

**CHAPTER 8. STREETS, SIDEWALKS, PUBLIC PARKS AND GROUNDS****Section 800 – In General**

**800.01 Obstructions Generally.** No person shall encumber, obstruct, place, park or leave upon or in any of the streets, sidewalks or other public places within the City, any vehicle, machinery, goods, wares, merchandise, boxes, refuse, lumber, loose signs, stands or other materials, except when it may be necessary in the erection of buildings or in making other improvements, or when granted permission through the issuance of a conditional use permit for the use of the public sidewalk for activities such as sidewalk dining and cafes or through the issuance of a temporary permit by the City for the selling of merchandise during a designated period of time.

When it becomes necessary to encumber or obstruct a portion of a sidewalk, street or other public place where erecting a building, making improvements, or establishing sidewalk activities including outdoor dining and/or outdoor cafes or with the sale of merchandise, the person performing the work or providing the service of outdoor dining shall first obtain permission therefore from the City Council. The permission shall specify the portion of the sidewalk, street or public place to be used for the erection, improvement, or activity, and the permission may be revoked at any time by the Council when it deems a permit holder is not complying with this Section, or when it is otherwise determined to be necessary to protect the health, safety, and welfare of the public. At the expiration of the permission or on revocation thereof, such person shall immediately remove any material, substance or obstruction from the street, sidewalk, or other public place. *(Amended by Ord. 149, 8/26/02)*

**800.02 Height of Limbs Above Sidewalks.** No person owning or occupying any property within the City shall allow to remain any tree limbs which are less than eight (8) feet above the surface of any public sidewalk.

**800.03 Obstructing Intersections Prohibited.** It shall be unlawful for any person to maintain or permit to remain on property owned by or occupied by him or her any tree, hedge, billboards or other obstruction which prevents persons from having a clear view of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle, driven at a reasonable speed, to a full stop before the intersection is reached.

**800.04 Removal of Snow Required.** The owner of any lot or parcel of land within the City shall, within twenty-four (24) hours after snow shall fall or otherwise accumulate upon any sidewalk designated by a resolution of the City Council as a part of the sidewalk thoroughfare program in front of or adjoining such lot or parcel of land, remove or cause the snow to be removed from the sidewalk.

**800.05 Removal of Snow by City; Assessment.** In case the owner of any lot or parcel of land within the City shall fail to remove any snow that has fallen or otherwise accumulated upon any sidewalk as required by Subsection 800.04, it shall be the duty of the street commissioner of the City to cause the snow to be removed from the sidewalk at the expense of the owner and the expense incurred in the removal thereof may be recovered against the owner in a civil action, or be assessed upon the lot or parcel of land from in front of which the snow shall be removed, and returned, collected and enforced as City taxes.

**800.06 Temporary Permit.** A temporary permit shall be obtained for the use of public sidewalks as outdoor merchandise areas. The City, contingent upon meeting specific requirements, shall issue a

permit. When applying for a permit, the permit holder is consenting to the following rules and conditions:

- A. Displayed merchandise must allow for a six-foot (6') pedestrian passageway.
- B. Displayed merchandise will not obstruct the line-of-sight of vehicles, especially at intersections.
- C. Merchandise areas shall be adjacent to the building or structure in which the permit is being used. Merchandise is not allowed within the pedestrian passageway or within the public street.
- D. All merchandise and equipment used for displaying such merchandise shall be removed from the sidewalk area at the end of business hours.
- E. The permit holder is responsible for the maintenance and upkeep of the equipment used to display and hold merchandise, the City shall not be held responsible.
- F. The permit allows the permit holder to display merchandise within the public sidewalk only for the time stated on the permit, after such day the permit is considered null and void.

*(Amended by Ord. 149, 8/26/02)*

#### **800.07 Public Parking Lots.**

- A. No person shall park a vehicle or permit a vehicle to park for longer than forty-eight (48) consecutive hours within any public parking lots. *(Amended by Ord. 150, 11-25-2002)*

### **Section 810 – Naming and Numbering System**

**810.01 Uniform Naming and Numbering System.** A uniform system of naming and numbering properties and principal buildings, as shown on that map identified and adopted by the Council as the City Street Map shall be hereby adopted for use in the City. The map and all explanatory matter thereon shall be hereby adopted and made a part of this Code.

**810.02 Assignment of Names and Numbers.** Upon adoption of this Code, all properties or parcels of land within the City shall be identified by reference to the uniform numbering system adopted in this Section, and all existing properties and buildings not in conformity with the provisions of this Section shall be changed to conform to the system adopted within six (6) months of the enactment date of this Code. The names and numbers of all streets shall be designated by the uniform street naming and numbering system. Each house or other building shall have its assigned number posted in accordance with Section 1020 of this Code.

**810.03 Administration.** The City Administrator shall be responsible for maintaining the numbering system. In the performance of this responsibility he or she shall be guided by the provisions of Subsection 810.02 above. The City Administrator shall keep a record of all numbers assigned under this Section, and shall issue to any property owner upon request and without charge, a number for each principal building or separate front entrance to the building. In doing so, the Administrator shall issue only the number assigned to the building under the provisions of this Section. Provided, however, that the City Administrator may issue additional numerals in accordance with the official numbering system whenever a property has been subdivided, a new front entrance opened, or undue hardship has resulted to any property owner. The property owner shall be responsible for obtaining suitable numbers for property identification.

### **Section 820 – Excavations**

**820.01 Definitions.** For the purpose of this Section the following words and phrases shall have the meanings ascribed to them.

**Subd. 1 Applicant.** “Applicant” shall mean any person making written application to the City engineer for an excavation permit under this Section.

**Subd. 2 Engineer.** “Engineer” shall mean the City engineer of the City or his or her duly authorized representative.

**Subd. 3 Excavation Work.** “Excavation Work” shall mean the excavation and other work permitted under an excavation permit and required to be performed under this Section.

**Subd. 4 Permittee.** “Permittee” shall mean any person who has been granted and has in full force and effect excavation permit issued pursuant to this Section.

**Subd. 5 Street.** “Street” shall mean any street, highway, sidewall, alley, avenue or other public way or grounds or public easements in the City.

**820.02 Permit Required.** No person shall undermine, break, dig, bore, tunnel, remove, ditch or otherwise excavate into or under any street, alley, easement, sidewalk, curb or gutter without first obtaining a permit from the City.

**820.03 Application.** No excavation permit shall be issued unless a written application for the issuance of an excavation permit, on forms provided by the City for that purpose, has been submitted to the City. Each application shall contain the following:

- A. The name and address of the applicant.
- B. The nature, location and purpose of the excavation.
- C. The date of commencement and the date of completion of the excavation.
- D. Such other data as may reasonably be required by the engineer, such as:
  1. Plans showing the extent of the proposed excavation work.
  2. The dimensions and elevations of both the existing ground prior to the excavation and of the proposed excavated surfaces.
  3. Plans for the use of streets and sidewalks, and accommodations for pedestrian safety.
  4. A description of how the project will be rebuilt when complete.
  5. Such other information as may be prescribed by the engineer.

**820.04 Permit Fee.** Upon approval of the application for an excavation permit by the City, the applicant shall pay a fee as set in the fee schedule adopted from time to time by the City Council to cover reasonable costs for the issuance of an excavation permit.

**820.05 Surety Bond.** Before an excavation permit shall be issued, the applicant shall deposit with the City Administrator a surety bond in the amount of five thousand (5,000) dollars in favor of the City. The required surety bond shall be:

- A. With good and sufficient surety by a surety company authorized to do business in the State of Minnesota.

- B. Satisfactory to the City attorney in form and substance.
- C. Conditioned that the applicant shall faithfully comply with all the terms and conditions of this Section and all rules, regulations, and requirements pursuant thereto as required by the City, and all reasonable requirements of the City.
- D. Conditioned that the applicant shall secure, defend, indemnify, and hold the City and its officers harmless against any and all claims, judgments or other costs arising from the excavation permit or for which the City, the City Council or any City officer may be made liable by reason of any accident or injury to person or property through the fault of the permittee.
- E. Recovery on the surety bond for any injury or accident shall not exhaust the bond, but it shall in its entirety, cover any or all future accidents or injuries during the excavation work for which it is given.
- F. In the event of any suit or claim against the City by reason of the negligence or default of the permittee, upon the City giving written notice to the permittee of the suit or claim, any final judgment against the City requiring it to pay for the damage shall be conclusive upon the permittee and his or her surety.
- G. An annual bond shall be given under this Provision which shall remain in force for one (1) year conditioned as above, in the amount specified in this Section and in other respects as specified in this Section but applicable as to all excavation work in streets by the permittee during the term of one (1) year from the date.

**820.06 Exemption from Surety Bond Requirement.** The surety bond required by this Section shall not apply to a duly licensed and bonded plumber or to any public utility permitted to operate within the City limits, by franchise or otherwise, for the purpose of supplying gas, electric or telephone service or for any excavation which is made under a contract awarded by the City or made by the City.

**820.07 Insurance.** Each permittee, prior to the commencement of any excavation work, shall furnish the City satisfactory evidence in writing that the permittee has in force and shall maintain in force during the performance of the excavation work and the period of the excavation permit, public liability insurance of not less than fifty thousand (50,000) dollars for any one (1) person and one hundred thousand (100,000) dollars for any one (1) accident and property damage insurance of not less than twenty-five thousand (25,000) dollars duly issued by an insurance company authorized to do business in the State of Minnesota and on which policy the City shall be named as a co-insured.

**820.08 Indemnification; Payment of Suit Costs and Judgments.** Each permittee shall defend, indemnify, and keep and hold the City free and harmless from liability on account of injury or damage to persons or property arising or growing out of the permittee's negligence in making any street excavation. In the event that suit shall be brought against the City, either independently, or jointly with the permittee, on account therefore, the permittee, upon notice to it by the City, shall defend the City in any suit at the cost of the permittee, and in the event of a final judgment being obtained against the City, either independently or jointly with the permittee, the permittee shall pay the judgment with all costs and hold the City harmless therefrom.

**820.09 Exemption from Fee Payment and Insurance Provisions.** The provisions of this Section requiring payment of a permit fee and evidence of public liability and property damage insurance shall not be applicable to any excavation work carried on by the City or its employees, or by persons operating under contract by the City for which other insurance provisions have been made.

**820.10 Terms to Which Applicants Shall Agree Prior to Issuance of Permit.** Every applicant for a permit required by this Section shall sign an agreement in substantially the following terms:

In consideration of the granting of the excavation permit this day applied for, the undersigned agrees:

- A. To do the work as directed by the engineer or his or her agent so as to occasion the least possible inconvenience to the public, and to provide for the passage of water along the gutters;
- B. To leave at least one-half (1/2) of the street clear for the passage of vehicles, and to provide safe bridgeways on sidewalks for pedestrians;
- C. To guard any open excavation with substantial railings or fences constructed and placed so as to bar all entrances to the excavation, and from sunset to sunrise show the limits of the railings or fence and the excavation by warning lights or flares, and also to mark the limits of piles of material by the warning lights or flares;
- D. To refill the excavation as soon as is reasonably possible in accordance with appropriate City regulations and replace paving, sidewalks and all appurtenances in at least as good condition as before the excavation. If within one (1) year after the refilling, the engineer shall find any defects caused by improper excavation or improper refilling, to remedy the defects on reasonable notice. If the person doing the excavation work shall fail to remedy any defect found therein within a year after its completion, upon notice from the engineer, the City may cause the work to be done at his or her expense;
- E. To remove at once all rubbish and surplus earth;
- F. To defend, indemnify and hold the City harmless from all damages or claims arising out of the excavation work or accidents caused or claimed by the injured party to have been caused by the excavation or by failure to do the work or guard it properly.

**820.11 Authority to Prepare and Modify Regulations.** The engineer shall prepare the regulations with respect to excavations within any street, and shall modify them with respect to particular work, as the engineer shall deem necessary or advisable to protect the public from injury and to prevent damage to public use of the streets.

**820.12 Approval of Regulations.** All regulations promulgated by the engineer shall be approved by the City Council and a copy of the regulations shall be given to each permittee upon issuance of the street excavation permit.

**820.13 Coverage of Regulations.** Regulations promulgated by the engineer shall include:

- A. Requirement that all public utilities be notified by the permittee of permittee's intent to make a street excavation, giving notice of time and the obtaining of the exact nature and location of all underground facilities existing in the area intended to be excavated.
- B. The manner and method of connecting facilities placed within the excavation with other facilities.
- C. Manner and method of backfilling street excavation and procedure to be followed in compacting backfilled material.
- D. Specifications as to material to be used in backfilling street excavation.
- E. Manner and method of making street excavations, including procedure to safeguard and protect adjoining and adjacent property and existing underground and aboveground facilities.
- F. Requirements for restoration of street surfaces.

**820.14 Franchised Utilities.** Special provisions shall be made for simplifying procedures and supervision in respect to excavation by franchised utilities.

**820.15 Supervision of Work.** All work done pursuant to an excavation permit issued under the provision of this Section shall be performed under the direction and to the satisfaction of the engineer or his or her duly authorized agent.

**820.16 Excavation Placard.**

- A. The City shall provide each permittee, at the time the permit shall be issued, a suitable placard which shall state the permittee's name, the permit number and the date of expiration.
- B. It shall be the duty of any permittee to keep the placard posted in a conspicuous place at the site of the excavation work.
- C. It shall be unlawful for any person to exhibit the placard at or about any excavation not covered by the permit or to misrepresent the permit number or the date of expiration.

**820.17 Emergency Action.** In the event of any emergency in which a main, conduit or utility facility in or under any street breaks, bursts, or otherwise is in such condition as to immediately endanger the property, life, health, or safety of any individual, the person owning or controlling the main, conduit or utility facility without first applying for and obtaining an excavation permit under this Section, shall immediately take proper emergency measures to cure or remedy the dangerous conditions for the protection of property, life, health, and safety of individuals; however, the person owning or controlling the facility shall apply for an excavation permit not later than the end of the next succeeding day during which the engineer's office is open for business, and shall not proceed with permanent repairs without first obtaining an excavation permit under this Section.

**820.18 Noncompletion or Abandonment.** Work shall progress in an expeditious manner until completion in order to avoid unnecessary inconvenience to the general public. In the event that the work shall not be performed in accordance with the applicable regulations of the engineer or in accordance with the provisions of this Section, or shall cease or be abandoned without cause, the City may, after twenty-four (24) hours notice in writing to the holder of the permit of intent to do so, correct the work or fill the excavation and repair the street, and in any such event the entire cost to the City of the work, shall be a liability of and shall be paid by the person to whom the permit was issued.

**820.19 Completion Date.** In no case shall the project exceed three weeks unless approval, either in advance or as an extension, shall be received from the City Council. The City reserves the right to alter the proposed start and/or completion date of the project.

**820.20 Curb Cuts.** Curb replacements for driveway purposes shall follow Minnesota Department of Transportation standard plate number 7035J, except that 6 inch driveway pavement shall not be required. Where curb cuts have not been provided the existing curb shall be removed and a curb return installed.

**820.21 Public Convenience and Safety.** The permit holder shall at all times conduct his or her operations and perform the work in such a manner as to ensure the least obstructing and interference to traffic and to the public. The permit holder shall take adequate precaution to ensure the safety of the general public, including those who require access to abutting property.

Precaution shall be exercised at all times for the protection of persons and property. The safety provisions of applicable laws and building and construction codes shall be observed; machinery, equipment and all hazards shall be guarded or eliminated in accordance with the safety provisions of the Manual of Accident Prevention in Construction, published by the Association of General Contractors of America, to the extent that such provisions shall not be in conflict with applicable law.

**820.22 Utility Connection Charge.** The provisions of this Section shall not be in lieu of but in addition to all utility connection permits that may be required by the rules and regulations of the engineer of the City.

**820.23 Gopher State One Call.** Any person or firm to whom a permit has been issued shall notify Gopher State One Call before beginning any digging.

**820.24 When and How Sidewalks shall be built.** All sidewalks and crosswalks within the City shall be built when and in such manner as the City Council may prescribe.

**820.25 Supervision of Sidewalk Construction.** All sidewalks and crosswalks within the City shall be constructed under the supervision of the street commissioner of the City.

**820.26 Sidewalk Construction Requirements Generally.** All sidewalks shall be constructed of the material and in the manner prescribed by resolution of the City Council. Each sidewalk shall be so laid and built as to conform to the grade of any street upon which the same is laid, and shall not exceed six (6) inches above the surface of the street, and shall be upon a line of grade to be given each builder, on application, by the City Council.

**820.27 Record of Construction Costs to be Kept and Presented to Council.** An accurate account of the cost of constructing or repairing all sidewalks and crosswalks shall be kept and shall be reported to the City Council at its next meeting after the cost is incurred.

**820.28 Assessment of Costs.** The cost of constructing crosswalks may be assessed upon all the property of the City. The cost of constructing sidewalks in front of all real property owned by the City may be assessed upon all the property of the City, and the cost of constructing any sidewalks in front of or adjoining any lot or parcel of land in the City may be assessed upon the lot or parcel of land in front of or adjoining the sidewalk, except in the City's business district where the Council may determine sidewalk construction to be of general public benefit and thereby assess a portion of the cost upon all the property of the City.

**820.29 Sidewalk Repairs.** If the owner of any lot or parcel of land shall permit any sidewalk along the same to become broken, rotten or out of repair, it shall be the duty of the street commissioner to immediately repair the same in a good, substantial and thorough manner, and to report to the City Council the costs of the repair, together with a description of the lot or parcel of land abutting which such repairs were made, and the report shall be filed with and be preserved by the City Administrator. The City Council shall, once in each year, at or as near as conveniently may be, the time of levying the yearly city taxes, assess and levy upon each of the lots or parcels of land fronting or abutting upon sidewalks which are being repaired by the street commissioner, the cost of making the repairs and the same shall be returned, collected and enforced in the same manner as City taxes are returned, collected and enforced.

**820.30 Derricks and Hoists Prohibited.** No person shall place or use derricks or hoists of any kind or any portion thereof, including outriggers and pads, upon any sidewalk unless the permit specifically permits such action.

**820.31 Lifting.** Whenever any person applies for a permit for the use of a street or sidewalk portion thereof for the purpose of hoisting or lifting equipment or material over, across and above the street or sidewalk, he or she shall provide for closing off those portions of the street and/or sidewalk encompassed within the lifting area with suitable barricades, signs, and warning lights and shall provide a four-foot pedestrian walkway around the lifting area, the walkway to be suitably enclosed on the street side with barricades and warning lights.

**820.32 Flaggers.** The public works coordinator may direct that flaggers, as described in Section 6F of the Manual on Uniform Traffic Control Devices for Streets and Highways, State of Minnesota, be used to control traffic.

**820.33 Notice of Traffic Closure.** The permittee shall notify the public works coordinator when the permit area is closed to pedestrian and vehicular traffic and again when it is open to such traffic.

**820.34 Parking Prohibited.** The parking of private vehicles within or adjacent to the permit area shall be prohibited. The loading or unloading of trucks adjacent to the permit area shall be prohibited unless specifically authorized by the permit.

**820.35 Double Fee.** Should any person or persons begin work of any kind without having first secured the necessary permit for the work, they shall be required to pay double the fee provided for the permit.

### Section 830 – Parks

**830.01 Purpose and Application.** The regulations of this Section shall apply to all City parks and other recreation areas under the jurisdiction of the City Council. The purpose of these regulations shall be to protect the City parks and recreation areas and all persons within the boundaries of those parks and areas and to further regulate the use of those parks and areas.

**830.02 Definitions.** For the purpose of this Chapter, the following words shall have the stated definitions:

**Subd. 1 Park.** “Park” shall mean those geographical areas within the City or under control of the City Council designated by them as being a part of the City park system.

**Subd. 2 Park Manager.** “Park Manager” shall mean the person designated by the City Council with responsibility for the operation and management of a particular park.

**Subd. 3 Park Visitor.** “Park Visitor” shall mean any person, firm, partnership, association, corporation, governmental unit, company or organization of any kind within a park.

**Subd. 4 Vehicle.** “Vehicle” shall mean any motorized, self-propelled, animal drawn or human powered conveyance.

**Subd. 5 Motor Recreational Vehicle.** “Motor Recreational Vehicle” shall mean any self-propelled, off-the-road, or all-terrain conveyance which shall include, but shall not be limited to, snowmobiles, minibikes, amphibious vehicles, motorcycles, go-carts, trail bikes or dune buggies.

**Subd. 6 Intoxicating Liquor.** “Intoxicating Liquor” shall mean any liquor which is intoxicating pursuant to Minnesota Law and includes ethyl alcohol, distilled, fermented, spirituous, vinous, and malt beverages containing in excess of 3.2 percent of alcohol by weight.

**Subd. 7 Weapon.** “Weapon” shall mean any device from which shot or a projectile of any type can be discharged by means of an explosive, gas or compressed air, otherwise propelled, which shall include, but shall not be limited to, firearms, bow and arrows, slings and spring-guns.

**Subd. 8 Wildlife.** “Wildlife” shall mean all living creatures, not human, wild by nature, endowed with sensation and power of voluntary motion, including quadruped, mammals, birds, fish, amphibians, reptiles, crustaceans and mollusks.

**Subd. 9 Tobacco Product.** “Tobacco Product” shall mean cigarettes, cigars, cheroots, stogies, perique, granulated, plug cut, crimpl cut, ready, rugged and other smoking tobacco; snuff, snuff flowed, Cavendish, clippings, cuttings, and sweepings of tobacco; and other kinds and forms of tobacco prepared in such a manner as to be suitable for chewing, sniffing, or smoking in a pipe; rolling paper or other tobacco-related devices. *(Amended by Ord. 156, 9/22/03)*

**Subd. 10 Tobacco Use.** “Tobacco Use” shall mean smoking, chewing, snuffing or otherwise inhaling or ingesting any tobacco products. *(Amended by Ord. 156, 9/22/03)*

**830.03 Disorderly Conduct.** No person shall do any of the following knowing or having reasonable ground to know that it shall or shall tend to alarm, anger or disturb others or provoke an assault or breach of the peace:

- A. Engage in brawling or fighting; or
- B. Disturb an assembly or meeting not unlawful in its character; or
- C. Engage in offensive, obscene or abusive language or in boisterous and noisy conduct.

**830.04 Littering.** No person shall deposit, drop or abandon garbage, rubbish, offal, waste of any kind or other litter in or upon any waters or land within a park.

**830.05 Fires.** Whoever is culpably negligent in causing a fire to burn or get out of control and thereby creates an unreasonable risk and high degree of probability of damage or injury to another, and the property or person of another is damaged or injured or endangered thereby, shall be guilty of a misdemeanor.

**830.06 Soliciting.**

- A. No person shall distribute or disseminate leaflets, pamphlets or other printed material or use any mechanical or electrical device in a park for soliciting or advertising, except upon prior written consent of the City.
- B. No person shall carry or conduct any business or service within a park without the prior written approval of the City.

**830.07 Use of Weapons.**

- A. No person shall possess any weapon within a park without authorization by the Council, and any unauthorized weapon shall be subject to seizure by the park manager or other authorized personnel to be disposed of in the same manner as weapons confiscated by the Minnesota Department of Natural Resources.
- B. No person shall discharge any weapon or explosive in a park or into a park from beyond park boundaries.

**830.08 Horseback Riding.** Horses shall be prohibited in any City park.**830.09 Vehicles and Recreation Vehicles.**

- A. No person shall operate any motorized vehicle within a park, except upon roadways, parking areas, or other designated locations.
- B. Speed limit within parks shall be fifteen (15) miles per hour.
- C. It shall be unlawful to operate any two wheeled motorized vehicle within any park.

**830.10 Animals.**

- A. No person shall intentionally kill, trap, hunt, pursue or in any manner disturb or cause to be disturbed, any species of wildlife within a park, except that fishing may be permitted in designated areas.
- B. No person shall remove any animal living or dead, from a park, and any animal so taken shall be considered contraband and subject to seizure and confiscation.
- C. No person shall bring a dog, cat or other pet into a park unless caged or kept on a leash not more than six (6) feet in length, or tether any animal to a tree or other plant.
- D. No person shall permit a dog, cat or other pet to disturb, harass or interfere with any park visitor or a park visitor's property.

**830.11 Use of Park Shelters and Buildings.** No person shall use any park shelter or building for his or her private personal use, or the use of his or her guests, without having first obtained a lease for such use from the City. Any use outside of the activities authorized by the lease shall be prohibited.

**830.12 Meetings, Speeches, Demonstrations and Parades.** No person shall conduct public meetings, assemblies, entertainment, parades, demonstrations, worship services or any other meeting of any organization within a park without first obtaining a lease for the park's facilities.

**830.13 Park Hours.** No one shall be permitted in any City Park before sunrise or after sunset except persons participating in an event for which a valid lease has been obtained under Subsection 830.11, may be in park facilities during other hours as set forth in the terms of the lease.

*(Amended by Ord. 137, 10-9-2000)*

**830.14 Tobacco Use.** No person shall use any form of tobacco at or on any City-owned or operated outdoor recreational facility, including the restrooms, spectator and concession areas during organized youth activities in which participants consist primarily of minors. These facilities include Willkommen Park, Pool Park, Sports Complex, South Park, Kehrer Park, Friendship Park, Casper Circle Park,

Skateboard Park and any future parks and recreational areas established by the City. (*Amended by Ord. 156, 9/22/03*)

**830.15 Enforcement.** Any person found guilty of violating the provisions of Section 830 shall be guilty of a misdemeanor. The penalty for a misdemeanor or petty misdemeanor shall be as allowed by State law. (*Amended by Ord. 156, 9/22/03*)

**Section 840 – Consumption and Possession of Beer,  
Wine or Liquor on Public Streets and Public Property**

**Section 840.01 Purpose.** This section is adopted to address the negative effects of alcohol consumption on City-controlled property.

**Section 840.02 Open Containers Restricted.** No person shall consume or possess in any unsealed container any alcoholic beverage on or in any of the following: 1) in a City park between the hours of 12:00 a.m. and 8:00 a.m. with the exception of public celebrations or activities where the City Council has authorized consumption and possession; 2) on a City street or sidewalk in the C-2, C-3, B-1, and I-1 Zoning Districts; 3) on other public property, unless the Council has authorized consumption and possession. (*Amended by Ord. 245, 7-22-2013*)