

**TITLE XVII: LOCAL LEGISLATION FOR HENNING, MN**

Chapter

- 1710. GENERAL PROVISIONS (Reserved)**
- 1730. ADMINISTRATION (Reserved)**
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**Parallel Reference Table of Local Ordinances**



## CHAPTER 1710: GENERAL PROVISIONS

[Reserved for local legislation]

***Editor's note:***

*See Title I of the Minnesota Basic Code.*



## CHAPTER 1730: ADMINISTRATION

[Reserved for local legislation]

***Editor's note:***

*See Title III of the Minnesota Basic Code.*



## CHAPTER 1750: PUBLIC WORKS

***Editor's note:***

*The provisions of this chapter amend Title V of the Minnesota Basic Code.*

### **§ 1752.73 AUTHORIZED EMPLOYEES TO TURN WATER ON AND OFF.**

Section 52.73 of the Minnesota Basic Code shall be amended to read as follows:

No person, except an authorized city employee or an individual authorized by a city employee, shall turn on or off any water supply at the curb stop box.

Penalty, see § 10.99

*[See page 9 for further additions to Title V of the Minnesota Basic Code]*





*The following chapters are added to the Minnesota Basic Code.*

**CHAPTER 55: ELECTRICAL SERVICES**

Section

- 1755.01 Code Requirement
- 1755.02 Services
- 1755.03 Electrical Installations
- 1755.04 Replacing or Converting to Underground
- 1755.05 Service Charge for Temporary Service
- 1755.06 Voltage Fluctuations Caused by the Customer
- 1755.07 Interruption of Service
- 1755.08 Notice of Trouble
- 1755.09 Non-Standard Service
- 1755.10 Additional Rules and Regulations

**§ 1755.01 CODE REQUIREMENT.**

All wiring, connections and appurtenances shall be installed and performed strictly in accordance with the National Electrical Code. Failure to install or maintain the same in accordance therewith, or failure to have or permit required inspections shall, upon discovery by the City, be an additional ground for termination of electrical services to any consumer.

(Ord. Effective 5-15-2001)

**§ 1755.02 SERVICES.**

New or changed service installations shall be made at the expense of the consumer, placed underground where designated by the City, and the meter location shall also be designated by the City. Overhead service installations may be permitted by the City:

- (1) Temporarily during new construction;
- (2) Temporarily during an emergency to prevent danger to persons or property;
- (3) For a period of not more than seven months when soil conditions make excavation for underground service impractical; or

(4) Where to require underground service, the consumer has shown that such requirement is unduly burdensome.

(Ord. Effective 5-15-2001)

**§ 1755.03 ELECTRICAL INSTALLATIONS.**

All electrical installations shall comply with the following, where applicable:

(1) Motors of 20 HP or more must have line compensators on them. Provided, however, that the City may, at its option, make an exception if the total connected motor load required is smaller than the consumer connected load, and the motor starting current is less than the current corresponding to the consumer's total connected load.

(2) Any establishment having a total motor load of 125 HP or more is required to have 440 volts for its motor load.

(3) All motor installations of less than 5 HP shall be supplied with 240 volt single phase energy except:

(a) Motors of ½ HP or smaller may be 120 volt, or

(b) Three phase motors of 3 HP or more may be served from existing secondary power circuits where only service wires and meters are required.

(4) The City shall make an installation charge for extraordinary expenses required by a consumer.

(Ord. Effective 5-15-2001)

**§ 1755.04 REPLACING OR CONVERTING TO UNDERGROUND.**

(A) *Converting to Underground.* The City may, at its option and at its expense, convert any present service where no change is otherwise required by the consumer, from overhead to underground. Where this is done, the City shall only cover and refill the trench and other ditching maintenance or repair, and all subsequent changing and repairing of the services shall be the obligation of the consumer.

(B) *Replacing.* Nothing herein shall prevent the City from replacing an overhead service with the same type.

(C) *Meters and Placement Service.* Placement of services and meters shall be determined by the City.

(Ord. Effective 5-15-2001)

**§ 1755.05 SERVICE CHARGES FOR TEMPORARY SERVICE.**

Customers requiring electric service on a temporary basis may be required by the City to pay all costs for connection and disconnection incidental to the supplying and removing of service. This rule applies to circuses, carnivals, fairs and the like.

(Ord. Effective 5-15-2001)

**§ 1755.06 VOLTAGE FLUCTUATIONS CAUSED BY THE CONSUMER.**

Electric service shall not be used in such a manner as to cause unusual fluctuations or disturbances to the City's system. The City may require the customer, at his own expense, to install suitable apparatus which will reasonably limit such fluctuations.

(Ord. Effective 5-15-2001)

**§ 1755.07 INTERRUPTION OF SERVICE.**

The City will use reasonable diligence to provide a regular and uninterrupted supply of power but if the supply of power should be interrupted or disturbed for any cause, the City shall not be liable for damages resulting therefrom.

(Ord. Effective 5-15-2001)

**§ 1755.08 NOTICE OF TROUBLE.**

The customer shall notify the City immediately should the service be unsatisfactory for any reason, or should there be any defects, trouble, or accidents affecting the supply of electricity. Such notices if verbal, shall be confirmed in writing.

(Ord. Effective 5-15-2001)

**§ 1755.09 NON-STANDARD SERVICE.**

The customer may be required to pay the cost of any special installation necessary to meet his peculiar requirements for service at other than standard voltages, or for the supply of closer voltage regulation than required by standard practice.

(Ord. Effective 5-15-2001)

**§ 1755.10 ADDITIONAL RULES AND REGULATIONS.**

The Council may, by resolution, adopt such additional rules and regulations relating to placement, size and type of equipment as it, in its discretion, deems necessary or desirable. Copies of such additional rules and regulations shall be kept on file in the office of the City Clerk, and uniformly enforced.

(Ord. Effective 5-15-2001)

**CHAPTER 56: NATURAL GAS SERVICES**

## Section

1756.01 Rules and Regulations Relating to Gas Service and Installation.

1756.02 License

1756.03 Gas Utility's Refusal of Service

1756.04 Applicable Standards

1756.05 Revocation or Suspension of License

1756.06 Duties and Functions of the City

1756.07 Liability of the City

1756.99 Penalty

**§ 1756.01 DEFINITIONS.**

For the purpose of this section, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

**CITY.** The City of Henning, Minnesota.

**BOARD or TRUSTEES.** The Council of the City of Henning, Minnesota.

**CONSUMER.** Any person using gas, including gas for residential, commercial or industrial purposes or any combination of such purposes.

**GAS.** Artificial gas, natural gas, or mixed gas, consisting of both artificial and natural gas.

**GAS APPLIANCE.** Any domestic appliance such as a stove, heater, burner, water heater or other appliance or device used for burning gas or using gas in its operation.

**GAS FACILITY.** Piping, fittings, meters and other facilities used for the distribution, transmission or the delivery of gas or for use in gas appliances.

**GAS FITTER.** Any person who constructs, installs, extends, alters or repairs any gas facility or gas appliance.

**CITY OF HENNING.** The City of Henning, Minnesota (officer charged with the responsibility of inspecting gas facilities, gas appliances and performing other functions as herein prescribed, all as determined by the Council).

**LICENSEE.** The person having a valid permit issued hereunder.

**PERSON.** Any person, firm, partnership, association, corporation, company or organization of any kind.

(Ord. Effective 5-15-2001)

#### § 1756.02 LICENSE.

(A) *License.* No person shall construct, install, extend, alter, repair or improve any gas facility or gas appliance within the city unless such person has first procured a gas fitter's license therefore from the City of Henning as provided herein. All applications for such license shall be in writing upon forms to be prescribed by the City of Henning. All licenses issued under the provisions of this section shall expire within one year from the date of issuance unless sooner revoked as herein provided, shall be non-transferable and shall be posted conspicuously to public view in the principal place of business of the licensee. The provisions of this section apply only to such work as is performed on the property or premises of consumers.

(B) *Bond.* With each application for such licenses a surety bond in the amount of at least \$1,000 shall be filed with the Clerk-Administrator but the Council may require a larger bond.

(C) *Insurance.* Copies of public liability and property damage insurance policies shall be filed with the Clerk-Administrator for the life of each license. Public liability insurance shall not be less than \$50,000 for injuries including accidental death of one person and, subject to the same limit for each person in the amount of not less than \$100,000 on account of one accident and property damage insurance in the amount of not less than \$25,000.

(D) *Emergencies.* In the event of any emergencies endangering the life, health, safety or property of any person necessitating immediate repairs to any gas facility or gas appliance the owners of such gas facility or appliance without first obtaining a license hereunder shall take for cause to be taken immediate emergency action for the protection of life, health, safety and property through such appropriate measure as may be required to cure or remedy the dangerous conditions.

(E) *Gas Utility Facility.* No person, unless in the employ of the gas company or having express authorization of the gas company shall repair, alter or open a gas facility of the gas company or set or remove a gas service meter or do any work on the gas supply system of the gas utility.

(F) *Defective Work or Materials.* If an inspection shall show that defective materials have been used or defective workmanship has been performed in the construction, installation, alteration, repair or extension of any gas fixture in or on any consumer's premises, such defective materials or work shall be replaced by the licensee within three days, after which the City of Henning shall reinspect the replaced materials or work.

(G) *Disconnection of Dangerous or Defective Facilities.* The City of Henning is authorized to cause to be disconnected any gas facility or appliance connected before a certificate of approval has been issued which upon inspection shall be found defective or in such condition as to endanger life, health, safety or property. In all cases where such disconnection is made a notice shall be affixed thereto and shall state that the same has been disconnected by the City of Henning, together with the reason or reasons therefore and it shall be unlawful for any person to remove said notice or to reconnect said gas facility or appliance until authorized by the City of Henning to do so.

(H) *Effect of License.* The issuance or granting of a license shall not be deemed or construed to be a license for or approval of any violation of the provisions of this section or any other law. No license purporting to give authority to violate or cancel the provisions of this section shall be valid. (Ord. Effective 5-15-2001)

### **§ 1756.03 GAS UTILITY'S REFUSAL OF SERVICE.**

The gas utility is authorized to discontinue or refuse to supply gas for any facility, or gas appliance for which it may find to be defective or leaky or in such condition as to endanger life, health, safety or property. In such case, the gas utility shall immediately give written notice of discontinuance or refusal of service to the consumer. It shall be unlawful for any persons to reconnect such gas facility or appliance until authorized by the City of Henning. (Ord. Effective 5-15-2001)

### **§ 1756.04 APPLICABLE STANDARDS.**

(A) The construction, installation, extension, maintenance, alteration or repair of any gas facility, gas appliance, vent or vent connector or any other work pertaining to gas facilities and gas appliances within the purview of this section shall be performed in accordance with the provisions of this section and with the requirements, "Standards and Provisions of the National Board of Fire Underwriters for the Installation of Gas Appliances and Gas Piping" - Bulletin NBFU No. 54. In the event any of the provisions of such codes conflict with any of the provisions of this section, the provisions of this section shall govern and be controlling. All amendments and additions to the provisions of such codes when ordered by the Council to be filed with the Clerk-Administrator shall thereupon become amendments and addition hereto and shall have the same force and effect as the original codes herein identified provided that if any provision of such amendments and additions are in conflict with any of the provisions of this section, the provisions of this section shall govern and be controlling.

(B) No person shall permit or suffer any vent to unduly annoy the residents, occupants or owners of any building in the neighborhood. If such annoyance is caused by any vent, the City of Henning shall cause the vent to be altered, relocated or improved or carried to such heights as may be necessary for the protection of the neighboring property.

(Ord. Effective 5-15-2001)

#### **§ 1756.05 REVOCATION OR SUSPENSION OF LICENSE.**

Any license granted under provisions of this section may be suspended or revoked by the City of Henning whenever it shall be made to appear that the person to whom the license is issued has violated any of the provisions of this section. In the event the City of Henning shall suspend or revoke such license, the City shall cause to be served upon the licensee a formal order of suspension or revocation of such license; the order shall recite the reason therefor. An appeal from any order of the City of Henning suspending or revoking a license granted hereunder may be taken to the Council within ten working days after service upon the licensee of the order of suspension or revocation. Action by the Council upon such revocation of a license shall not entitle the licensee to a refund of any unearned portion of the fee paid. Any order provided for in this section shall be served either by delivering a copy personally upon the licensee or by leaving a copy with some person of suitable age and discretion at the place of business of the licensee, by leaving such order in a conspicuous place on the premises and mailing a copy of the order to the licensee at his place of business as set forth in his or her application for a license.

(Ord. Effective 5-15-2001)

#### **§ 1756.06 DUTIES AND FUNCTIONS OF THE CITY.**

The City of Henning shall, and is authorized and directed to, enforce the provisions of this section and shall promulgate and enforce reasonable rules and regulations for carrying out its provisions and intent. The City of Henning, upon presentation of proper credentials, may enter any building or premises at reasonable times for the purpose of making inspections and ascertaining whether there has been compliance with the provisions of this section. It shall be the duty of the City of Henning to confer, from time-to-time, with the local health department and the local fire department and otherwise obtain from proper sources all helpful information and advice respecting the safe and proper operation of gas facilities and gas appliances, and shall present to the Council recommendations for its consideration with reference thereto.

(Ord. Effective 5-15-2001)



**§ 1756.07 LIABILITY OF THE CITY.**

This section shall not be construed as imposing upon the City or any official or employee thereof any liability or responsibility for damages to any person injured by any defect in any gas facility or appliance or by any work in connection therewith; nor shall the City or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspection authorized hereunder or by the issuance of any certificate of approval, permit or license hereunder by the City of Henning.

(Ord. Effective 5-15-2001)

**§ 1756.99 PENALTY.**

Any violation of the provisions of this section shall constitute a misdemeanor.

(Ord. Effective 5-15-2001)



## CHAPTER 1770: TRAFFIC CODE

[Reserved for local legislation]

***Editor's note:***

*See Title VII of the Minnesota Basic Code.*



## CHAPTER 1790: GENERAL REGULATIONS

[Reserved for local legislation]

***Editor's note:***

*See Title IX of the Minnesota Basic Code.*



## CHAPTER 17110: BUSINESS REGULATIONS

[Reserved for local legislation]

***Editor's note:***

*See Title XI of the Minnesota Basic Code.*





## CHAPTER 17130: GENERAL OFFENSES

***Editor's note:***

*The provisions of this chapter amend Title XIII of the Minnesota Basic Code.*

Section

### ***General Provisions***

*[See Title XIII of the MBC]*

### ***Social Host Liability for Underage Alcohol Consumption***

17130.20 Purpose and Findings

17130.21 Authority

17130.22 Definitions

17130.23 Prohibited Acts

## **SOCIAL HOST LIABILITY FOR UNDERAGE ALCOHOL CONSUMPTION.**

### **§ 17130.20 PURPOSE AND FINDINGS.**

The Henning City Council intends to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence and intends to hold persons criminally responsible who hosts events or gatherings where persons under 21 years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol. The City of Henning finds that:

(1) Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of twenty-one are harmful to those persons and constitute a potential threat to public health requiring prevention or abatement.

(2) Prohibiting underage consumption acts to protect underage persons, as well as the general public, from injuries related to alcohol consumption, such as alcohol overdose or alcohol-related traffic collisions.

(Ord. passed 10-2-2012)

(3) Alcohol is an addictive drug which, if used irresponsibly, could have drastic effects on those who use it as well as those who are affected by the actions of an irresponsible user.

(4) Often, events or gatherings involving underage possession and consumption occur outside the presence of parents. However, there are times when the parent(s) is/are present and, condone the activity, and in some circumstances provide the alcohol.

(5) Even though giving or furnishing alcohol to an underage person is a crime, it is difficult to prove, and an ordinance is necessary to help further combat underage consumption.

(6) A deterrent effect will be created by holding a person criminally responsible for hosting an event or gathering where underage possession or consumption occurs.  
(Ord. passed 10-2-2012)

#### § 17130.21 AUTHORITY.

This ordinance is enacted pursuant to Minn. Stat, 145A.05.  
(Ord. passed 10-2-2012)

#### § 17130.22 DEFINITIONS.

For purposes of this chapter, the following terms have the following meanings:

**ALCOHOL.** Ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

**ALCOHOLIC BEVERAGE.** Alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

**EVENT OR GATHERING.** Any group of three or more persons who have assembled or gathered together for a social occasion or other activity.

**HOST or ALLOW.** To aid, conduct, entertain, organize, supervise, control, or permit a gathering or event.

**PARENT.** Any person having legal custody of a juvenile:

- (1) As natural, adoptive parent, or step-parent;

(2) As a legal guardian; or

(3) As a person to whom legal custody has been given by order of the court.

**PERSON.** Any individual, partnership, co-partnership, corporation, or any association of one or more individuals.

**RESIDENCE** or **PREMISES.** Any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park, or any other place of assembly, public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation.

**UNDERAGE PERSON.** Any individual under 21 years of age.  
(Ord. passed 10-2-2012)

**§ 17130.23 PROHIBITED ACTS.**

(A) It is unlawful for any person to:

(1) Host or allow an event or gathering;

(2) At any residence, premises, or any other private or public property;

(3) Where alcohol or alcoholic beverages are present;

(4) When the person knows or reasonably should know that an underage person will or does:

(a) Consume any alcohol or alcoholic beverage; or

(b) Possess any alcohol or alcoholic beverage with the intent to consume it; and the Person fails to take reasonable steps to prevent possession or consumption by the underage person(s).

(B) A person is criminally responsible for violating subdivision (A) above if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act.

(C) A person who hosts an event or gathering does not have to be present at the event or gathering to be criminally responsible.

(Ord. passed 10-2-2012)



## CHAPTER 17150: LAND USAGE

[Reserved for local legislation]

***Editor's note:***

*See Title V of the Minnesota Basic Code.*



## REFERENCES TO LOCAL ORDINANCES AND RESOLUTIONS

<i>Ord. No.</i>	<i>Date Passed or Effective</i>	<i>Code Section</i>
- (Electric)	5-15-2001	1755.01 - 1755.10
- (Natural Gas)	5-15-2001	1756.01 - 1756.99
- (Social Host)	10-2-2012	17130.20 - 17130.23

