

## ORDINANCE 93

### ORDINANCE REGULATING THE PARKING AND LOCATION OF TRAILERS AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF

The Village Council of the Village of Bird Island DO ORDAIN:

SECTION 1. Definitions. Whenever used in this ordinance, unless a different meaning appears in the context:

(a) A “trailer” means an automobile trailer, trailer coach or any vehicle or structure so designed and constructed in such manner as will permit occupancy thereof as living quarters for one or more persons, and so designed that it is or may be mounted on wheels and used as a conveyance on highways or streets, propelled or drawn by its own or another motive power.

(b) The word “person” shall be construed to include persons, partnership, firm, company, corporation, tenant, owner, lessee, or licensee, their agents, heirs or assigns.

(c) The words “trailer coach park” shall be construed to mean any site, lot, field or tract of land upon which two or more occupied trailer coaches are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such trailer coach park.

(d) The words “approved sewer system” shall include the Village of Bird Island sewer system or septic tank, with tile absorption system constructed in accordance with the specifications of the Minnesota State Board of Health.

(e) The words “approved water system” shall public water system of the Village of Bird Island, or a private well and water therefrom, which is in all respects approved by the Minnesota State Board of Health.

SECTION 2. Enforcement. It is hereby made the duty of the Board of Health of the Village of Bird Island to enforce all provisions of this Ordinance as prescribed herein or such provisions as may hereafter be enacted, and for the purpose of securing such enforcement, any of the members of said Board, or their duly authorized representatives, shall have the right and are hereby empowered to enter upon any premises on which automobile trailers are located, and inspect the same and all accommodations connected therewith at any reasonable time. After securing the approval of the Village Council under the provisions of the Zoning Ordinance of said Village, the Board is further empowered to issue orders granting, renewing, and revoking such permits as are provided for in accordance with the provisions of this ordinance. Provided, however, that nothing herein contained shall be construed to apply to trailer coach parks which are regulated and governed by the State Board of Health pursuant to Chapter 428, Laws of Minnesota, 1951, (M.S. 327.14 et sec.)

SECTION 3. Location outside camps.

(a) It shall be unlawful, within the limits of the Village of Bird Island, for any person to park any trailer on any street, alley, highway or other public place, or on any tract of land owned by any person, occupied or unoccupied, within the Village of Bird Island, except as provided in this ordinance.

(b) Emergency or temporary stopping or parking is permitted on any alley, street or highway for not longer than 24 hours, subject to any other and further prohibitions, regulations or ordinances for that street, alley or highway.

(c) No person shall park or occupy any trailer on the premises of any occupied dwelling or on any lot which is not a part of the premises of any occupied dwelling either of which is situated outside an approved trailer coach park, except the parking of only one occupied trailer in an accessory private garage building, or in a rear yard in any district, is permitted providing no living quarters shall be maintained or any business practiced in said trailer while such trailer is so parked or stored.

(d) Any person dealing in the buying and selling of trailers may park or store one or more unoccupied trailers on land which are zoned in the Village of Bird Island so as to permit automobile sales service.

(e) The Renville County Agriculture Society (Fair Board), while in the pursuit of conducting a county fair in and for the County of Renville, may permit one or more trailers, occupied or unoccupied, on its grounds in the corporate limits of the Village of Bird Island, during any such county fair, and incident thereto for a total period of time not to exceed 10 days, upon such terms and conditions as it may by law prescribe.

SECTION 4. Permanent Occupancy Prohibited. Automobile trailers shall not be used as a permanent place of abode or as a permanent dwelling or for indefinite periods of time. Provided, that any trailer properly connected with an approved water system and with an approved sewer system, and constructed and located in compliance with all requirements of the plumbing, sanitary, health, zoning and electrical ordinances and regulations effective in the Village of Bird Island, and not inhabited by a greater number of occupants than that for which it was designed, may be permitted for a temporary period of time as herein provided under permits properly secured hereunder, and upon compliance with plumbing, electrical, sanitary, health and zoning ordinances and regulations effective in said Village.

SECTION 5. Permits. Every person seeking a permit, or renewal thereof, hereunder shall make an application therefore in writing at the office of the Village Clerk upon a form provided. It shall state the name and address of the applicant, and a description of the property upon which such permit is desired. Each such application shall be filed with the Village Health Board not less than 10 days before said trailer is ready for occupancy, and shall be accompanied by an inspection fee of \$20.00.

SECTION 6. Investigation required before issuing permit. Upon filing of such application accompanied by the inspection fee, it shall be the duty of the Village Health Board, or its duly authorized representative, to investigate the premises, and determine whether said trailer and land upon which it is proposed to be used, conform with the requirements of this ordinance and of the rules and regulations of the Village health Board and laws of the State of Minnesota, and no permit or renewal thereof shall be issued unless it meets such requirements and no permit or renewal thereof be issued for a period of in excess of one (1) year.

SECTION 7. Revocation and inspection. The Board of Health of the Village of Bird Island is hereby authorized to revoke any license or permit issued pursuant to the terms of this ordinance, if, after due investigation, they determine that the holder thereof has violated any of the provisions of this ordinance, or that any trailer is being maintained in an unsanitary or unsafe manner or is a nuisance.

SECTION 8. Hearing on granting, denial, renewal or revocation of permit. Any person aggrieved by an order of the Village Health Board granting, denying, renewing, or revoking a permit for the use of a trailer under this ordinance, may file a written request with the Village Clerk for a hearing before the Village Council accompanied by a deposit of \$20.00 to defray expenses for providing notice of hearing and other incidental costs thereof. The balance remaining after paying such costs shall be refunded to such person as soon as the amount of such costs have been determined. Upon receiving such written request and deposit, the Village Clerk shall then cause to be published notice of hearing before the Village Council, once, at least five (5) days prior to such hearing, at which hearing all persons having an interest therein, shall be given an opportunity to be heard. After such hearing, and upon hearing and consideration all matters presented thereat, the Village Council shall take action.

SECTION 9. Separability and conflict.

(a) Nothing herein contained shall be construed to apply to any trailer coach park in the limits of the Village of Bird Island, which is regulated by the Minnesota State Board of Health pursuant to Chapter 428, Laws of Minnesota, 1951, (M.S. 327.14 et sec.)

(b) If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed to be separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 10. Penalty. Any person found guilty of violating any provision of this ordinance shall be deemed guilty of a misdemeanor and shall be fined not less than \$5.00, nor more than \$100.00, or by imprisonment for not to exceed 90 days, and every day such violation exists shall constitute a separate offense and be punishable as such hereunder.

SECTION 11. Extension of time, when permitted. If any trailer house is parked within any residential area of the city on the effective date of this ordinance, and shall have been continuously so parked therein for at least 60 days prior to such date, it shall be lawful to continue such parking at the same place for a period of 365 days from and after the effective date of this ordinance. Upon the expiration of said period, it shall be unlawful to park said trailer house within any residential area of the city, except in conformity with the provisions of this ordinance.

SECTION 12. Effective date. This ordinance shall take effect from and after its passage and publication.

Passed and adopted this 16<sup>th</sup> day of July, 1969, with the following vote being taken: Ayes – 5; Noes – None; Absent and not voting – None.

Approved and signed this 17<sup>th</sup> day of July, 1969.

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Mayor

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Village Clerk