

ORDINANCE NO. 217

AN ORDINANCE ENACTING THE CODE OF ORDINANCES FOR THE CITY OF HOUSTON, COUNTY OF HOUSTON, MINNESOTA, ADOPTING THE MINNESOTA BASIC CODE OF ORDINANCES, 2014 EDITION AND AMENDING, RESTATING, REVISING, UPDATING, CODIFYING AND COMPILING CERTAIN ORDINANCES OF THE CITY DEALING WITH THE SUBJECTS EMBRACED IN THE CODE OF ORDINANCES, AND PROVIDING PENALTIES FOR THE VIOLATION OF THE CODE OF ORDINANCES.

WHEREAS Minnesota Statutes Section 471.62 authorizes the city to adopt the Minnesota Basic Code of Ordinances by reference, and Sections 415.02 and 415.021 authorize the city to cause its ordinances to be codified and printed in a book,

NOW THEREFORE the City Council of the City of Houston, Minnesota, ordains:

Section 1. The Minnesota Basic Code of Ordinances, 2014 Edition, together with amendments and supplements contained therein, is hereby adopted and shall constitute the Code of Ordinances of the City of Houston. This Code of Ordinances also adopts by reference certain statutes and administrative rules of the State of Minnesota as named in the Code of Ordinances. It is the intention of the City Council that, when adopting the Minnesota Basic Code of Ordinances, all future amendments and supplements are hereby adopted as if they had been in existence at the time this Ordinance was enacted, unless there is clear intention expressed in the Code to the contrary.

Section 2. The Code of Ordinances as adopted in Section 1 shall consist of the following titles and those existing city ordinances also listed in Section 3.

TITLE I: GENERAL PROVISIONS

- 10. General Provisions

TITLE III: ADMINISTRATION

- 30. General Provisions
- 31. Departments, Boards and Commissions
- 32. Emergency Management

TITLE V: PUBLIC WORKS

- 50. Garbage and Rubbish
- 51. Sewer Regulations
- 52. Water Regulations
- 53. Storm Water Drainage Utility
- 54. Rates and Charges

TITLE VII: TRAFFIC CODE

- 70. Traffic Regulations
- 71. Parking Regulations
- 72. Snowmobiles
- 73. Recreational Vehicles
- 74. Bicycles, Roller Blades, Roller Skates, Roller Skis and Skateboards

TITLE IX: GENERAL REGULATIONS

- 90. Abandoned Property
- 91. Animals
- 92. Health and Safety; Nuisances
- 93. Streets and Sidewalks

TITLE XI: BUSINESS REGULATIONS

- 110. General Licensing Provisions
- 111. Commercial Amusements
- 112. Liquor Regulations
- 113. Peddlers and Solicitors
- 114. Reserved
- 115. Reserved
- 116. Regulating Lawful Gambling
- 117. Garage and Rummage Sales
- 118. Regulation of Public Dances and Special Events
- 119. Sexually Oriented Businesses

TITLE XIII: GENERAL OFFENSES

- 130. General Offenses

TITLE XV: LAND USAGE

- 150. General Provisions
- 151. Zoning
- 152. Subdivision Control
- 153. Anti-Blight Regulations

TITLE XVII: GENERAL AND ADDITIONAL PROVISIONS

Section 3. All prior ordinances, including those in TITLE XVII, shall be deemed repealed from and after the effective date of this ordinance, except as they are listed in this section; provided, this repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of this ordinance, nor shall this repeal affect the provisions of ordinances levying taxes, appropriating money, annexing or detaching territory, establishing franchises, or granting special rights to certain persons, authorizing public improvements, authorizing the issuance of bonds or borrowing of money, authorizing the purchase or sale of real or personal property, granting or accepting easements, plat or dedication of land to public use, vacating or setting the boundaries of streets or other public places; nor shall this repeal affect any other ordinance of a temporary or special nature or pertaining to subjects not contained in or covered by the Code of Ordinances. All fees and charges established in ordinances or resolutions adopted prior to the adoption of this city code shall remain in effect unless amended in this code or until an ordinance adopting a schedule of fees and charges is adopted or amended.

These are the prior Ordinances that shall remain in effect:

Ordinances

162	Floodplain
179	Storm Sewer Improvement District
191	Levee Access
192	Mailboxes
193	Levee Regulation
194	Library Board
199	Drug Sites
200	State Building Code
204	Access to City Parks
205	Tree Burn Site
206	Parking on Streets
209	Zoning Map
211	Solid Waste Ordinance
213	Non-Motorized Vehicles
215	Planning Commission Amendments
216	Trees, Fences, Weeds, Firearms, Zoning Definitions, R-1 Lot Regulations, Non-Conforming Use
___	Modification to Code Section 92.38 Weeds/Grass

These are the prior Resolutions that shall be incorporated into the Basic Code:

Resolutions

Park and Recreation Board Amendment	April 14, 2014
EDA Enabling Resolution	March 10, 2014

Where appropriate, the Ordinances and Resolutions listed in this section may be incorporated into Title I through Title XV of the Basic Code of Ordinances. Otherwise, the Ordinances and Resolutions will be included in TITLE XVII: GENERAL AND ADDITIONAL PROVISIONS.

Section 4. This ordinance adopting the Code of Ordinances shall be a sufficient publication of any ordinance included in it and not previously published in the city's official newspaper. The Clerk of the city shall cause a substantial quantity of the Code of Ordinances to be printed for general distribution to the public at actual cost and shall furnish a copy of the Code of Ordinances to the County Law Library or its designated depository. The official copy of this Code of Ordinances shall be marked and kept in the office of the City Clerk.

Section 5. It is the intention of the City Council that, when adopting the Minnesota Basic Code of Ordinances and any supplements or additions to it, that all existing and future amendments to any state or federal rules and statutes adopted by reference or referenced in the Minnesota Basic Code of Ordinances and any supplements or additions to it are hereby adopted by reference or referenced as if they had been in existence at the time the Minnesota Basic Code of Ordinances and any supplements or additions to it was, are or may be in the future adopted, unless there is clear intention expressed in the Code to the contrary.

Section 6. It is the intention of the City Council that, when adopting the Minnesota Basic Code of Ordinances, all future supplements are hereby adopted as if they had been in existence at the time this code was enacted, unless there is clear intention expressed in the code to the contrary.

Section 7. The Code of Ordinances is declared to be prima facie evidence of the law of the city and shall be received in evidence as provided by Minnesota Statutes by the Courts of the State of Minnesota. A copy of the Code of Ordinances marked Official Copy shall be filed as part of the official records of the city in the office of City Clerk. The City Clerk shall provide a copy of the Code of Ordinances to any person who requests a copy and shall charge that person the cost to the city of the copy of the Code of Ordinances.

Section 8. This ordinance adopting the Code of Ordinances, and the Code itself, shall take effect upon publication of this ordinance in the city's official newspaper.

Section 9. Any amendments to a statute or rule adopted in this Code or any former code or ordinance which continues to be in effect, shall be included by reference as if the amended statute or rule had been in existence at the time the Code or ordinance was adopted.

PASSED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, MINNESOTA THIS 13TH DAY OF APRIL, 2015.

APPROVED:

 MAYOR

ATTEST:

 CITY ADMINISTRATOR

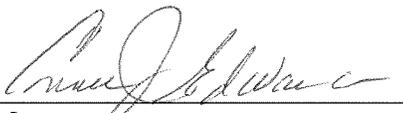
**RESOLUTION ADOPTING THE FINDINGS OF THE REPORT  
OF THE ATTORNEY GENERAL'S WORKING GROUP ON  
THE REGULATION OF SEXUALLY ORIENTED BUSINESSES**

WHEREAS because of its small size, the city lacks the resources to investigate and research the impact sexually oriented businesses would have on the character of the city's neighborhoods; and

WHEREAS the city intends to rely on the *Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses*, dated June 6, 1989, which is included as Appendix II to Chapter 119 of the Minnesota Basic Code of Ordinances, as a basis for regulating sexually oriented businesses in this city; and

WHEREAS the members of the City Council have reviewed this Report;

NOW THEREFORE, the City Council of this City hereby accepts the recommendations and conclusions of this Report and adopts the recommendations and conclusions by reference of the *Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses*, dated June 6, 1989; and by passage of this resolution implements the provisions of Minnesota Basic Code of Ordinances Chapters 119 and 153.

Signed:   
Mayor

Date: 4/13/15

Attest:   
City Clerk