B) The hearing shall not be less than 20 days after service of the complaint. At any time prior to the hearing, the respondent may file an answer. Facts not denied by answer shall be deemed admitted. If the answer sets out new matter, it shall be deemed denied by the city.

(C) The complaint or answer may be amended at any given time prior to the hearing with the consent of the opposing party.

(D) Hearings shall be before the City Council.

(E) The city may obtain subpoenas from the District Court to compel the attendance of witnesses and the production of documents at any hearing.

(F) If, after the hearing, the Council shall conclude that a violation has occurred, it shall prepare an order which may contain any provision deemed desirable to do justice to the complainant or to prevent further violations. It may include provisions which require the respondent to rent, sell or lease particular housing to the complainant or to do any other thing as may be just. The Council's findings of fact and order shall be served on the respondent by mail, and shall become the findings and order of the city unless, within ten days after mailing of the findings and order, the city shall revoke or amend the order. Any order of the city may be modified by the city at any time.
(Ord. 55, passed 7-7-1986)

CHAPTER 95: NOISE REGULATIONS

Section

- 95.01 Public nuisances caused by sound
- 95.02 Nuisance noises
- 95.03 Persons liable
- 95.04 Exceptions

- 95.99 Penalty

§ 95.01 PUBLIC NUISANCES CAUSED BY SOUND.

Any loud, unnecessary or unusual sound or any sound which annoys, disturbs or affects the comfort, repose, health, peace or safety of others in the city is declared to be a public nuisance.
(Ord. 72, passed 4-1-2002)

§ 95.02 NUISANCE NOISES.

The following are declared to be nuisance noises:

(A) *Horns or sirens.* The sounding of any siren, device on a motor vehicle, except in case of equipment used by public safety personnel in situations;

(B) *Radios, stereos, tape or disc players and the like.* The use or operation of a radio receiving set, musical instrument, phonograph, stereo, tape or disc player or other machine or device used for the amplification of sound at a volume in excess of that reasonably necessary for the convenient hearing of the person or persons in the room, vehicle or chamber in which the same is being operated. The operation of any radio receiving set, musical instrument, phonograph, stereo, tape or disc player or other machine or device used for amplification of sound shall be prima facie evidence of a violation of this ordinance if sound therefrom is plainly audible:

(1) In an apartment or hallway of a multifamily building adjacent to the unit where the device is operating;

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- (2) At the boundary of the real property on which the device is operated; and
- (3) At a distance of 50 feet from any motor vehicle in which the device is operating.

(C) *Loudspeakers, amplifiers, sound trucks.* The use or operation of any loudspeaker, sound amplifier, sound truck or vehicle equipped with sound amplifying devices or other machine or device for producing or reproduction of sound which is used to attract the attention of the public to any building, structure, business, vehicle or other area, or any horn or other signaling imminent danger and except for emergency;

(D) *Human noise.* The prolonged yelling, shouting, screaming, whistling or singing that is audible beyond the boundaries of the area or premise owned, rented, leased or used by the person making the noise;

(E) *Animal noise.* The frequent or continued barking, howling or other noise from any animal or bird not confined within a building;

(F) *Vehicle noise.* The discharge of vehicle exhaust into the air, except through a muffler that is free of holes, cracks or other defects;

(G) *Truck dynamic brake (Jake brake).* The intentional use of dynamic (Jake) brake on any public highway, street, parking lot or alley in the city; and

(H) *Loud parties.* Sound emanating from any party or gathering of a sufficient volume so as to disturb the peace, quiet or repose of other persons within the city. It shall be prima facie evidence of a violation of this chapter if the sound of the party or gathering is audible to a human ear at a distance of 50 feet from the building or dwelling unit from which the sound emanates.

(Ord. 72, passed 4-1-2002) Penalty, see § 95.99

§ 95.03 PERSONS LIABLE.

(A) Any person who makes, participates or assists in making, or allows to be made a nuisance noise is guilty of a public nuisance caused by sound offense.

(B) Any person who participates in a party or gathering that generates nuisance noise shall be guilty of maintaining a public nuisance. In the event that any party or gathering is determined by a city peace officer or county peace officer to generate nuisance noise, all persons, except the owner or permanent occupant, shall promptly leave the premises in an orderly manner.

(C) A violation of this chapter, whether noise emanates from a vehicle, street or private residence, shall be deemed to be the act of the owner, as well as the persons who violate this chapter; except that,

that the owner of a dwelling unit occupied by others shall be liable only for those violations occurring after a written notice of a violation of this ordinance shall have been received.

(Ord. 72, passed 4-1-2002)

§ 95.04 EXCEPTIONS.

Activities that have been approved by the City Council shall be exempt from this chapter.

(Ord. 72, passed 4-1-2002)

§ 95.99 PENALTY.

Any person(s), firm, corporation and/or entity found guilty of violation of this chapter shall be guilty of a petty misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$300.

(Ord. 72, passed 4-1-2002)

CHAPTER 96: CEMETERIES

Section

- 96.01 Established
- 96.02 Prices of lots and other services
- 96.03 Receipt of moneys
- 96.04 Management
- 96.05 Burial permits
- 96.06 General regulations

- 96.99 Penalty

§ 96.01 ESTABLISHED.

A cemetery has been established and is continued upon land owned by the city and described as follows, to-wit: east 667 feet of the north 424.5 feet of N.W. quarter (NE 1/4 NW 1/4) and the west 338 feet of the north 424.5 feet of the N.E. quarter (NE 1/4 NW 1/4), all in Section 30, Township 134, Range 34.

(Ord. 40, passed 8-4-1975)

§ 96.02 PRICES OF LOTS AND OTHER SERVICES.

The prices of cemetery lots and other services, as determined by Council resolution, shall be filed with the city's Clerk/Treasurer. Any person paying the price thus fixed for any lot and perpetual care shall be entitled to a deed conveying the same, executed by the Mayor and Clerk/Treasurer. The purchaser shall expressly agree in the deed that his or her rights are adopt relative to the use of the cemetery.

(Ord. 40, passed 8-4-1975)

§ 96.03 RECEIPT OF MONEYS.

All money received from the sale of lots, for perpetual care and other services, shall be paid to the city's Clerk/Treasurer, who shall give a receipt therefor.

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(A) A Permanent Care and Improvement Fund is hereby established as a separate fund for use in maintaining, caring for and improving the cemetery and cemetery lots in Green Lawn Cemetery. No portion of the principal of this fund shall be used for the a forestated purposes, but shall remain as a permanent fund, and all sums received for deposit to the credit of this fund shall be kept, managed and administrated by the city's Clerk/Treasurer.

(B) The portion of the of price to be allocated to the Permanent Care and Improvement Fund shall be determined by Council resolution and filed with the city's Clerk/Treasurer.

(C) Subject to any disposition otherwise authorized by law, all income received by the city from the Permanent Care and Improvement Fund shall be used solely for the purpose of defraying the cost of caring form maintaining, and improving the cemetery lots for which permanent care has been provided, pursuant to the amount necessary to pay for care and improvement of the lots, or any income not spent in any year for this purpose shall remain in the Cemetery Fund.

(D) A report showing in detail how the income received by the city form the Permanent Care and Improvement Fund during the preceding calender year has been expended shall be included in the annual financial report of the city.

(Ord. 40, passed 8-4-1975)

§ 96.04 MANAGEMENT.

The management of the City Cemetery and the direction and control of the operation, care and maintenance thereof, shall be the maintenance supervisor and two Council members, who shall be appointed annually by the City Council.

(Ord. 40, passed 8-4-1975)

§ 96.05 BURIAL PERMITS.

Before any interment shall be made in the cemetery, a burial permit shall be provided to the custodian or a member of the cemetery committee. No interment shall be made in the cemetery, except upon at least 24 hours' notice given in advance of the time set for the funeral service, given to the custodian or other person in charge of the cemetery, for the city. No casket shall be interred in said cemetery unless the same is enclosed in a vault.

(Ord. 40, passed 8-4-1975)

§ 96.06 GENERAL REGULATIONS.

(A) No person may discharge any firearm or have possession of any firearm within the cemetery grounds without the permission of the Superintendent.

(B) No person may remove any object from any place in the cemetery or make any excavation without the consent of the custodian.

(C) No person may obstruct any drive or path in the cemetery or in any way injure, deface or destroy any structure, grave, flower, tree or any thing in the cemetery.

(D) No person may drive any vehicle faster than a walk within the cemetery, nor drive over any path or roadway not authorized by the custodian.

(E) No person may disturb the quiet of the cemetery by noise or improper conduct of any kind, nor use the cemetery grounds or any road therein as a public thoroughfare, nor drive any vehicle through the cemetery grounds, except for purposes relating to the cemetery.

(F) No person may loiter at any time, nor be in the cemetery without permission of the cemetery custodial at any time between the hours of sunset to 6:00 a.m.
(Ord. 40, passed 8-4-1975) Penalty, see § 96.99

§ 96.99 PENALTY.

Any person violating any provision of this chapter is guilty of a misdemeanor and shall be punished by a fine up to \$1,000 or up to 90 days in jail.
(Ord. 40, passed 8-4-1975)

